

# FEDERAL REGISTER

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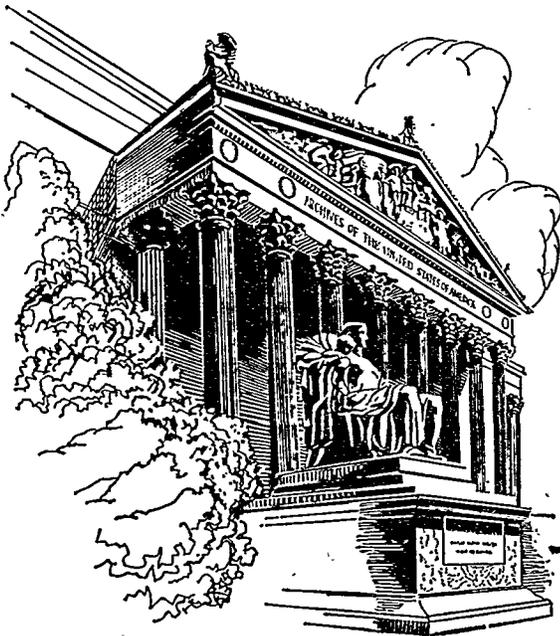
Tuesday, February 4, 1969 • Washington, D.C.

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**Agencies in this issue—**

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Conservation Service  
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Business and Defense Services  
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Civil Aeronautics Board  
Consumer and Marketing Service  
Customs Bureau  
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Land Management Bureau  
Maritime Administration  
Packers and Stockyards  
Administration  
Securities and Exchange Commission  
Transportation Department  
Veterans Administration

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# Rules and Regulations

## Title 7—AGRICULTURE

### Chapter IV—Federal Crop Insurance Corporation, Department of Agriculture

#### PART 401—FEDERAL CROP INSURANCE

##### Subpart—Regulations for the 1969 and Succeeding Crop Years

###### APPENDIX; DISCONTINUANCE OF INSURANCE IN COUNTIES PREVIOUSLY DESIGNATED FOR TOBACCO CROP INSURANCE

The counties listed below are hereby deleted from the list of counties published in the FEDERAL REGISTER on November 22, 1968 (33 F.R. 17306), which were designated for tobacco crop insurance for the 1969 crop year pursuant to the authority contained in § 401.101 of the above-identified regulations.

#### MARYLAND

Anne Arundel. Prince Georges.  
Calvert. Saint Marys.  
Charles.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL]

JOHN N. LUFT,  
Manager, Federal  
Crop Insurance Corporation.

[F.R. Doc. 69-1404; Filed, Feb. 3, 1969; 8:48 a.m.]

#### PART 413—TEXAS CITRUS CROP INSURANCE

##### Subpart—Regulations for the 1969 and Succeeding Crop Years

###### APPENDIX; COUNTIES DESIGNATED FOR CITRUS CROP INSURANCE

Pursuant to authority contained in § 413.20 of the above-identified regulations, the following counties have been designated for citrus crop insurance for the 1969 crop year.

#### TEXAS

Cameron. Willacy.  
Hidalgo.

(Secs. 506, 516, 52 Stat. 73 as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL]

JOHN N. LUFT,  
Manager, Federal  
Crop Insurance Corporation.

[F.R. Doc. 69-1405; Filed, Feb. 3, 1969; 8:48 a.m.]

### Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

#### SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

#### PART 724—BURLEY, FIRE-CURED, DARK AIR-CURED, VIRGINIA SUN-CURED, CIGAR-BINDER (TYPES 51 AND 52), CIGAR-FILLER AND BINDER (TYPES 42, 43, 44, 53, 54, AND 55), AND MARYLAND TOBACCO

##### Subpart—Proclamation, Determinations and Announcements of National Marketing Quotas and Referendum Results

*Basis and purpose.* Sections 724.6 and 724.7 are issued pursuant to and in accordance with the Agricultural Adjustment Act of 1938, as amended, hereinafter referred to as the "Act," to proclaim national marketing quotas for cigar binder (types 51 and 52) and cigar filler and binder (types 42, 43, 44, 53, 54, and 55) tobacco for each of the 3 marketing years beginning October 1, 1969, October 1, 1970, and October 1, 1971. Sections 724.16 and 724.17 are also issued pursuant to the Act, to (1) determine the reserve supply level of these kinds of tobacco; (2) determine the total supply of these two kinds of tobacco for the marketing year beginning October 1, 1968; and, (3) announce for the 1969-70 marketing year the amount of the national marketing quota, national acreage allotment, national acreage factor for apportioning the national acreage allotment (less reserve) to old farms, and the amount of the national reserve and parts thereof available for (a) new farms and (b) making corrections and adjusting inequities in old farm allotments for cigar binder (types 51 and 52) and cigar filler and binder (types 42, 43, 44, 53, 54, and 55) tobacco. The determinations contained in §§ 724.16 and 724.17 have been made on the basis of the latest available statistics of the Federal Government, and after due consideration of data, views, and recommendations received from cigar binder (types 51 and 52) and cigar filler and binder (types 42, 43, 44, 53, 54, and 55) tobacco producers and others as provided in a notice (33 F.R. 18707) given in accordance with the provisions of 5 U.S.C. 553.

Since the Act requires the holding of a referendum of cigar binder (types 51 and 52) and cigar filler and binder (types 42, 43, 44, 53, 54, and 55) tobacco pro-

ducers within 30 days after issuance of the proclamation of national marketing quotas for these kinds of tobacco to determine whether such producers favor quotas, and the Act requires, insofar as practicable, the mailing of farm allotments to farmers prior to the referendum, it is hereby found that compliance with the 30-day effective date provision of 5 U.S.C. 553 is impracticable and contrary to the public interest. Therefore, the proclamation, determinations, and announcements contained herein shall become effective upon the date of filing with the Director, Office of the Federal Register.

#### PROCLAMATION OF NATIONAL MARKETING QUOTAS

Sec.  
724.6 Cigar binder (types 51 and 52) tobacco—1969-70, 1970-71, and 1971-72 marketing years.  
724.7 Cigar filler and binder (types 42, 43, 44, 53, 54, and 55) tobacco—1969-70, 1970-71, and 1971-72 marketing years.

#### DETERMINATIONS AND ANNOUNCEMENTS WITH RESPECT TO MARKETING QUOTAS FOR THE 1969-70 MARKETING YEAR

724.16 Cigar binder (types 51 and 52) tobacco.  
724.17 Cigar filler and binder (types 42, 43, 44, 53, 54, and 55) tobacco.

*AUTHORITY:* The provisions of this subpart issued under secs. 301, 312, 313, 375, 52 Stat. 38, as amended, 46, as amended, 47, as amended, 66, as amended; 7 U.S.C. 1301, 1312, 1313, 1375.

#### PROCLAMATION OF NATIONAL MARKETING QUOTAS

§ 724.6 Cigar binder (types 51 and 52) tobacco—1969-70, 1970-71, 1971-72 marketing years.

Since the 1968-69 marketing year is the last of 3 consecutive years for which marketing quotas previously proclaimed will be in effect for cigar binder (types 51 and 52) tobacco, a national marketing quota for cigar binder (types 51 and 52) tobacco for each of the 3 marketing years beginning October 1, 1969, October 1, 1970, and October 1, 1971, is hereby proclaimed.

§ 724.7 Cigar filler and binder (types 42, 43, 44, 53, 54, and 55) tobacco—1969-70, 1970-71, 1971-72 marketing years.

Since the 1968-69 marketing year is the last of 3 consecutive years for which marketing quotas previously proclaimed will be in effect for cigar filler and binder (types 42, 43, 44, 53, 54, and 55) tobacco, a national marketing quota for cigar filler and binder (types 42, 43, 44, 53, 54, and 55) tobacco for each of the 3 marketing years beginning October 1, 1969, October 1, 1970, and October 1, 1971, is hereby proclaimed.

DETERMINATIONS AND ANNOUNCEMENTS  
WITH RESPECT TO MARKETING QUOTAS  
FOR THE 1969-70 MARKETING YEAR

§ 724.16 Cigar binder (types 51 and 52)  
tobacco.

(a) *Reserve supply level.*<sup>1</sup> The reserve supply level for cigar binder (types 51 and 52) tobacco is 18.9 million pounds, calculated, as provided in the Act, from a normal year's domestic consumption of 5.6 million pounds and a normal year's exports of 1.6 million pounds.

(b) *Total supply.*<sup>1</sup> The total supply of cigar binder (types 51 and 52) tobacco for the marketing year beginning October 1, 1968, is 14.2 million pounds, calculated in accordance with the Act from a carryover of 11.2 million pounds and estimated 1968 production of 3.0 million pounds.

(c) *Carryover.*<sup>1</sup> The estimated carryover of cigar binder (types 51 and 52) tobacco for the marketing year beginning October 1, 1969, calculated in accordance with the Act, is 7.2 million pounds calculated by subtracting the estimated disappearance for the marketing year beginning October 1, 1968, of 7 million pounds from the total supply of such tobacco.

(d) *National marketing quota.*<sup>1</sup> The amount of cigar binder (types 51 and 52) tobacco which will make available during the marketing year beginning October 1, 1969, a supply of cigar binder (types 51 and 52) tobacco equal to the reserve supply level of such tobacco is 11.7 million pounds, and a national marketing quota of such amount is hereby announced.

(e) *National acreage allotment.* The national marketing quota for the 1969-70 marketing year by the 1964-68, 5-year national average yield of 1,957 pounds, is 5,978.53 acres.

(f) *National acreage factor.* The national acreage factor for use in determining farm acreage allotments for the 1969-70 marketing year is 1.50. It was calculated in accordance with the Act by dividing the national acreage allotment, less reserve, by the total of the 1969 preliminary allotments for 1969 old farms.

(g) *National reserve.* The national acreage reserve is 59.77 acres, of which 10 acres are made available for 1969 new farms, and 49.77 acres are made available for making corrections and adjusting inequities in old farm allotments.

§ 724.17 Cigar filler and binder (types 42, 43, 44, 53, 54, and 55) tobacco.

(a) *Reserve supply level.*<sup>1</sup> The reserve supply level for cigar filler and binder (types 42, 43, 44, 53, 54, and 55) tobacco is 84.4 million pounds, calculated, as provided in the Act, from a normal year's domestic consumption of 28.8 million pounds and a normal year's exports of 0.7 million pounds.

(b) *Total supply.*<sup>1</sup> The total supply of cigar filler and binder (types 42, 43, 44,

53, 54, and 55) tobacco for the marketing year beginning October 1, 1968, is 80.6 million pounds, calculated in accordance with the act from a carryover of 61.7 million pounds and estimated 1968 production of 18.9 million pounds.

(c) *Carryover.*<sup>1</sup> The estimated carryover of cigar filler and binder (types 42, 43, 44, 53, 54, and 55) tobacco for the marketing year beginning October 1, 1969, calculated in accordance with the Act, is 55.9 million pounds calculated by subtracting the estimated disappearance for the marketing year beginning October 1, 1968, of 24.7 million pounds from the total supply of such tobacco.

(d) *National marketing quota.*<sup>1</sup> The amount of cigar filler and binder tobacco which will make available during the marketing year beginning October 1, 1969, a supply of cigar filler and binder (types 42, 43, 44, 53, 54, and 55) tobacco equal to the reserve supply level of such tobacco is 28.5 million pounds, and a national marketing quota of such amount is hereby announced. It is determined, however, that a national marketing quota in the amount of 28.5 million pounds would result in undue restriction of marketings during the 1969-70 marketing year and such amount is hereby increased by 20 percent. Therefore, the amount of the national marketing quota for cigar filler and binder (types 42, 43, 44, 53, 54, and 55) tobacco in terms of the total quantity of such tobacco which may be marketed during the marketing year beginning October 1, 1969, is 34.2 million pounds.

(e) *National acreage allotment.* The national acreage allotment, calculated in accordance with the Act by dividing the national marketing quota for the 1969-70 marketing year by the 1964-68, 5-year national average yield of 1,805 pounds, is 18,947.36 acres.

(f) *National acreage factor.* The national acreage factor for use in determining farm acreage allotments for the 1969-70 marketing year is 1. It was calculated in accordance with the Act by dividing the national acreage allotment, less reserve, by the total of the 1969 preliminary allotments for 1969 old farms.

(g) *National reserve.* The national acreage reserve is 189.47 acres, of which 25 acres are made available for 1969 new farms, and 164.47 acres are made available for making corrections and adjusting inequities in old farm allotments.

Effective date: Date of filing of the document with the Director, Office of the Federal Register.

Signed at Washington, D.C., on January 30, 1969.

CLARENCE D. PALMBY,  
Assistant Secretary.

[F.R. Doc. 69-1410; Filed, Jan. 30, 1969;  
12:54 p.m.]

<sup>1</sup> Rounded to the nearest 10th of a million pounds.

See footnotes at end of document.

PART 724—BURLEY, FIRE-CURED,  
DARK AIR-CURED, VIRGINIA SUN-  
CURED, CIGAR-BINDER (TYPES 51  
AND 52), CIGAR-FILLER AND  
BINDER (TYPES 42, 43, 44, 53, 54,  
AND 55), AND MARYLAND  
TOBACCO

Subpart—Proclamation, Determinations and Announcements of National Marketing Quotas and Referendum Results

DETERMINATIONS AND ANNOUNCEMENTS  
WITH RESPECT TO MARKETING QUOTAS  
FOR 1969-70 MARKETING YEAR

*Basis and purpose.* Section 724.11 is issued pursuant to and in accordance with the Agricultural Adjustment Act of 1938, as amended, hereinafter referred to as the "Act", to (1) determine the reserve supply level for burley tobacco, (2) determine the total supply of burley tobacco for the marketing year beginning October 1, 1968, and (3) announce for the 1969-70 marketing year the amount of the national marketing quota, national acreage allotment, national acreage factor for apportioning the national acreage allotment (less reserve) to old farms, and the amount of the national reserve and parts thereof available for (a) new farms and (b) making corrections and adjusting inequities in old farm allotments for burley tobacco. The determinations contained in § 724.11 have been made on the basis of the latest available statistics of the Federal Government, and after due consideration of data, views, and recommendations received from burley tobacco producers and others as provided in a notice (33 F.R. 18707) given in accordance with the provisions of 5 U.S.C. 553.

It is determined that acreage-poundage quotas will not be announced for burley tobacco for the 1969-70 marketing year. Since burley tobacco farmers are now making their plans for producing tobacco in 1969 and need to know, at the earliest possible date, the 1969 burley tobacco allotments for their farms, it is hereby found that compliance with the 30-day effective date provision of 5 U.S.C. 553 is impracticable and contrary to the public interest. Therefore, the determinations and announcements contained herein shall become effective upon the date of filing with the Director, Office of the Federal Register.

§ 724.11 Burley tobacco.

(a) *Reserve supply level.*<sup>1</sup> The reserve supply level for burley tobacco is 1,755.6 million pounds, calculated, as provided in the Act, from a normal year's domestic consumption of 569 million pounds and a normal year's exports of 65 million pounds.

(b) *Total supply.*<sup>1</sup> The total supply of burley tobacco for the marketing year beginning October 1, 1968, calculated in

See footnotes at end of document.

accordance with the Act, is 1,885.9 million pounds, consisting of carryover of 1,329 million pounds and estimated 1968 production of 556.9 million pounds.

(c) *Carryover*.<sup>1</sup> The estimated carryover of burley tobacco at the beginning of the marketing year for such tobacco beginning October 1, 1969, calculated in accordance with the Act, is 1,290.3 million pounds calculated by subtracting the estimated disappearance for the marketing year beginning October 1, 1968, of 595.6 million pounds from the total supply of such tobacco.

(d) *National marketing quota*.<sup>1</sup> The amount of burley tobacco which will make available during the marketing year beginning October 1, 1969, a supply of burley tobacco equal to the reserve supply level of such tobacco is 465.3 million pounds, and a national marketing quota of such amount is hereby announced. It is determined, however, that a national marketing quota in the amount of 465.3 million pounds would result in undue restriction of marketings during the 1969-70 marketing year and such amount is hereby increased by 20 percent. Therefore, the amount of the national marketing quota for burley tobacco in terms of the total quantity of such tobacco which may be marketed during the marketing year beginning October 1, 1969, is 558.4 million pounds.

(e) *National acreage allotment*. The national acreage allotment, calculated in accordance with the Act by dividing the national marketing quota for the 1969-70 marketing year by the 5-year 1964-68 national average yield of 2,239 pounds, is 249,397.05 acres.

(f) *National acreage factor*. The national acreage factor for use in determining farm acreage allotments for the 1969-70 marketing year is 1. It was calculated in accordance with the Act by dividing the national acreage allotment, less reserve, by the total of the 1969 preliminary allotments for 1969 old farms.

(g) *National reserve*. The national acreage reserve is 354 acres, of which 150 acres are made available for 1969 new farms, and 204 acres are made available for making corrections and adjusting inequities in old farm allotments.

(Secs. 301, 312, 313, 317, 375, 52 Stat. 38, as amended; 46, as amended; 47, as amended; 66, as amended; 7 U.S.C. 1301, 1312, 1313, 1314c, 1375)

Effective date: Date of filing of this document with the Director, Office of the Federal Register.

Signed at Washington, D.C., on January 30, 1969.

CLARENCE D. PALMBY,  
Assistant Secretary.

[F.R. Doc. 69-1412; Filed, Jan. 30, 1969; 12:54 p.m.]

<sup>1</sup> Rounded to the nearest 10th of a million pounds.

**PART 724—BURLEY, FIRE-CURED, DARK AIR-CURED, VIRGINIA SUN-CURED, CIGAR-BINDER (TYPES 51 AND 52), CIGAR-FILLER AND BINDER (TYPES 42, 43, 44, 53, 54, AND 55), AND MARYLAND TOBACCO**

**Subpart—Proclamation, Determinations and Announcements of National Marketing Quotas and Referendum Results**

**DETERMINATIONS AND ANNOUNCEMENTS WITH RESPECT TO MARKETING QUOTAS FOR 1969-70 MARKETING YEAR**

*Basis and purpose.* Sections 724.12 through 724.15 are issued pursuant to, and in accordance with, the Agricultural Adjustment Act of 1938, as amended, hereinafter referred to as the "Act," to determine the reserve supply level and the total supply of each kind of tobacco for the marketing year beginning October 1, 1968; to announce for the 1969-70 marketing year the amounts of the national marketing quotas, national acreage allotments, national acreage factors for apportioning the national acreage allotments (less reserves) to old farms, and the amounts of the national reserves and parts thereof available for (a) new farms and (b) making corrections and adjusting inequities in old farm allotments for fire-cured (type 21); fire-cured (types 22-24), dark air-cured and Virginia sun-cured tobacco. The determinations contained in §§ 724.12 through 724.15 have been made on the basis of the latest available statistics of the Federal Government, and after due consideration of data, views, and recommendations received from fire-cured (types 21, 22-24), dark air-cured and Virginia sun-cured tobacco producers and others as provided in a notice (33 F.R. 18707) given in accordance with the provisions of 5 U.S.C. 553.

It is determined that acreage-poundage quotas for fire-cured, dark air-cured and Virginia sun-cured tobacco will not be announced for the 1969-70 marketing year. Since fire-cured, dark air-cured and Virginia sun-cured tobacco farmers are now making their plans for producing tobacco in 1969 and need to know, at the earliest possible date, the applicable 1969 tobacco allotments for their farms, it is hereby found that compliance with the 30-day effective date provision of 5 U.S.C. 553 is impracticable and contrary to the public interest. Therefore, the determinations and announcements contained herein shall become effective upon the date of filing with the Director, Office of the Federal Register.

- Sec.  
724.12 Fire-cured (type 21) tobacco.  
724.13 Fire-cured (types 22-24) tobacco.  
724.14 Dark air-cured tobacco.  
724.15 Virginia sun-cured tobacco.

**AUTHORITY:** §§ 724.12-724.15 issued under secs. 301, 312, 313, 317, 375, 52 Stat. 38, as amended, 46, as amended, 47, as amended, 79

Stat. 66, 52 Stat. 66, as amended; 7 U.S.C. 1301, 1312, 1313, 1314c, 1375.

**§ 724.12 Fire-cured (type 21) tobacco.**

(a) *Reserve supply level*.<sup>1</sup> The reserve supply level for fire-cured (type 21) tobacco is 21,240 thousand pounds, calculated, as provided in the Act, from a normal year's domestic consumption of 3,636 thousand pounds and a normal year's exports of 6,200 thousand pounds.

(b) *Total supply*.<sup>1</sup> The total supply of fire-cured (type 21) tobacco for the marketing year beginning October 1, 1968, is 17,983 thousand pounds, calculated in accordance with the Act, from a carryover of 11,735 thousand pounds and estimated 1968 production of 6,248 thousand pounds.

(c) *Carryover*.<sup>1</sup> The estimated carryover of fire-cured (type 21) tobacco for the marketing year beginning October 1, 1969, calculated in accordance with the Act, is 8,183 thousand pounds, calculated by subtracting the estimated disappearance for the marketing year beginning October 1, 1968, of 9,800 thousand pounds from the total supply of such tobacco.

(d) *National marketing quota*.<sup>1</sup> The amount of fire-cured (type 21) tobacco which will make available during the marketing year beginning October 1, 1969, a supply of fire-cured (type 21) tobacco equal to the reserve supply level of such tobacco is 13,057 thousand pounds, and a national marketing quota of such amount is hereby announced.

(e) *National acreage allotment*. The national acreage allotment, calculated in accordance with the Act by dividing the national marketing quota for the 1969-70 marketing year by the 5-year 1964-68 national average yield of 1,265 pounds is 10,321.73 acres.

(f) *National acreage factor*. The national acreage factor for use in determining farm acreage allotments is 1.10. It was calculated in accordance with the Act by dividing the national acreage allotment, less reserve, by the total of the 1969 preliminary allotments for 1969 old farms.

(g) *National reserve*. The national acreage reserve is 103.21 acres, of which 10 acres are made available for 1969 new farms, and 93.21 acres are made available for making corrections and adjusting inequities in old farm allotments.

**§ 724.13 Fire-cured (types 22-24) tobacco.**

(a) *Reserve supply level*.<sup>2</sup> The reserve supply level for fire-cured (types 22-24) tobacco is 107.7 million pounds, calculated, as provided in the Act, from a normal year's domestic consumption of 22 million pounds and a normal year's exports of 25.5 million pounds.

(b) *Total supply*.<sup>2</sup> The total supply of fire-cured (types 22-24) tobacco for the marketing year beginning October 1, 1968, is 111.2 million pounds, calculated in accordance with the Act, from a

See footnotes at end of document.

carryover of 78.8 million pounds and estimated 1968 production of 32.4 million pounds.

(c) *Carryover.*<sup>2</sup> The estimated carryover of fire-cured (types 22-24) tobacco for the marketing year beginning October 1, 1969, calculated in accordance with the Act, is 67.7 million pounds, calculated by subtracting the estimated disappearance for the marketing year beginning October 1, 1968, of 43.5 million pounds from the total supply of such tobacco.

(d) *National marketing quota.*<sup>2</sup> The amount of fire-cured (types 22-24) tobacco which will make available during the marketing year beginning October 1, 1969, a supply of fire-cured (types 22-24) tobacco equal to the reserve supply level of such tobacco is 40 million pounds, and a national marketing quota of such amount is hereby announced. It is determined, however, that a national marketing quota in the amount of 40 million pounds would result in undue restriction of marketings during the 1969-70 marketing year and such amount is hereby increased by 20 percent. Therefore, the amount of the national marketing quota for fire-cured (types 22-24) tobacco in terms of the total quantity of such tobacco which may be marketed during the marketing year beginning October 1, 1969, is 48 million pounds.

(e) *National acreage allotment.* The national acreage allotment, calculated in accordance with the Act by dividing the national marketing quota for the 1969-70 marketing year by the 5-year 1964-68 national average yield of 1,777 pounds is 27,011.81 acres.

(f) *National acreage factor.* The national acreage factor for use in determining farm acreage allotments for the 1969-70 marketing year is 1. It was calculated in accordance with the Act by dividing the national acreage allotment, less reserve, by the total of the 1969 preliminary allotments for 1969 old farms.

(g) *National reserve.* The national acreage reserve is 233.17 acres, of which 10 acres are made available for 1969 new farms, and 223.17 acres are made available for making corrections and adjusting inequities in old farm allotments.

#### § 724.14 Dark air-cured tobacco.

(a) *Reserve supply level.*<sup>2</sup> The reserve supply level for dark air-cured tobacco is 75.2 million pounds, calculated, as provided in the Act, from a normal year's domestic consumption of 22.2 million pounds and a normal year's exports of 6.4 million pounds.

(b) *Total supply.*<sup>2</sup> The total supply of dark air-cured tobacco for the marketing year beginning October 1, 1968, is 76.4 million pounds calculated in accordance with the Act, from a carryover of 58.2 million pounds and estimated 1968 production of 18.2 million pounds.

(c) *Carryover.*<sup>2</sup> The estimated carryover of dark air-cured tobacco for the marketing year beginning October 1, 1969, calculated in accordance with the Act, is 56.4 million pounds calculated by subtracting the estimated disappearance for the marketing year beginning Octo-

ber 1, 1968, of 20 million pounds from the total supply of such tobacco.

(d) *National marketing quota.*<sup>2</sup> The amount of dark air-cured tobacco which will make available during the marketing year beginning October 1, 1969, a supply of dark air-cured tobacco equal to the reserve supply level of such tobacco is 18.8 million pounds, and a national marketing quota of such amount is hereby announced. It is determined, however, that a national marketing quota in the amount of 18.8 million pounds would result in undue restriction of marketings during the 1969-70 marketing year and such amount is hereby increased by 20 percent. Therefore, the amount of the national marketing quota for dark air-cured tobacco in terms of the total quantity of such tobacco which may be marketed during the marketing year beginning October 1, 1969, is 22.6 million pounds.

(e) *National acreage allotment.* The national acreage allotment, calculated in accordance with the Act by dividing the national marketing quota for the 1969-70 marketing year by the 5-year, 1964-68, national average yield of 1,786 pounds, is 12,653.97 acres.

(f) *National acreage factor.* The national acreage factor for use in determining farm acreage allotments for the 1969-70 marketing year is 1. It was calculated in accordance with the Act by dividing the national acreage allotment, less reserve, by the total of the 1969 preliminary allotments for 1969 old farms.

(g) *National reserve.* The national acreage reserve is 37.65 acres, of which 25 acres are made available for 1969 new farms, and 12.65 acres are made available for making corrections and adjusting inequities in old farm allotments.

#### § 724.15 Virginia sun-cured tobacco.

(a) *Reserve supply level.*<sup>1</sup> The reserve supply level for Virginia sun-cured tobacco is 5,660 thousand pounds, calculated, as provided in the Act, from a normal year's domestic consumption of 1,750 thousand pounds and a normal year's exports of 350 thousand pounds.

(b) *Total supply.*<sup>1</sup> The total supply of Virginia sun-cured tobacco for the marketing year beginning October 1, 1968, calculated in accordance with the Act, is 5,105 thousand pounds, consisting of carryover of 3,923 thousand pounds and estimated 1968 production of 1,182 thousand pounds.

(c) *Carryover.*<sup>1</sup> The estimated carryover of Virginia sun-cured tobacco at the beginning of the marketing year for such tobacco beginning October 1, 1969, calculated in accordance with the Act, is 3,360 thousand pounds, calculated by subtracting the estimated disappearance for the marketing year beginning October 1, 1968, of 1,745 thousand pounds from the total supply of such tobacco.

(d) *National marketing quota.*<sup>1</sup> The amount of Virginia sun-cured tobacco which will make available during the marketing year beginning October 1, 1969, a supply of such tobacco equal to the reserve supply level of such tobacco is 2,300 thousand pounds, and a national

marketing quota of such amount is hereby announced. It is determined, however, that a national marketing quota in the amount of 2,300 thousand pounds would result in undue restriction of marketings during the 1969-70 marketing year and such amount is hereby increased by 20 percent. Therefore, the amount of the national marketing quota for Virginia sun-cured tobacco in terms of the total quantity of such tobacco which may be marketed during the marketing year beginning October 1, 1969, is 2,760 thousand pounds.

(e) *National acreage allotment.* The national acreage allotment, calculated in accordance with the Act by dividing the national marketing quota for the 1969-70 marketing year by the 5-year, 1964-68, national average yield of 1,079 pounds, is 2,557.92 acres.

(f) *National acreage factor.* The national acreage factor for use in determining farm acreage allotments for the 1969-70 marketing year is 1. It was calculated in accordance with the Act by dividing the national acreage allotment, less reserve, by the total of the 1969 preliminary allotments for 1969 old farms.

(g) *National reserve.* The national acreage reserve is 25.57 acres, of which 4 acres are made available for 1969 new farms, and 21.57 acres are made available for making corrections and adjusting inequities in old farm allotments.

Effective date: Date of filing of this document with the Director, Office of the Federal Register.

Signed at Washington, D.C., on January 30, 1969.

CLARENCE D. PALMBY,  
Assistant Secretary.

[F.R. Doc. 69-1411; Filed, Jan. 30, 1969; 12:54 p.m.]

### Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

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

##### Expenses and Rate of Assessment

On January 17, 1969, notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 757) regarding proposed expenses and related rate of assessment for the period November 1, 1968, through October 31, 1969, pursuant to the marketing agreements, as amended, and Order No. 907, as amended (7 CFR Part 907; 33 F.R. 15471), regulating the handling of navel oranges grown in Arizona and designated part of California. This regulatory program is effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). After consideration of all relevant

<sup>1</sup> Rounded to the nearest thousand pounds.

<sup>2</sup> Rounded to the nearest 10th of a million.

See footnotes at end of document.

matters presented, including the proposals set forth in the aforesaid notice which were submitted by the Navel Orange Administrative Committee (established pursuant to the amended marketing agreement and order, it is hereby found and determined that:

**§ 907.207 Expenses and rate of assessment.**

(a) *Expenses.* Expenses that are reasonable and likely to be incurred by the Navel Orange Administrative Committee, during the period November 1, 1968, through October 31, 1969, will amount to \$300,000.

(b) *Rate of assessment.* The rate of assessment for said period, payable by each handler in accordance with § 907.41, is fixed at \$0.01 per carton of Navel oranges.

It is hereby found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) the relevant provisions of said amended marketing agreement and this part require that the rate of assessment fixed for a particular fiscal year shall be applicable to all assessable Navel oranges from the beginning of such year; and (2) the current fiscal year began on November 1, 1968, and the rate of assessment herein fixed will automatically apply to all assessable Navel oranges beginning with such date.

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

Dated: January 29, 1969.

FLOYD F. HEDLUND,  
Director, Fruit and Vegetable  
Division, Consumer and Marketing Service.

[F.R. Doc. 69-1403; Filed, Feb. 3, 1969; 8:47 a.m.]

**Title 12—BANKS AND BANKING**

**Chapter II—Federal Reserve System**

**SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM**

**PART 265—RULES REGARDING DELEGATION OF AUTHORITY**

**Specific Functions Delegated to Board Employees and Federal Reserve Banks**

1. Effective immediately, § 265.2(c) is amended by adding subparagraph (12).

2. Effective immediately, the title of § 265.2(d) is amended to read as shown below, and subparagraph (4) is added to paragraph (d).

3. Effective immediately, § 265.2(f) is amended by adding subparagraph (15).

§ 265.2 Specific functions delegated to Board employees and Federal Reserve banks.

(c) The Director of the Division of Supervision and Regulation (or, in his

absence, the Acting Director) is authorized:

(12) To exercise the functions described in subparagraphs (15) (i) and (ii) of paragraph (f) of this section; and to exercise the functions described in subparagraph (15) (iii) of paragraph (f) of this section in those cases in which the appropriate Federal Reserve Bank concludes that, because of unusual considerations, or for other good cause, it should not take action.

(d) The Director of the Division of Federal Reserve Bank Operations (or, in his absence, the Acting Director) is authorized:

(4) Under the provisions of §§ 216.5 (b) and (d) and 216.6 of this chapter (Regulation P), with respect to Federal Reserve Banks and branches: (i) To require reports on security devices; (ii) to require special reports; and (iii) to determine, in view of the provisions of §§ 216.3 and 216.4 of this chapter, whether security devices and procedures are deficient in meeting the requirements of Part 216 of this chapter, to determine whether such requirements should be varied in the circumstances of a particular banking office, and to require corrective action.

(f) Each Federal Reserve Bank is authorized, as to member banks or other indicated organizations headquartered in its district:

(15) Under the provisions of §§ 216.5 (b) and (d) and 216.6 of this chapter (Regulation P), with respect to State member banks only: (i) To require reports on security devices; (ii) to require special reports; and (iii) to determine, in view of the provisions of §§ 216.3 and 216.4 of this chapter, whether security devices and procedures are deficient in meeting the requirements of Part 216 of this chapter, to determine whether such requirements should be varied in the circumstances of a particular banking office, and to require corrective action.

4a. The purpose of these amendments is to delegate certain functions of the Board relating to the administration of its Regulation P, "Minimum Security Devices and Procedures for Federal Reserve Banks and State Member Banks".

b. The provisions of section 553 of title 5, United States Code, relating to notice and public participation and to deferred effective dates, were not followed in connection with the adoption of these amendments, because the rules contained therein are procedural in nature and accordingly do not constitute substantive rules subject to the requirements of such section.

Dated at Washington, D.C., this 27th day of January 1969.

By order of the Board of Governors.

[SEAL] ROBERT P. FORRESTAL,  
Assistant Secretary.

[F.R. Doc. 69-1985; Filed, Feb. 3, 1969; 8:45 a.m.]

**Title 14—AERONAUTICS AND SPACE**

**Chapter I—Federal Aviation Administration, Department of Transportation**

[Docket No. 9384; Amdt. 39-719]

**PART 39—AIRWORTHINESS DIRECTIVES**

**British Aircraft Corp. Model BAC 1-11, 200 and 400 Series Airplanes**

There has been an instance where a loose aileron tab filler and modification plate assembly block on a Model BAC 1-11 200 Series airplane resulted in a foul between the tab and wing structure. Subsequent inspection of other Model BAC 1-11, 200 and 400 Series aircraft indicated additional cases of loose modification plates. Since this condition is likely to exist or develop in other airplanes of the same design, an airworthiness directive (AD) is being issued to require inspection of the aileron tabs for proper bonding within the tab structure of the filler and modification plate assembly, and modification of loose assemblies on all Model BAC 1-11, 200 and 400 Series airplanes.

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

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

BRITISH AIRCRAFT CORPORATION. Applies to Model BAC 1-11, 200 and 400 Series airplanes.

Compliance required as indicated, unless already accomplished.

To prevent possible jamming of aileron controls due to the aileron tab filler and modification plate assembly block, Part Number AB11/A1303 or AK11/A409, coming loose and fouling between the aileron and the wing structure, accomplish the following:

(a) Within 75 hours' time in service after the effective date of this AD and thereafter at intervals not to exceed 150 hours' time in service from the last inspection, inspect the right and left aileron tabs for proper bonding within the tab structure of the filler and modification plate assembly P/N AB11/A1303 or AK11/A499 in accordance with British Aircraft Corp. BAC 1-11 Alert Service Bulletin No. 57-A-PM 3793, Issue 2, or later ARB-approved issue or FAA-approved equivalent.

(b) If the filler and modification plate assembly is found to be loose during the inspection required by paragraph (a), before next flight, remove the assembly completely, and reinstall the modification plate in accordance with BAC Modification No. 3793.

(c) The repetitive inspections required by paragraph (a) of this AD may be discontinued after the existing filler and modification plate assembly is permanently secured by the addition of a 1/8-inch diameter blind rivet or after the incorporation of BAC Modification No. 3793.

This amendment becomes effective February 14, 1969.

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

Issued in Washington, D.C., on January 27, 1969.

EDWARD C. HODSON,  
*Acting Director,*  
*Flight Standards Service.*

[F.R. Doc. 69-1407; Filed, Feb. 3, 1969;  
8:48 a.m.]

[Docket No. 9385; Amdt. 39-720]

### PART 39—AIRWORTHINESS DIRECTIVES

#### Pilatus Model PC-6 Airplanes

There has been a failure of the forward aileron mass balance attachment bolt on a Pilatus Model PC-6 airplane. Investigation established that the failure was due to inherent fatigue of the bolt. Since this condition is likely to exist or develop in other airplanes of the same design, an airworthiness directive (AD) is being issued to require replacement of the forward aileron mass balance attachment bolt on the left and right aileron with new bolts.

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

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89) § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

**PILATUS.** Applies to Model PC-6 airplanes, Serial Nos. 342 through 675, 2001 through 2009, 2012 through 2018, 2025 through 2035, 2040, and 2041.

Compliance required within the next 25 hours time in service after the effective date of this AD, unless already accomplished.

To prevent fatigue failure of the forward aileron mass balance attachment bolt P/N N-116 M5X40 (932.11.41.39), replace bolt on left and right aileron with new bolts of the same part number that have been supplied by the Pilatus Aircraft Works, Stans, Switzerland, or Fairchild Hiller Corp., Hagerstown, Md., after April 15, 1968 in accordance with Pilatus Service Bulletins No. 81 and 81A or later Swiss Federal Air Office-approved issue or an FAA-approved equivalent.

This amendment becomes effective February 14, 1969.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on January 27, 1969.

EDWARD C. HODSON,  
*Acting Director,*  
*Flight Standards Service.*

[F.R. Doc. 69-1408; Filed, Feb. 3, 1969;  
8:48 a.m.]

[Docket No. 9386; Amdt. 39-721]

### PART 39—AIRWORTHINESS DIRECTIVES

#### Slingsby Model T.53B Glider

There has been a recent report of the jamming of the elevator control system on a Slingsby Model T.53B Glider, caused by interference between the elevator control lever and its support bracket. Since this condition is likely to exist or develop in other aircraft of the same type design, this airworthiness directive (AD) is being issued to require replacement of the existing elevator control support bracket with a new bracket.

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

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

**SLINGSBY.** Applies to Slingsby Model T.53B Gliders.

Compliance required within the next 25 hours' time in service after the effective date of this AD, unless already accomplished.

To prevent interference between the elevator control lever and its support bracket, replace the existing bracket P/N 53B-10-81 with new bracket P/N 53B-10-1117 in accordance with Slingsby Technical Instruction No. 36, dated November 1968, or later ARB-approved issue or an FAA approved equivalent.

This amendment becomes effective February 14, 1969.

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

Issued in Washington, D.C., on January 27, 1969.

EDWARD C. HODSON,  
*Acting Director,*  
*Flight Standards Service.*

[F.R. Doc. 69-1409; Filed, Feb. 3, 1969;  
8:48 a.m.]

[Docket No. 9381; Amdt. 151-29]

### PART 151—FEDERAL AID TO AIRPORTS

#### Runway Grooving To Improve Skid Resistance

The purpose of these amendments to Part 151 of the Federal Aviation Regulations is to clarify that runway grooving to improve skid resistance is eligible for inclusion in a project under the Federal-aid Airport Program under § 151.77 of, and Appendix C to, Part 151.

Section 151.77(b) provides that the kinds of runway paving that are eligible for inclusion in a project include pavement construction and reconstruction. The question has arisen whether runway grooving is an eligible item of runway

paving under § 151.77(b). Runway grooving has been long recognized a means of improving skid resistance, and it is considered to be an eligible item of airport improvement. These amendments are issued to clarify the language of the rule by stating specifically that this item is eligible for inclusion in a project under that provision of Part 151.

Appendix C to Part 151 contains an itemization of typical eligible and ineligible items of runway paving. This appendix is also amended to include runway grooving to improve skid resistance as a typical eligible item.

Since these amendments are clarifying in nature and impose no additional burden on any person, notice and public procedure thereon are not required, and they may be made effective in less than 30 days.

In consideration of the foregoing, Part 151 of the Federal Aviation Regulations is amended as follows, effective February 4, 1969:

a. By amending the first sentence of § 151.77(b) to read as follows:

§ 151.77 Runway paving: General rules.

\* \* \* \* \*

(b) The kinds of runway paving that are eligible for inclusion in a project include pavement construction and reconstruction, and include runway grooving to improve skid resistance, and resurfacing to increase the load bearing capacity of the runway or to provide a leveling course to correct major irregularities in the pavement. \* \* \*

\* \* \* \* \*

b. By inserting the following item after item 4 under the heading "Typical Eligible Items" in Appendix C:

*Typical Eligible Items*

\* \* \* \* \*

5. Runway grooving to improve skid resistance.

\* \* \* \* \*

(Secs. 1-15, 17-20, Federal Airport Act; 49 U.S.C. 1101-1114, 1116-1120; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c); § 1.4(b)(2) of the regulations of the Office of the Secretary of Transportation)

Issued in Washington, D.C., on January 27, 1969.

D. D. THOMAS,  
*Acting Administrator.*

[F.R. Doc. 69-1399; Filed, Feb. 3, 1969;  
8:47 a.m.]

[Docket No. 9382; Amdt. 165-3]

### PART 165—WAKE ISLAND CODE

#### Elimination of Certain Criminal Offenses on Wake Island

The purpose of these amendments to Part 165 of the Federal Aviation Regulations is to eliminate certain criminal offenses not considered as petty offenses.

The Wake Island Court is vested with judicial authority in criminal matters by Part 165. Section 165.95(a) provides that there is no trial by jury which, in any event, would not be feasible within the

Wake Island community. In addition, it is impractical to attempt to provide counsel, either public or private, on Wake Island.

It has been determined that, in order to preclude any possible denial of constitutional guarantees to any persons accused of crimes on Wake Island, each criminal offense should be deleted from Part 165 that is so serious, in the Administrator's judgment, as to require a jury trial or public defender (where appropriate). Accordingly, 20 of the offenses listed in § 165.41 and perversion (one item named in another listed offense) are eliminated by these amendments, as well as gambling, wagering, operating, or participating in a lottery on the Airport (§ 165.43(g)). Section 165.45 also is eliminated because it only serves to define narcotics and dangerous drugs.

A number of the offenses eliminated will be subject to the jurisdiction of the District Court of Hawaii. Some of them are not offenses under the United States Code, and the District Court of Hawaii does not have jurisdiction. However, the FAA would not, consistently with the determination made herein, prosecute an alleged violator of any of these regulatory provisions at the present time, thus it is not meaningful to prohibit these acts in Part 165.

Finally, § 165.59 (Substitution of penalty) also is eliminated because it would allow punishment of more than 6 months confinement for the petty offenses kept in § 165.41.

Since FAA management is involved, compliance with notice and public procedure under 5 U.S.C. section 553 is not required.

In consideration of the foregoing, effective March 6, 1969, Part 165 is amended as hereinafter set forth:

1. By amending § 165.41 to read as follows:

**§ 165.41 General criminal offenses.**

No person may, while on Wake Island—

(a) Throw away any paper, debris, refuse, garbage, litter, bottle, or can, except into a receptacle or area designated for that purpose;

(b) Commit any act of nuisance;

(c) With intent to provoke a breach of the peace or under such circumstances that a breach of the peace may be occasioned thereby, act in such a manner as to annoy, disturb, interfere with, obstruct, or be offensive to any other person;

(d) Possess or display (publicly or privately) any pornographic literature, film, device, or any matter containing obscene language, that tends to corrupt morals;

(e) Make any obscene or indecent exposure of his person;

(f) Commit any disorderly, obscene, or indecent act;

(g) Commit any act of voyeurism (Peeping Tom);

(h) Enter upon any assigned residential quarter or areas immediately ad-

jacent thereto, without permission of the assigned occupant;

(i) Throw away any paper, debris, refuse, garbage, litter, bottle, or can, except into a receptacle or area, designated for that purpose;

(j) Commit any act of nuisance;

(k) With intent to provoke a breach of the peace or under such circumstances that a breach of the peace may be occasioned thereby, act in such a manner as to annoy, disturb, interfere with, obstruct, or be offensive to any other person;

(l) Be drunk in any public place;

(m) Use any profane or vulgar language in a public place;

(n) Loiter or roam about Wake Island, without any lawful purpose, at late and unusual hours of the night;

(o) Lodge or sleep in any place without the consent of the person in legal possession of that place;

(p) Grossly waste any potable water; or

(q) Being a male, knowingly enter any area, building, or quarter reserved for women, except in accordance with established visiting procedures.

**§ 165.43 [Amended]**

2. By striking out paragraph (g) of § 165.43.

**§ 165.45 [Deleted]**

3. By striking out § 165.45.

**§ 165.59 [Deleted]**

4. By striking out § 165.59.

(Sec. 10, 62 Stat. 453; 49 U.S.C. 1159; sec. 48, 74 Stat. 424; E.O. 11048; agreement between FAA and the Department of Interior, February 5, 1962; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c); § 1.4(b)(2) of the regulations of the Office of the Secretary of Transportation)

Issued in Washington, D.C., on January 27, 1969.

D. D. THOMAS,  
Acting Administrator.

[F.R. Doc. 69-1398; Filed, Feb. 3, 1969; 8:47 a.m.]

**Title 15—COMMERCE AND FOREIGN TRADE**

**Chapter III—Bureau of International Commerce, Department of Commerce**

**SUBCHAPTER B—EXPORT REGULATIONS**  
[11th Gen. Rev. of Export Regs., Amdt. 18]

**PART 379—EXPORT CLEARANCE AND DESTINATION CONTROL**

**PART 385—TECHNICAL DATA, EXPORTATIONS OF**

**Miscellaneous Amendments**

Part 379 and § 385.4(a) of the Code of Federal Regulations are hereby amended to read as set forth below.

(Sec. 3, 63 Stat. 7; 50 U.S.C. App. 2023; E.O. 10945, 26 F.R. 4487, 3 CFR 1959-1963 Comp.)

E.O. 11038, 27 F.R. 7003, 3 CFR 1959-1963 Comp.)

Effective date: January 28, 1969.

RAUER H. MEYER,  
Director, Office of Export Control.

1. Part 379—Export Clearance and Destination Control is hereby revised to read as follows:

- Sec.
- 379.1 General export clearance requirements.
  - 379.2 Presentation and use of validated license.
  - 379.3 Presentation of Shipper's Export Declaration.
  - 379.4 Authentication of Declaration.
  - 379.5 Use of authenticated Declaration.
  - 379.6 Use of license symbol or number on Declaration or parcel.
  - 379.7 General authority of Customs Offices and Postmasters in clearing shipments.
  - 379.8 Types of actions which may be taken by Customs Offices.
  - 379.9 Ports of exit.
  - 379.10 Destination control.
  - 379.11 Return or unloading of cargo at direction of U.S. Department of Commerce.
  - 379.12 Air cargo clearance at certain ports of origin.
  - 379.13 Other applicable laws and regulations.

**AUTHORITY:** The provisions of this Part 379 issued under sec. 3, 63 Stat. 7; 50 U.S.C. App. 2023; E.O. 10945, 26 F.R. 4487, 3 CFR 1959-1963 Comp.; E.O. 11038, 27 F.R. 7003, 3 CFR 1959-1963 Comp.

**§ 379.1 General export clearance requirements.**

(a) *Exports by water or air carrier.*  
(1) No exporter or his agent, including any carrier, shall load or carry or permit loading or carrying onto an exporting carrier, or present to the Customs Office for inspection and clearance for export, any commodity until:

(i) *For shipments requiring a validated export license.* A validated license therefor has been presented to the Customs Office; and a related duly executed Shipper's Export Declaration,<sup>1</sup> in the requisite number of copies, covering such commodity has been presented to, and authenticated by, the Customs Office, a copy returned to the person presenting it, and this copy delivered to the exporting carrier.

(ii) *For shipments under a general license.* A duly executed Declaration in the requisite number of copies and consistent with the provisions of an applicable general license, has been presented to, and authenticated by, the Customs Office, a copy returned to the person presenting it and this copy delivered to the exporting carrier (except as provided in subparagraph (3) of this paragraph). Where the filing of a Declaration is not required, an oral declaration describing the commodity about to

<sup>1</sup>Shipper's Export Declaration, Form 7525-V, may be obtained from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402, local Customs Offices, and U.S. Department of Commerce Field Offices (see list on page 1). Price of the form is \$1 for a pad of 100.

be exported and identifying the applicable general license shall be made to the Customs Office at the port of exit.

(2) No carrier shall load or carry any commodity onto an exporting carrier or permit any commodity to be loaded or carried onto an exporting carrier for export by water or air, until such carrier has received its copy of the authenticated Shipper's Export Declaration as provided in § 30.14 of the Census Bureau Foreign Trade Statistics Regulations (§ 30.14 of this title).

(3) A shipment to Canada or to Country Group S, T, or V does not require the submission of a Shipper's Export Declaration if the shipment is valued at less than \$100 and is not made under the provisions of General License GLV or a validated export license.<sup>2</sup> As used in this paragraph (a)(3), a "shipment" is defined as all of the commodities classified under a single seven-digit Schedule B number that are shipped on the same exporting carrier from one exporter to one importer.<sup>3</sup>

(b) *Exports by mail*—(1) *Shipments requiring a validated license*—(i) *General requirements*. No person shall export any commodity by means of mail, including surface and air parcel post, until:

(a) A validated license therefor has been presented to the Postmaster at the place of mailing, together with a related duly executed Declaration covering the commodity to be so mailed, whether or not required by the regulations of the Bureau of the Census; and

(b) The sender (exporter) has entered the complete validated license number on the address side of the wrapper of the package and on the duly executed Declaration.

(ii) *Partial shipments*. (a) Where more than one shipment is to be made against a validated license, the sender (exporter) shall file the license with a Customs Office (instead of surrendering the license to the Postmaster) and present to such Customs Office for authentication a copy of the Declaration covering each shipment. The authenticated Declaration, in addition to the Declaration required under subdivision (i) of this subparagraph, shall be surrendered to the Postmaster at the time of mailing.

(b) A shipment by mail against a license on file with a Customs Office may be exported on or before the license expiration date indicated by the Customs Office on the authenticated Declaration. Where the mail shipment is not made within this period and the validity period of the export license has been extended by amendment in accordance with the provisions of § 380.2 of this chapter, the exporter shall prepare and present to the Customs Office for authentication a new copy of the Declaration. The new copy shall be clearly marked

"Amended," and shall be submitted together with the previously authenticated Declaration. The previously authenticated Declaration will be retained by the Customs Office and the amended Declaration, if authenticated, will be returned to the exporter for presentation to the Postmaster.

(2) *Shipments under a general license*—(i) *Declaration required*. The sender (exporter) shall present to the Postmaster at the place of mailing a duly executed Declaration for each commercial mail shipment made under a general license from one business concern to another business concern when the shipment consists of a commodity (ies) valued at \$100 or more, unless otherwise set forth in the regulations issued by the Bureau of the Census.

(ii) *Symbol on Declaration*. In preparing the Declaration for presentation to the Postmaster the sender shall place on the form the designation or symbol of the general license under which the commodity (ies) is being exported.

(iii) *Symbol on parcel*. (a) On mail shipments under a general license, the sender (exporter) shall place the general license designation or symbol on the address side of the wrapper of the parcel, followed by the phrase "Export License Not Required." No notation need be made however, if the exported material meets the provisions of General License GTDA or GTDR.

(b) The general license symbol and the phrase shall constitute a certification by the sender to the Postmaster and to the Office of Export Control that the shipment is made under the authority of the general license indicated.

(c) The export regulations (including the requirements of General Licenses GTDA and GTDR) remain otherwise fully applicable to exports which require no general license symbol.

NOTE: 1. *Post Office regulations*. All exports via mail should also conform to the applicable Post Office Department regulations as to size, weight, permissible contents, etc. Such exports are subject to inspection by the Post Office Department and the Bureau of Customs.

2. *Gift parcels*. If the sender is shipping a gift parcel under the provisions of the general license for gift parcels, he must place the word "Gift" on the customs declaration tag as well as the words "Gift—Export License Not Required" on the address side of the wrapper. In this instance, the word "Gift" is the general license symbol. (See § 371.21.)

3. *Weekly shipments*. Only one shipment per calendar week of a commodity classified in a single entry on the Commodity Control List may be made by parcel post or mail under General License GLV by one exporter to one importer. (See § 371.10(b)(4).)

4. *Partial shipments*. The procedures for obtaining separate or additional licenses when making partial shipments by mail are set forth in § 372.5(g).

(c) *Exports by means other than water, air, or mail*. No person shall export any commodity by means other than by water, air, or mail, until:

(1) A validated license, where required by the provisions of the Export Regulations, has been presented to the Customs Office at the port of exit from the United States; and

(2) A duly executed Declaration together with the related license covering the commodity, except as provided for in § 385.5 of this chapter, has been presented to the Customs Office and authenticated by him prior to inspection.

Where no validated license is required, a duly executed Declaration consistent with the provisions of an applicable general license shall be presented for authentication, prior to inspection, to the Customs Office at the port of exit. Where the filing of a Declaration is not required, an oral declaration, including a description of the commodity to be exported and the applicable general license, shall be made to the Customs Office at the port of exit.

(d) *Exports to Canada*. No person shall export any commodity to Canada until a duly executed Shipper's Export Declaration consistent with the Bureau of the Census Foreign Trade Statistics Regulations shall have been presented to and authenticated by the Customs Office. Where the Bureau of the Census regulations do not require the filing of a Declaration, or where a delay in the filing of a Declaration is authorized, an oral declaration shall be made to the Customs Office at the port of exit. The oral declaration shall describe the commodities to be exported and shall state that it is for export to Canada.

(e) *Responsibility of licensee and agent*. Under the Export Regulations, the exporter to whom a license is issued or who undertakes to export under a general license is legally responsible for the proper use of that license and for the due performance of all its terms and provisions. This responsibility continues even when he acts through a freight forwarder or other forwarding agent.

#### § 379.2 Presentation and use of validated license.<sup>1</sup>

(a) *License valid for shipment from any port*. A license may be used for exports from the United States from any port of exit subject to the jurisdiction of the United States, unless the Office of Export Control shall otherwise provide.

(b) *Signature on license*. The validated Export License document, Form FC-628, presented to the Customs Office or Postmaster, must bear on the reverse side thereof the following signatures:

(1) *Licensee*. At the top left, on the line reading "Signature of licensee", the signature of the licensee, by himself, or for him by a duly authorized officer, employee, or agent.

(2) *Person presenting license*. At the top right, on the line reading "Signature of person presenting license", the signature of the licensee or of an officer or employee of either the licensee or the forwarding agent who is authorized to sign the Declaration accompanying such license. This signature may be affixed either in the Customs Office or elsewhere.

(c) *Filing of license at time of first shipment*. A validated license (except a

<sup>1</sup> Provisions relating to the export clearance of technical data under a validated license are set forth in § 385.6.

<sup>2</sup> This rule is also contained in the foreign trade statistics regulations issued by the Bureau of the Census.

<sup>3</sup> See "Schedule B, Statistical Classification of Domestic and Foreign Commodities Exported from the United States" published by the Bureau of the Census.

Project License or a Distribution License must be presented to and filed with the Customs Office before any commodity is loaded or carried onto an exporting carrier. In the case of a shipment to be made by mail, the validated license shall be presented to the Postmaster or to the Customs Office when the Declaration covering the first partial shipment is presented for export under that license.

(d) *Subsequent shipments from port where license is filed.* If a partial shipment is made thereunder, the validated export license will be appropriately endorsed and held by the Customs Office until complete shipment is made or until the license expires. On any subsequent shipment under the license, a duly executed Declaration shall be presented for authentication, as provided in this part.

(e) *Simultaneous or subsequent shipment from another port—(1) Transmittal of approval.* If part of the licensed export is to be made from another port, the licensee shall request the Customs Office holding the license to transmit to the Customs Office at the other intended port of exit authorization to clear the requested shipment(s) under the export license. This request may cover any part of the quantity licensed, and the export may be made in either a single shipment or in any number of partial shipments. The Customs Office holding the license shall record on the back of the license each additional port of exit from which shipment is to be made and the commodity and quantity to be shipped from each additional port of exit. If any part of the quantity authorized for shipment from another port is not shipped, the licensee or his agent may request an appropriate modification or deletion of the authorization as recorded on the back of the license. Such request shall be submitted in accordance with the following instructions:

(i) *License in possession of Customs Office.* If the license is still in the possession of the Customs Office, the licensee or his agent shall request the Customs Office to which the approval was sent to notify the Customs Office holding the license to make an amendment of his previous endorsement of the intended shipment. This requirement applies whether or not the license would have been completed by the intended shipment.

(ii) *License returned by Customs Office to the Office of Export Control.* If the license has been returned by the Customs Office to the Office of Export Control, an application for a new license may be submitted to the Office of Export Control covering the quantity not shipped, together with a letter explaining the facts and identifying the Customs Office to which the approval was sent.

(2) *Transmittal of license.* As an alternative to the notification procedure set forth above, the Customs Office holding the license is authorized to transmit the license by mail to the Customs Office at another intended port of exit, upon written request by the licensee stating that the license will no longer be used at the port at which the license is deposited.

(3) *Exceptions.* The procedure set forth above in this paragraph (e) shall

not be applicable to a license which specifies that a shipment is authorized for clearance at a particular port of exit.

(f) *Shipments against expiring license—(1) Commodities ready for loading or laden.* Commodities which are (i) laden aboard the exporting carrier or (ii) ready for lading and located on a pier for the purpose of lading prior to midnight of the expiration date of a license, and not for the purpose of storage, may depart with the vessel even though the vessel does not clear until after the expiration date of the license. Furthermore, where the vessel is expected to be available at the pier for loading in advance of the expiration of the license, but exceptional and unforeseen circumstances delay it, the commodities may be exported without an extension of the validity period of the license, if in the judgment of the Customs Office undue hardship would otherwise result.

(2) *Commodities in transit to port of exit.* Commodities in transit to the port of exit prior to midnight of the date of expiration of the validated license covering the shipment may be cleared for export, at the discretion of the Customs Office, within 5 days following the expiration date of the license if the condition set forth in subparagraph (1) of this paragraph apply to the shipment. The Customs Office may require the exporter to submit a Bill of Lading or other evidence that the shipment was in transit to the port of exit prior to the expiration date of the license and was delayed in transit.

(3) *Other shipments.* A licensed shipment not coming within one of the foregoing provisions may not be exported except by extension of the validity period of the license by the Office of Export Control.

(g) *Reexport under license previously granted—(1) Shipments returned to the United States.* Shipments which are returned to the United States because of failure or inability of the exporting carrier to deliver the shipment at its intended destination may be reexported to the consignee and destination to which the shipment was originally made without the procurement of a new license; provided that satisfactory evidence of the validity of the original export is submitted to a Customs Office.

(2) *Evidence required.* Such evidence may consist of a copy of the original Declaration or the exporting carrier's outward manifest, or such other evidence as the Customs Office may require. If the commodities are reexported to other than the original consignee, they must be treated as new exports and are subject to current regulations of the Office of Export Control regarding the specific commodity.

(h) *Shipping tolerance—(1) When tolerance is allowed.* A shipping tolerance is allowed over the quantity specified on a validated export license or on a Customs Office release against the license approved in accordance with paragraph (e) of this section, unless such tolerance is limited or prohibited by the terms of the license or by any of the

provisions set forth in subparagraph (2), (3), or (4) of this paragraph.

(2) *Amount of tolerance allowed—(i) Ten percent tolerance.* Except as set forth in subdivision (ii) of this subparagraph, a shipping tolerance of 10 percent is allowed when the quantity called for on the license or a Customs Office release is in the terms set forth below, or if no quantity is specified on the license or release, the tolerance will be allowed on the total price shown for each entry on the license or release:

|                    |                       |
|--------------------|-----------------------|
| Avoirdupois ounce. | M (1,000) board feet. |
| Bale.              | Milligram.            |
| Barrel.            | Oxford unit.          |
| Bushel.            | Pound.                |
| Content pound.     | Proof gallon.         |
| Cubic foot.        | Short ton (2,000      |
| Gallon.            | pounds).              |
| Gram.              | Square foot.          |
| Hundredweight (100 | Square yard.          |
| pounds).           | Troy ounce:           |
| Linear foot.       | U.S.P. unit.          |
| Linear yard.       |                       |
| Long ton (2,240    |                       |
| pounds).           |                       |

(ii) *Five percent tolerance.* A shipping tolerance of 5 percent is allowed on the unshipped balance specified on a validated export license for shipments of the following commodities:

| <i>Export Control Commodity Number and Commodity Description</i> |   |
|--|---|
| 28200  | Alloy steel scrap containing 5 percent or more nickel by weight.                                    |
| 28311  | Copper ores and concentrates.   |
| 28312  | Copper matte.   |
| 28401  | Copper bearing ash and residue.   |
| 28401  | Nickel bearing residues and dross.  |
| 28402  | Copper or copper-base alloy waste and scrap.  |
| 28403  | Other nickel or nickel alloy waste and scrap.   |
| 51369  | Nickel oxide.   |
| 51470  | Nickel sulphate.  |
| 51470  | Master alloys of copper containing 8 percent or more phosphor.                                      |
| 67160  | Ferronickel containing 90 percent or less nickel.   |
| 68211  | Blister copper and other unrefined copper.  |
| 68212  | Refined copper, including remelted, in cathodes, billets, ingots, wire bars, and other crude forms. |
| 68212  | Copper-base alloy ingots.   |
| 68213  | Master alloys of copper.  |
| 68221  | Bars, rods, angles, shapes, sections, and wire of copper or copper-base alloy.                      |
| 68222  | Plates, sheets, and strips of copper or copper-base alloy.  |
| 68223  | Copper or copper alloy foil, including paper-backed.  |
| 68224  | Copper and copper alloy powders and flakes.   |
| 68225  | Tubes, pipes, and blanks therefor, and hollow bars of copper or copper-base alloy.                  |
| 68226  | Tube and pipe fittings of copper or copper-base alloy.  |
| 68310  | Nickel based magnetic materials, unwrought.   |
| 68310  | Other nickel or nickel alloys, unwrought.   |
| 68324  | Nickel or nickel alloy electroplating anodes.   |
| 69892  | Copper or copper-base alloy articles: (a) Fabricated anodes, and (b) cores (mold inserts).          |
| 69892  | Copper or copper-base alloy castings and forgings.  |
| 72310  | Wire and cable coated with, or insulated with, fluorocarbon polymers or copolymers.                 |

- 72310 Coaxial-type communications cable as follows: (a) Containing fluorocarbon polymers or copolymers, (b) using a mineral insulator dielectric, (c) using a dielectric aired by discs, beads, spiral, screw, or any other means, (d) designed for gas pressurization for the purpose of withstanding external overpressure or for raising the maximum voltage rating of the cable, or (e) intended for submarine laying.
- 72310 Other coaxial cable.
- 72310 Communications cable containing more than one pair of conductors as follows: (a) Submarine cable, or (b) cable containing fluorocarbon polymers or copolymers.
- 72310 Other communications cable containing more than one pair of conductors and containing any conductor, single or stranded, exceeding 0.9 mm. in diameter.
- 72310 Other copper or copper-base alloy insulated wire and cable.

(iii) *Tolerance inapplicable.* The tolerance provisions of this section shall not apply to the following units of quantity:

|               |         |
|---------------|---------|
| Pencil gross. | Carat.  |
| Piece.        | Cell.   |
| Ream.         | Dozen.  |
| Roll.         | Gross.  |
| Round.        | Number. |
| Square.       | Pack.   |
| Set.          | Pair.   |

(3) *Maximum tolerance allowed*<sup>1</sup>. In all cases, except partial shipments as provided in subparagraphs (4) of this paragraph, the tolerance shall be allowed on the basis of the actual quantity (or total price if applicable) stated on the license, or on a Customs Office's release against the license, approved in accordance with paragraph (e) of this section. In no case shall the tolerance exceed 10 percent of the stated quantity (or total price if applicable). For example, if the quantity shown on the license or the release as applicable, is "100,000 bales", not more than 110,000 bales may be exported. Similarly, if no quantity is shown on the license or on the release, as applicable, and the total price for an entry shown thereon is \$50,000, not more than \$55,000 may be exported.

(4) *Partial shipments*—(i) *Tolerance on unshipped balance.* Whenever one or more partial shipments of the licensed commodity has been made, the 5 or 10 percent tolerance, as applicable, is allowed on only the unshipped balance, except as provided in subdivision (ii) of this subparagraph.

(ii) *Tolerance on total quantity.* In the case of shipments of iron and steel products and tin-plate, the tolerance of 10 percent is allowed on the basis of the actual quantity stated on the license or the Customs Office's release.

(iii) *Tolerance inapplicable after total shipped.* Where the quantity (or total price if applicable) stated on the license or the Customs Office's release has been shipped, no further shipment may be made under the license or the Customs Office's release.

<sup>1</sup> See § 375.4(d) for tolerance provisions relating to shipments under Blanket (BLT) License.

### § 379.3 Presentation of shipper's export declaration.

(a) *Definition of Shipper's Export Declaration.* "Shipper's Export Declaration" or "Declaration" means Shipper's Export Declaration (Commerce Form 7525-V) or Shipper's Export Declaration for In-transit Goods (Commerce Form 7513).<sup>2</sup> The Declarations referred to in the regulations in this part are not Form 2966, the Customs Declaration or Form 2972, Dispatch Note. The Declaration for intransit goods should be used for all commodities:

(1) Shipped in transit through the United States;

(2) Transshipped in ports of the United States for foreign countries;

(3) Exported from General Order Warehouse; or

(4) Exported from foreign trade zones (unless the Customs Office specifically permits the use of Commerce Form 7525-V).

NOTE: Commerce Form 7513, "Shipper's Export Declaration for Intransit Goods," is required for certain shipments by the provisions of paragraph (a) (1) above. However, in accordance with an alternate procedure under the Customs Regulations, and when a validated license is not required, air cargo shipments in bond transiting the United States for export either from the airport of arrival or from another airport may be cleared without the presentation of Form 7513.

Complete details of the alternate procedure are set forth in §§ 6.17 through 6.24 of the Customs Regulations (19 CFR 6.17-6.24), or may be obtained from any Customs Office or the Bureau of Customs, Washington, D.C. 20226.

(b) *When required.* A Declaration shall be presented to the Customs Office at the port of exit, or to the Postmaster at the post office from which the shipment is mailed, in the number of copies specified in paragraph (c) of this section.

(c) *Number of copies to be presented*—

(1) *Where exporting by means other than mail.* Three copies of the Declaration shall be required by the Customs Office at the port of exit, except in cases of shipments to Canada and shipments between the United States and its territories and possessions for which only two copies are required, except as provided in subparagraph (3) of this paragraph.

(2) *When mailing*—(i) *General.* In the case of shipment by mail, one copy of the Declaration shall be presented to the Postmaster at the place of mailing when:

(a) The shipment is under a validated license, or (b) the shipment is of a commercial nature and its value is \$100 and over.

(ii) *Partial shipment against a validated license on file.* In addition, as provided in § 379.1(b) (1) (ii), when making a partial mail shipment against a license on file with a Customs Office, the sender

<sup>2</sup> Forms 7525-V and 7513 may be obtained from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402, and from local Customs Offices.

Form 7525-V may also be obtained from U.S. Department of Commerce Field Offices (see list on page 1).

(exporter) must present to the Postmaster a copy of the Declaration authenticated by the Customs Office with which the license is filed.

(3) *Additional copies of Declaration.* The Office of Export Control, the Customs Office or the Postmaster may require, for the purpose of export control, the presentation of additional copies of the Declaration. In all cases where a Declaration is required by the Export Regulations or the Foreign Trade Statistics Regulations, an additional copy of the Declaration shall be presented for exports described:

(i) Exports made under a Project License. The additional copy shall bear in the upper right corner the notation "DL." (See § 374.9(c) (2) of this chapter.

(ii) Exports from the United States to foreign countries made via Canada. (See § 370.3(b) of this chapter.)

(iii) Exports of any agricultural commodity moving under a validated license to Country Group Y or Z (see § 370.1(g) of this chapter for country groups). The additional copy shall bear in the upper right corner the notation "862."

(iv) Exports of any commodity to replace any defective or unacceptable part or equipment under the provisions of General License GLR. The additional copy shall bear in the upper right corner the notation "854." (See § 371.18(f) (2) of this chapter.

(v) Temporary exports of video tape to destinations in Country Groups T and V. The additional copy shall bear in the upper right corner the notation "864." (See § 373.57(c) of this chapter.)

(vi) Exports under a validated license of nickel, nickel alloys, and nickel bearing scrap. The additional copy shall bear in the upper right corner the notation "862." (See §§ 373.18 and 373.42 of this chapter.)

(vii) Exports made under General License GTF-F for display at a foreign exhibition or trade fair. The additional copy shall bear, in the upper right corner the notation "854." (See § 371.17(d) of this chapter.)

(d) *Separate Declaration required where shipment is partly under general license and partly under validated license*—(1) *General.* Commodities to be exported under the authority of a general license shall not be combined on the same Declaration with commodities to be exported under a validated license. Separate Declarations must be presented—one to cover the commodities under general license, the other to cover commodities under validated license. However, a shipment made under authority of two or more general licenses or two or more validated licenses may be combined on the same Declaration.

(2) *Exceptions.* In the case of a shipment consisting of commodities and the containers therefor, where either the commodities only or the containers only require a validated license, both the commodities and the containers shall be entered on the same Declaration.

(e) *Special requirements*—(1) *Special requirements stated on the license.* Where a particular validated license

bears on the face thereof a requirement that specified documents or information in addition to that furnished at the time of application be furnished, the licensee shall do so at the time of or prior to presenting the Declaration to the Customs Office. This shall be done by writing on all copies of the Declaration such specified information or attaching to the additional copy of the Shipper's Export Declaration any required documents, unless otherwise indicated on the license.

(2) *Manner of submission of additional information and documents; additional copy of Declaration.* (i) The information required by subparagraph (1) of this paragraph shall be set out in columns (9) to (15) on all copies of the Declaration—one copy in addition to, and conforming to, the number of copies otherwise required—to be filed with the Customs Office for authentication. Unless otherwise specified on the face of the license, the documents required shall be attached to the additional copy of the Declaration and need be submitted in one copy only. The documents may be either original or certified copies.

(ii) All statements and documents submitted in accordance with the requirements of a license will be deemed to constitute representations of material facts within the purview of the regulations prohibiting the making of false representations to the Office of Export Control in any export control matter (see § 381.5(b) of this chapter).

(iii) The Customs Office will refuse to authenticate a Declaration in any case where the exporter fails to comply with the special requirements of a validated export license, or does not possess the information or documents requested; unless, prior to presentation of the Declaration, the exporter has informed the Office of Export Control of the specific reason for his inability to comply and the Office of Export Control has in writing waived the requirement. The licensee will attach to and file with the license any letter of waiver in order to effect clearance of the shipment through Customs.

(3) *Optional ports of unloading.*—(i) If, prior to the departure of the exporting carrier, an exporter does not know which of several countries in Country Group T, V, or W is the country of ultimate destination of a commodity being exported under General License G-DEST, the exporter may name on the Declaration and Bill of Lading as ultimate destination optional ports of unloading. This may be done even when more than one foreign country is involved.

(ii) When an export under any general license is shipped in transit through a country other than the country of ultimate destination, the exporter may designate optional ports of unloading in one or more countries, together with the name and address of the intermediate consignee in each of the countries designated. Optional ports of unloading, in all cases, shall be located in a country to which the commodity or technical data may be shipped directly from the United States under the same or another applicable general license.

(iii) In the case of exports made under a validated license, optional ports of unloading in the country of ultimate destination only may be designated on the Declaration and Bill of Lading, unless the export license designates intermediate consignees in one or more countries other than the country of ultimate destination. In the latter case, the optional ports of unloading must be designated as optional intransit points on the Declaration and Bill of Lading in accordance with the validated license. Amendment of the validated license is required if an intermediate consignee in any of the designated countries is not named on the export license, as provided in § 380.2 (d) of this chapter.

(iv) In all of the above instances, the Bureau of Customs, in accordance with Customs clearance regulations (§ 4.60(a) of Customs Regulations of 1943), requires that the carrier must have other cargo on board to be discharged at one of the optional ports named in each country and such carrier must be cleared accordingly.

(v) In no event does the aforementioned procedure apply to any shipment destined directly or indirectly to Country Group X, Y, or Z. (For shipments to other destinations via Hong Kong, see § 370.9 of this chapter.)

**NOTE: 1. Correction Form FT-7403.** In accordance with § 379.5(d), as soon as the exporter ascertains at which port the commodities are to be unloaded, whether located in the country of ultimate destination or in a country of transit, Correction Form FT-7403 should be filed with the Customs Office at the port of exit where the original Declaration was filed. The Correction Form FT-7403 shall specify the actual port of unloading and the name and address of the intermediate consignee, if any, to whom delivery is made. An intermediate consignee must be specified if the port of unloading is located in a country other than the country of ultimate destination. If the export is unloaded at more than one port, Correction Form FT-7403 should indicate the amount (quantity and value) unloaded at each port, and the name and address of each intermediate consignee employed in the transaction.

**2. Filing of Declaration with manifest.** Bureau of Customs regulations provide that whenever any commodities are to be exported for which a Declaration is required to be filed, the person in command of the exporting carrier, or the owner or agents thereof on his behalf, shall deliver to the Customs Office, together with the carrier's manifest, at the port of clearance all authenticated Declarations executed by or presented to such persons for the purpose of facilitating or effecting the export of such commodities.

(4) *Foreign excess property disposed of by the U.S. Government.* Where a shipment consists of commodities disposed of by U.S. Government agencies under foreign excess property disposal programs, the Declaration shall show in the space provided for the commodity description the following notation: "These commodities are foreign excess property disposed of by the United States Government."

§ 379.4 Authentication of declaration.

(a) *Authentication requirement.* All copies of Shipper's Export Declarations which are required to be presented to a Customs Office must be authenticated by

the Customs Office at the port of exit (see § 379.3(b)). No Customs Officer shall authenticate a Declaration unless he is satisfied, after comparing it with the applicable validated export license or general license and with such other relevant information as he may have, that:

(1) Export of the commodity(ies) described in such Declaration is authorized under such license;

(2) The statements in such Declaration are identical in all respects with the contents of the validated export license, or with the terms, provisions, and conditions of the general license;

(3) The statements in such Declaration are set forth in such manner as to permit all Customs Officers (or other authorized officials or persons to whom the Declaration may thereafter be exhibited or delivered in connection with the export) to determine whether the said export complies with the contents of the validated export license, or the terms, provisions, and conditions of the general license; and

(4) That the shipment is or will be available for inspection and has not been loaded on an exporting carrier.

(b) *Information required for authentication.* No Declaration shall be authenticated by a Customs Office unless there are set forth in such Declaration, and in all copies thereof required to be presented to the Customs Office:

(1) The name and address of the exporter, who shall be the licensee named in a validated export license or entitled to export under a general license. On a Declaration covering an export under a validated license, the answer to Item 3 shall correspond to the corporation, partnership, or individual named as the applicant-licensee (exporter) on Form FC-419. In the absence of such identity, the export license does not cover the proposed export. However, the answer to Item 3 of Form 7525-V may correspond to the name of the foreign principal shown on Form FC-419 if the corporation, partnership, or individual that is in fact the exporter is not subject to the jurisdiction of the United States.

(2) The name and address of the forwarding agent, if any, duly authorized by the exporter.

(3) The name and address of any intermediate consignee, whether or not named on the license application or on the validated license.

(4) The validated license number or general license symbol which authorizes the shipment described on the Declaration.

(5) All of the other data required to be shown on the Declaration form.

(c) *Schedule B number and commodity description.*—(1) *Schedule B number.* The seven digit Schedule B number, as shown in Schedule B (Statistical Classification of Domestic and Foreign Commodities Exported from the United States), shall be entered in column 13 of the Declaration regardless of whether the shipment is moving under a validated or a general license.

(2) *Commodity description for validated license shipments.* (i) The commodity description on the Declaration for

a shipment moving under authority of a validated license shall include all of the commodity description shown on the related validated license if none of the commodity description shown on the license is underlined. If part of the description on the license is underlined, only the underlined portions need be included on the Declaration. However, since the commodity description shown on the license will be stated in Commodity Control List terms, it may be inadequate to meet Bureau of the Census statistical requirements. For statistical purposes, the Bureau of the Census requires that the commodity description shall give sufficient detail to permit verification of the Schedule B number assigned. Therefore, the commodity description on the Declaration shall incorporate further detail, in addition to that appearing on the license, whenever such further detail will aid in confirming that the proper Schedule B number is entered on the Declaration (e.g., size, material, or degree of fabrication of the specific commodity).

(i) Many commodity classification descriptions in Schedule B are followed by instructions such as "Specify by name," "State species," etc. Where such instruction appears, the more specific information called for should be furnished in column 10 of the Declaration, in addition to all other information necessary to verify the Schedule B number assigned. When a single Shipper's Export Declaration covers more than one item classifiable under a single one of the classifications carrying the "Specify by name" or similar requirement, such as "State species" or "Specify type," separate quantities, values, and shipping weights for the individual items are not required. Each item should be separately enumerated in Column (10), except that if more than five items are involved, all classifiable under one Schedule B number, only the five items of greatest value in the classification are required to be separately enumerated.

(3) *Commodity description for general license shipments.* The commodity description on the Declaration for a shipment moving under authority of a general license shall be in sufficient detail to permit the verification of the seven-digit Schedule B number entered on the Declaration.

(4) *Distinguishing characteristics or specifications.* When shipment of a commodity is being made under a general license and there is another entry on the Commodity Control List for the same type of commodity and under the same Export Control Commodity number, but with different specifications, capacities or other characteristics the Customs Office may, at its discretion, require the exporter to enter the following certification on the Declaration:

Commodity not under validated license control to (name of country); Commodity Control List page No. ----- dated -----

(d) *Additional information required for commodities moving in transit.* The following additional information shall

be set forth on Commerce Form 7513, Shipper's Export Declaration for In-transit Goods:

(1) The name and address of the intermediate consignee in a foreign destination, if any, must be shown below the description of the commodities across columns 1-6;

(2) Underneath the name and address of the intermediate consignee, also within columns 1-6, one of the following statements must be made, whichever is appropriate:

(i) For intransit shipments of foreign origin merchandise (for definition of "foreign origin," see § 371.9(a) of this chapter):

The merchandise described herein is of foreign origin.

(ii) For intransit shipments of domestic (United States) merchandise:

The merchandise described herein is of the growth, production, or manufacture of the United States.

(iii) For intransit shipments of commodities of U.S. origin excepted under § 371.9(a) (2) of this chapter:

The merchandise described herein is of the growth, production, or manufacture of the United States, but comes within the exception granted by paragraph 371.9(a) (2).

(3) The commodities to be exported shall be described in terms of Schedule B, including the appropriate Schedule B number; and shall be entered in item 4 of the Declaration. If the commodities are transported by other than air, the Schedule W number<sup>1</sup> shall be entered also on the Declaration.

(e) *Statement regarding ultimate destination.* No Declaration shall be authenticated by a Customs Office unless the statement regarding ultimate destination, whenever required, has been entered on all copies of the Declaration as provided in § 379.10(c).

(f) *Forwarding agent.*—(1) *Definition of "forwarding agent."* For the purpose of this Part 379, a "forwarding agent" is defined as a person authorized by a named exporter to perform for the exporter actual services which facilitate exportation of the commodities or technical data described in the Declaration. These services include preparing the Declaration, attending to clearance of the shipment by submission of documents to the Customs Officers or export control officers, securing cargo space, or delivering the commodities or technical data to the exporting carrier, obtaining Bills of Lading in connection with the exportation, and attending to the formalities of consular invoices, certificates of origin, and other like documents. A "forwarding agent" need not be a person regularly engaged in the freight forwarding business.

<sup>1</sup>Schedule W numbers, by commodity groupings, are contained in Schedule W, Statistical Classification of U.S. Waterborne Exports and Imports obtainable without charge from the U.S. Department of Commerce, Bureau of the Census, Washington, D.C. 20233.

(2) *Forwarding agent as true agent.*

(i) Unless the exporter shall otherwise state in writing in the power-of-attorney set forth in the Declaration (or in a general power-of-attorney, or other written form, subscribed and sworn to by a duly authorized officer or employee) filed with the Customs Office, the forwarding agent named by the exporter in the power-of-attorney or other written form shall be deemed to be the true agent of the exporter for export control and customs purposes. However, it is not intended that the power-of-attorney or other authorization designating a forwarding agent should constitute such agent the sole and exclusive forwarding agent of the exporter for all exportations. Exporters may execute powers-of-attorney or other authorization for any and all of the forwarding agents whom they employ.

(ii) Where a forwarding agent is suggested by the foreign buyer in a transaction (rather than by the seller in the United States) a form of designation on the Declaration which limits the authority granted to the particular transaction involved would be appropriate. The seller may, however, insist that the agent for the foreign buyer apply for the license. (See § 372.4(a) (1) (iv) of this chapter.)

(3) *Form of powers-of-attorney.* (i) The Office of Export Control form, "Power-of-Attorney — Designation of Forwarding Agent" is designed to fix responsibility of the exporter for exports made through a freight forwarder or other forwarding agent. The form (see Supplements S-8 and S-9 for facsimiles) while not mandatory, is suggested since it conforms to usual business practice in establishing agency relationship. However, flexibility in the form is permitted and the exporter may use any written form of designation, provided it is subscribed and sworn to before a notary public or other person authorized to administer oaths, by a duly authorized officer or employee of the licensed exporter. Such authorization shall clearly indicate that the firm or person named is authorized to represent the licensed exporter for export control and customs purposes. The extent of the authority, as in the power of attorney, may be restricted, however, with respect to time, country, commodity, specific license, or other matter. It is also intended to permit the use of such documents to designate one or more employees, or other persons, such as an export manager or agent, to, in turn, appoint as many freight forwarders or other forwarding agents as may be required.

(ii) It is necessary to file the original documents in one port only. Photo copies thereof, certified by the Customs Office of such port, may be transmitted by the forwarding agent to other ports where needed unless the authorization is otherwise specifically limited by the exporter.

(4) *Redelegation of agent's authority.*

(i) A forwarding agent need not have an office at every port of exit. If a forwarding agent signs and swears to a declaration which is intended for clearance of

an export through a port where he has no office, he shall furnish to the Customs Office at such port his power-of-attorney or other authorization from the exporter. He shall also furnish to the person who will arrange physically to present the Declaration to the Customs Office, an authorization in writing for that purpose. He may also redelegate to another forwarding agent his authority to sign and swear to Declarations and to present Declarations for authentication at such port: *Provided*, That the power-of-attorney or other authorization from the exporter permits such redelegation or there is presented to the Customs Office written evidence of consent of the exporter to such redelegation.

(ii) Proof of the authority of any such person signing a power-of-attorney or other authorization may be required. In general, however, such proof will be required only when there is some reason to doubt the authority of the person involved.

(g) *Signature on Declaration*—(1) *Who may sign Declaration*. The signature of the person making the declaration set forth on the Declaration form shall be that of the exporter or the forwarding agent named in the Declaration, or a duly authorized officer or employee of either. In general, such corporate officers as the president, vice president, treasurer, and secretary of a corporation, any partner of a partnership, and any responsible head of any other form of private or quasi-governmental organization will be deemed to have the requisite authority to sign a Declaration. Assistant officers will, in general, be accorded a like assumption. Such employees as export managers who, by their official titles, are apparently vested with power to deal with exports will also be deemed to have authority to execute the designation appearing on the face of a Declaration and to sign such Declarations. The signature of such person, whether or not that of the exporter or his duly authorized officer or employee, shall constitute a representation by the exporter that all statements made and all information set forth in such Declaration are true and correct. In addition, if the signature is that of the forwarding agent, or his duly authorized officer or employee, such signature shall constitute a like representation by the forwarding agent.

(2) *Attachment to Declaration*. Additional copies of the Declaration or copies of the continuation sheet form for such Declaration may be used where more space is required to prepare fully a Declaration. In all such cases, the Declaration need be signed on only one Declaration form. The additional copies of sheets must be numbered in sequence and securely attached to the executed Declaration form; and the following statement must be inserted between columns (9) and (15) on the executed Declaration form:

This Declaration consists of this sheet and ----- continuation sheets.

No portion of any form attached as a continuation sheet shall be torn off or removed.

(h) *Statements on Declaration*. In all cases where a Declaration is presented to a Customs Office or Postmaster, the exporter shall be deemed thereby to represent:

(1) That all statements made and information set forth in the Declaration have been furnished by him or on his behalf for the purpose of effecting an export under the Export Regulations;

(2) That the export of the commodity (ies) or technical data described in such Declaration is authorized under the general or validated export license therein identified;

(3) That the statements contained in such Declaration are identical in all respects with the contents of the validated export license or the terms, provisions, and conditions of the applicable general license; and

(4) That all of the other terms, provisions, and conditions of the Export Regulations applicable to the export have been met.

(i) *Who may submit Declaration for authentication*. (1) No person shall submit to the Customs Office for authentication any Declaration unless such person is the licensee or his carrier, the duly authorized forwarding agent of the licensee, or a duly authorized officer or employee of either.

(2) A carrier, not otherwise acting as a forwarding agent, may deliver executed Declarations without specific authorizations therefor.

(j) *Rejection of Declaration*. The Customs Office shall reject any Declaration which does not comply with the provisions of this Part 379.

(k) *Changes, alterations, and amendments of Declaration prior to authentication*.<sup>1</sup> The Customs Office shall not, except in case of hardship or emergency, authenticate any Declaration showing evidence of change, alteration, or amendment, but shall require a clean copy. Where demonstrated cases of hardship or emergency exist in which the Customs Office finds it desirable to make an exception, the Customs Office may approve on the face of the Declaration specific changes, alterations, or amendments. The duly authorized forwarding agent or carrier for an exporter may insert or correct in Declarations presented by him required items of information peculiarly within his own knowledge, such as the designation of the actual exporting carrier, the actual date of export, or the actual Schedule B number to which the commodity described in the Declaration clearly refers. Nothing herein shall relieve such forwarding agent or carrier,

<sup>1</sup>For changes, alterations, amendments of Declaration after authentication, see § 379.5 (b).

however from liability for any misrepresentation of facts so inserted or corrected. The forwarding agent or carrier making such insertion or correction must specifically identify the same in writing on the face of the Declaration.

§ 379.5 Use of authenticated declaration.

(a) *Authenticated Declaration as export control document*. When duly authenticated by the Customs Office at the port of exit, a Shipper's Export Declaration shall be deemed to be a document, issued pursuant to the Export Regulations, evidencing the existence of a validated export license or permission for an export under an applicable general license. Such document may be used only by the exporter or his duly authorized forwarding agent for the purpose of clearing for export or otherwise facilitating or effecting the export of a commodity(ies) requiring a validated or general export license under the Export Regulations issued pursuant to the Export Control Law.

(b) *Changes, alterations, amendments of authenticated declarations*.<sup>1</sup> (1) Except as described below, no Declaration used or intended to be used in exporting any commodity(ies) requiring a validated or general export license, shall, at any time after authentication by any Customs Office be changed, altered, or amended in any respect without prior authorization set forth on such authenticated Declaration by the Customs Office.

(2) A forwarding agent, designated on the Declaration or by separate document, may make changes such as changes of weights, measurements, quantities, etc., unless specifically precluded from doing so by the exporter in his designation. Customs Offices are empowered to permit such amendments upon written authorization therefor set forth on such authenticated Declaration. Customs Offices will exercise discretion in allowing amendments of this character. Where the amendments have the effect of converting a Declaration into one for a substantially different shipment, however, a new Declaration will have to be prepared. Unless otherwise limited by the exporter, the power-of-attorney or other authorization given to a forwarding agent is deemed also to authorize him to prepare substitute Declarations reflecting such changes.

(3) Where for any reason an exporting carrier designated in an authenticated Declaration cannot receive the shipment on board, the name and date of departure of another exporting carrier may be substituted by the steamship company, steamship agent, airline, railroad, motor vehicle company, or other person issuing Bills of Lading or similar documents of carriage for the carrier originally named. Due and timely notice of such change

<sup>1</sup>For changes of Declaration prior to authentication see § 379.4(k).

shall be given to the Customs Office prior to loading of the shipment onto the substitute carrier and such change is specifically identified in writing on the face of the Declaration by said steamship company, steamship agent, airline, railroad, motor vehicle company, or other person.

(4) In the event that conditions beyond the control of a carrier, named as exporting carrier on a duly executed Declaration prevents the lading of the total cargo covered by the Declaration, such carrier is authorized to prepare and present additional Declarations covering the remainder of the cargo when shipped provided that due and timely notice is given to the Customs Office prior to loading of the remainder of the cargo on a carrier. The original Declaration shall be amended by the carrier, to show the descriptions, quantity and value of the commodity(ies) actually carried. Subsequent Declarations by the carrier shall be completed in all details and shall contain the following statement:

These commodities were included, but not shipped, under authenticated Shipper's Export Declaration No. \_\_\_\_\_ at \_\_\_\_\_

(Port)

on \_\_\_\_\_

(Date)

(c) *Declarations showing unauthorized changes.* No person shall take any action to facilitate any export where the authenticated Declaration, which purports to authorize the export and which is exhibited to such person, shows any evidence of change, alteration, or amendment not authorized in writing by the Customs Office. In any such case the person requested to facilitate the export shall report the facts to the nearest Customs Office, and where such authenticated Declaration is in his possession shall surrender it to the Customs Office.

(d) *Correction of authenticated declaration.* Any item of information contained of an authenticated Declaration filed with the Customs Office shall be corrected in accordance with the facts of the export either by use of Correction Form, Form FT-7403, or directly on the authenticated declaration in accordance with the procedure described below. The acceptance by the Customs Office of such corrections does not imply approval of any act involved in the shipment. Moreover, the signature of the Customs Officer in the space entitled "Certification" on the Correction Form does not imply that he is certifying to the truth or correctness of the information contained on the form.

(1) *Corrections on Declarations.* Corrections shall be made directly on the authenticated Declaration where:

(i) The shipment does not require submission of four copies of the Declaration, and

(ii) The Bureau of the Census copy of the Declaration is still in the possession of the Customs Office.

(2) *Corrections by use of Correction Form.* In all other instances corrections shall be made by use of Correction Form, Form FT-7403. Form FT-7403 shall be submitted, in triplicate, where the shipment is made under a validated license

requiring the submission of four copies of the Declaration; or in duplicate where the shipment does not require the submission of four copies of the Declaration. The Correction Form, Form FT-7403, shall be executed by the exporter or his duly authorized agent and submitted to the Customs Office with which the authenticated Declaration was filed.

(e) *Return of unused copies of authenticated Declaration.* All copies of authenticated Declarations not used by an exporter for the purposes for which they are authenticated shall be returned to the Customs Office making the authentication.

(f) *Limitation of effective period of Declaration.* (1) No Declaration shall be authenticated or used to clear for export, or otherwise facilitate or effect, the export of a commodity requiring a validated or general export license after the expiration of the validity period of the applicable validated license or after the termination of the effective period of the of the applicable general license, except as provided in §§ 372.11(d) of this chapter and 379.2(f).

(2) The validity period of an export license includes any extension provided by any saving clause or regulation.

§ 379.6 Use of license symbol or number on Declaration or parcel.

(a) *Certification by the exporter.* The use by any exporter of a general license symbol, a validated license number, or other designation on a Shipper's Export Declaration (or parcel when such marking is required by the provisions of the Export Regulations) for the purpose of clearing an export under any general license or validated license shall constitute a certification by the exporter that the terms, provisions, and conditions of the license have been met.

(b) *Use of validated license number.* The Customs Offices will not authenticate a Declaration for a licensed export where an incomplete export license number is shown thereon. Exporters must, therefore, use the complete validated license number when entering the required information in column (10) of the Declaration (Form 7525-V).

NOTE: When the number of an export license, Form FC-628, is correctly entered on the Declaration in column (10), the one entry of the complete number satisfies the requirements for inserting the "export license number" and the "issuance date" of the license. As explained in § 372.11, the digits immediately following the initial letter, although an inseparable part of the license number, conjointly indicate the issuance (or validation) date of the license, while the last five digits signify the validating sequence. (Examples of complete numbers for Form FC-628, Export License: A8-2-9-04051, B81011-32141, or C8-117-60161.) Project License numbers are issued in a different series (see § 374.5(a)(1)).

§ 379.7 General authority of Customs Offices and Postmasters in clearing shipments.

(a) *Definitions.* "Customs Office" means the Customs Office, including all customs officials. "Postmasters" means Postmasters and all other post office officials.

(b) *Scope of authority of Customs Offices and Postmasters.* Customs Offices and Postmasters are authorized and directed to take appropriate action to assure observance of the provisions of the Export Regulations, and of general and validated licenses issued thereunder, including but not limited to inspection of commodities and technical data being or about to be exported.

(c) *Waiver of presentation of license.* A Customs Office or Postmaster, upon specific authorization by the Office of Export Control, may waive the presentation of a license.

§ 379.8 Types of actions which may be taken by Customs Offices.

The following types of actions, among others, are authorized to be taken by Customs Offices:

(a) *Examination of commodities—*

(1) *Purpose of examination.* All commodities and technical data declared for export are subject to examination by customs officials for the purpose of verifying the commodity or technical data specified in the Shipper's Export Declaration, and the value and quantity thereof, as well as to assure observance of the other provisions of the Export Regulations. The examination may be made in connection with commodities or technical data exported under a general license as well as a validated export license. It also may be made in connection with exports to Canada. This examination is not limited to, but may take the form of, commodity identification, technical appraisal (analysis), or both.

(2) *Place of examination.* Examination of export shall be made at the place of lading or where the customs officials are stationed for that purpose.

(3) *Technical identification.* In those cases where, in the judgment of the Customs Office, the commodity or technical data cannot be properly identified, a sample may be taken for more detailed examination by customs appraisers or for chemical or other laboratory analysis. The shipment will not be delayed after sampling for completion of the analysis.

(4) *Sampling for technical identification—*(i) *Obtaining samples.* When sampling is required, the sample will be obtained by the customs official in accordance with the provisions for sampling imported merchandise. The size of the sample taken shall be the minimum representative amount necessary for identification or analysis. This will depend on such factors as the physical condition of the material (whether solid, liquid, or gas) and the size and shape of the container.

(ii) *Notification of sampling to exporter and consignee.* The exporter (or his agent) and ultimate consignee shall be notified in each case where a sample is extracted for purposes of identification or analysis. Notification will be on Notice of Retained Samples, Form IT- or FC-915 (see Supplement S-14 for facsimile of form). This form shall be prepared by the customs official, showing the name of the port of exit, the date of sampling, declaration number, license number (if

any), mark and case numbers, amount of sample taken, manufacturer's number, and a description of the commodity. The form shall be prepared in triplicate. The original shall be placed in the opened package, box, crate, or other container; the duplicate shall be sent to the exporter or his agent; and the triplicate shall be retained by the Customs Office.

(iii) *Disposal of samples.* Samples withdrawn for analysis will be disposed of in accordance with the procedure followed by Customs Offices for disposing of samples of imported commodities.

(b) *Inspection of documents*—(1) *General.* The Customs Office is authorized to require the owners and operators of exporting carriers or their agents, as well as the exporters or their agents, to produce for inspection or copying, invoices, orders, letters of credit, inspection reports, packing lists, shipping documents and instructions, correspondence, as well as any other relevant documents. They may also be required to furnish other information bearing upon a particular export of commodities or technical data intended for export or removal from the United States and the identity and relationships of all participants therein.

(2) *Cartridge and shell case scrap.* When cartridge or shell cases are being exported as scrap, whether or not they have been heated, flame-treated, mangled, crushed, or cut, the Customs Office is authorized to require the exporter to produce a copy of the bid offer by the armed services in order to assure himself that the terms of the Export Regulations are being met and that the material being shipped is scrap.

(c) *Prohibiting lading.* The Customs Office is authorized to prevent the lading of commodities or technical data on an exporting carrier whenever it has reasonable cause to believe such commodities or technical data are being exported or removed from the United States contrary to the provisions of the Export Regulations.

(d) *Inspection of exporting carrier.* The Customs Office is authorized to inspect and search any exporting carrier at any time to determine whether commodities or technical data are intended to be, or are being, exported or removed from the United States contrary to the provisions of the Export Regulations.

(e) *Seizure.* The Customs Office is authorized, under title 22 of the United States Code, section 401, et seq., to seize and detain any commodities or technical data whenever an attempt is made to export said commodities or technical data in violation of the Export Regulations or whenever he knows or has probable cause to believe that commodities or technical data are intended to be, or are being, or have been exported in violation of the Export Regulations. Seized commodities or technical data are subject to forfeiture.

(f) *Preventing departure of carrier.* The Customs Office is authorized, under title 22 of the United States Code, section 401, et seq., to seize and detain,

either before or after clearance, any vessel or vehicle or air carrier which has been or is being used in exporting or attempting to export any commodity or technical data intended to be, or being, or having been previously exported in violation of the provisions of the Export Regulations.

(g) *Ordering the unloading.* The Customs Office is authorized to unladen or cause to be unladen from any exporting carrier commodities or technical data that have been laden thereon; whenever the Customs Office has reasonable cause to believe such commodities or technical data are intended to be, or are being, exported or removed from the United States contrary to the provisions of the Export Regulations.

(h) *Questioning of individuals.* The Customs Office is authorized to question the owner or operator of an exporting carrier and his agent(s), as well as the exporter and his agent(s), concerning a particular shipment of commodities or technical data exported or intended to be exported.

(i) *Ordering the return of commodities.* The Customs Office is authorized to order the owner or operator of an exporting carrier and his agent(s) to return commodities or technical data exported on such exporting carrier and make them available for inspection by the Customs Office when no adequate opportunity is afforded the Customs Office to examine the commodities or technical data prior to lading and when departure of the carrier takes place prior to authentication of the Declaration.

§ 379.9 Ports of exit.

(a) *Shipments leaving United States before final export from U.S. port.* Commodities or technical data which leave the United States at one port, cross adjacent foreign territory, and reenter the United States at another port before final export to a foreign country will be treated as an export at the last port of exit from the United States.

(b) *Licenses valid for shipment from any port.* A license may be used for export from any port of exit from the United States subject to the jurisdiction of the United States unless the Office of Export Control shall otherwise provide.

(c) *Simultaneous shipments from different ports.* Simultaneous shipments from different ports of exit may be cleared for export under a single license by the Customs Office having possession of the license, through arrangements with the Customs Office at the other port or ports of exit, as provided in § 379.2 (e) (1).

§ 379.10 Destination control.

(a) *Definition of Bill of Lading.* As used in this § 379.10, "Bill of Lading" means the contract of carriage and receipt for commodities or technical data issued by the carrier. The term "Bill of Lading" includes an Air Waybill, but does not include an Inland Bill of Lading or a domestic airbill covering movement to port.

(b) *Country of ultimate destination.* The following provisions of this para-

graph (b) apply to all shipments made under a validated license. (For the carrier's responsibilities regarding general license shipments see § 379.10 (c); (d), (f), and (g), and §§ 371.4, 381.2, 381.3, 381.4, and 381.6 of this chapter.)

(1) *Destination on Bill of Lading.* No carrier by water, land, or air (nor any other person on behalf of any carrier) shall issue a Bill of Lading which provides for delivery of cargo subject to the provisions of this paragraph (b) at any foreign port except a port located in the country of (i) the ultimate consignee, or (ii) the intermediate consignee, named in the authenticated Shipper's Export Declaration.

(2) *Delivery of cargo.* No carrier shall deliver such cargo to any other country at the request or option of the shipper, consignor, exporter, purchaser, or ultimate consignee, or their agents; or any other person having custody or control of the shipment, without prior written authorization from the Office of Export Control to the carrier or its agent.

(3) *Diversion.* No shipper, consignor, exporter, purchaser or ultimate consignee, or their agents, or any other person, shall, without prior written authorization from the Office of Export Control to the carrier or its agent:

(i) Divert any cargo to any country of ultimate destination other than that named in the authenticated Declaration or in the Bill of Lading described in paragraph (c) of this section; or

(ii) Request or demand that any carrier or its agent divert such cargo from the country of ultimate destination named in any of such documents. In addition, no agent of any carrier shall instruct or authorize the master of the vessel to divert any such cargo to any other country of ultimate destination without such prior written authorization from the Office of Export Control.

(4) *Optional ports on Bill of Lading.* No carrier of such cargo shall issue a Bill of Lading providing for delivery to the ultimate consignee named in the authenticated Declaration at optional ports where one of such optional ports is in a country not named as the country of ultimate destination in the license or Declaration, unless written authorization has been granted by the Office of Export Control. However, where the authenticated Declaration provides for delivery of cargo consisting of commodities or technical data subject to this paragraph (b) to optional intermediate consignees located in ports in different countries, the carrier may issue a Bill of Lading providing for delivery at such optional ports.

(c) *Statement regarding ultimate destination on Declaration, Bill of Lading, and commercial invoice*—(1) *Applicability.* The provisions of this paragraph (c) apply to:

(i) A shipment made under a validated license; and

(ii) A shipment made under a general license where a Declaration is required to be presented to the Customs Office, except for a shipment: (a) Of any commodity identified by the word "None" in

the column of the Commodity Control List titled "Validated License Required for Country Groups Shown Below"; and (b) of any commodity or technical data made under the provisions of General Licenses, Baggage, Tools of Trade, GIT, GTDP, and GTDS.

**NOTE: 1. U.S. territories and possessions.** While the Bureau of the Census requires Shipper's Export Declaration in order to obtain statistical information regarding shipments to certain territories and possessions of the United States, these shipments are not exports controlled by the Office of Export Control. Therefore, the provisions of this paragraph (c) are inapplicable to shipments to such territories and possessions of the United States as Puerto Rico or the Panama Canal Zone.

**2. Shipments to Canada.** The provisions of paragraph (c) of § 379.10 are not applicable to any exports intended for consumption in Canada, except shipments of the technical data described in § 385.2(c)(3) (v) and (vi) of this chapter; since all other exports to Canada require neither a general nor a validated license. However these provisions are applicable to shipments of any commodities through Canada to other foreign countries.

**(2) Destination control statements.** An appropriate destination control statement<sup>1</sup> shall be entered on all copies of the Declaration presented for authentication to the Customs Office, in accordance with the provisions set forth below, for all shipments subject to the provisions of this paragraph (c).

(i) The following statement shall be entered on the Declarations covering an export under either a validated or general license, other than the exceptions set forth in subparagraph (1) (ii) of this paragraph, with the blank space filled in with the name of the country of ultimate destination set forth in the Declaration<sup>2</sup>; unless, instead of this statement, an appropriate statement as provided in subdivision (ii) or (iii) of this subparagraph has been entered:

These commodities licensed by the United States for ultimate destination (name of country). Diversion contrary to U.S. law prohibited.

**NOTE: 1. Notification of permissive reexports.** In some instances the destination control statement used by an exporter or his agent for a specific shipment may indicate that the shipment cannot be reexported to a destination to which the ultimate consignee or purchaser wishes to sell or distribute the commodities. The reexport provisions of the Export Regulations (§§ 371.4 and 372.12 of this chapter) may nevertheless permit the reexport.

In this situation the exporter, without obtaining written approval of the Office of Export Control, may inform the foreign importer or other party in possession of the commodities, that distribution or resale may be made in accordance with the reexport

<sup>1</sup> Where the country of ultimate destination is Vietnam, the destination control statement shall be filled in as required by § 373.68 of this chapter, regardless of the country designation shown on the Shipper's Export Declaration, and regardless of whether the shipment is made under a validated or a general license.

provisions where applicable. In all other instances, written approval shall be obtained from the Office of Export Control.

**2. Effect of foreign laws.** Reexport authority contained in a destination control statement does not relieve any person from complying with foreign laws. See §§ 371.4(d), 372.12(f), and 385.6(d).

(ii) Instead of the statement set forth in subdivision (i) of this subparagraph, the following statement may be substituted with the blank spaces filled in as instructed below, except where the shipment is made under General License GMS:

These commodities licensed by the United States for ultimate destination (name of country) and for distribution or resale in (name of country or countries). Diversion contrary to U.S. law prohibited.

(a) If the export is made under a general license, other than General License GMS and the exceptions set forth in subparagraph (1) (ii) of this paragraph, insert the name of the country to which the shipment is being made in the first blank space and the following words in the last blank space, "any destination except Soviet Bloc,<sup>2</sup> Communist China, North Korea, Macao, Hong Kong, Communist controlled areas of Vietnam, Cuba, or Southern Rhodesia, unless otherwise authorized by the United States."

(1) If the commodity being exported requires a validated license for shipment to Poland (including Danzig) and Rumania, these countries shall be included in the list of prohibited destinations set forth in the last blank space of the statement.

(2) If the commodity being exported does not require a validated license for shipment to any destination included in the list of prohibited destinations, the destination may be deleted from the list of prohibited destinations set forth in the last blank space of the statement.

(b) If the export is made under a validated license, insert in the first blank space the name of the country shown on the license as country of ultimate destination. In the last blank space, insert the names of the countries shown on the license as approved destinations for distribution or resale. If no country is shown on the license as approved for distribution or resale, insert the word "none" in the last blank space.

**NOTE:** The note following the destination control statement set forth in paragraph 379.10(c)(2) (1) above is also applicable to requests for permission to distribute or resell where the statement set forth in paragraph (1) above is used.

(iii) Where a shipment is made under a general license, other than General License GMS and the exceptions set forth in subparagraph (1) (ii) of this para-

<sup>2</sup> As used in the destination control statement, the term "Soviet Bloc" means all destinations in Country Group Y (see § 370.1(g) of this chapter). It will be noted that Poland (including Danzig), Rumania, and Yugoslavia are not included in Country Group Y.

graph, the following statement<sup>1</sup> may be entered on the Declaration instead of the statements set forth in subdivisions (i) and (ii) of this subparagraph:

U.S. law prohibits disposition of these commodities to the Soviet Bloc, Communist China, North Korea, Macao, Hong Kong, Communist controlled areas of Vietnam, Cuba, or Southern Rhodesia, unless otherwise authorized by the United States.

(a) If the commodity being exported requires a validated license for shipment to Poland (including Danzig) and Rumania, these countries shall be included in the list of prohibited destinations set forth in the above statement.

(b) If the commodity being exported does not require a validated license for shipment to a destination(s) included in the list of prohibited destinations, such destination(s) may be deleted from the list of prohibited destinations set forth in the above statement.

**NOTE:** The note following the destination control statement set forth in subdivision (1) of this subparagraph is also applicable to requests for permission to distribute or resell where the statement set forth in subdivision (iii) of this subparagraph is used.

**(3) Statement on Bill of Lading.** (i) (a) No carrier by water, land, or air shall issue (and no licensee, shipper, consignor, exporter, or consignee, or their agents, or any other person, shall prepare or procure) a Bill of Lading covering an export of a commodity with respect to which a Declaration has been authenticated by a Customs Office containing the applicable statement set forth in subparagraph (2) of this paragraph; unless all copies of such Bill of Lading, including all nonnegotiable and office copies, except as provided in subdivision (ii) of this subparagraph, shall contain the same statement in clearly legible form.

(b) The destination control statement provisions apply to all exports by mail for which a Declaration is required. However, since Bills of Lading are not issued for exports by mail, a destination control statement is required only on the Declaration and the commercial invoice.

(ii) In the case of shipments by air (other than airmail or air parcel post) the provisions of subdivision (i) of this subparagraph are applicable to: (a) Any Air Waybill issued by a consolidator (indirect carrier) for an export included in a consolidated shipment; or (b) Any Air Waybill issued by a carrier or other person covering an export not included in a consolidated shipment. The provisions of subparagraph (2) of this paragraph do

<sup>1</sup> As used in the destination control statement, the term "Soviet Bloc" means all destinations in Country Group Y (see § 370.1(g) of this chapter). It will be noted that Poland (including Danzig), Rumania, and Yugoslavia are not included in Country Group Y. The words "and Laos" may be inserted at the exporter's discretion in the destination control statement after the entry of "Vietnam."

not apply to a "Master" Air Waybill issued by a carrier to cover a consolidated shipment.

(4) *Statement on commercial invoice.* No licensee, shipper, or consignor, exporter, or agent thereof, or any other person, shall prepare or issue any commercial invoice with respect to any shipment of commodities subject to the provisions of this paragraph (c), including shipments by mail, unless such invoice or invoices and all copies thereof shall contain on the face thereof the same destination control statement in clearly legible form. This statement shall be an applicable statement as set forth in subparagraph (2) of this paragraph.

(5) *Release of custody by carrier.* No carrier shall release custody of commodities covered by the provisions of this paragraph (c) to any party (including an agent, on-carrier, or any other person) without surrender by that party, to the carrier, of a copy of the Bill of Lading bearing on its face the applicable destination control statement set forth in subparagraph (2) of this paragraph, unless either:

(i) Simultaneously with the release of the commodities, the carrier delivers to such party a written copy of the destination control statement, contained in the carrier's copy of the Bill of Lading covering the shipment. The written copy shall identify the shipment by Bill of Lading number, name of carrier, voyage or flight number, date, and port of arrival. In addition, the carrier shall secure either a signed receipted copy of the written statement or other equivalent written evidence that the statement has been delivered by the carrier; or,

(ii) The regulations of the importing country require the carrier to deliver the commodities directly into the physical possession and control of Customs or other government agency for delivery to the consignee or his agent. Under these circumstances the carrier need not give to or receive from the Customs or other government agency, or the consignee or his agent, any document bearing the destination control statement.

(6) (i) *Documents not requiring statements.* Shipper's Export Declarations, Bills of Lading, and commercial invoices prepared and issued in the United States to cover exports are the only shipping documents affected by the destination control provisions. Such documents as consular invoices, Inland Bills of Lading covering movements to port, letters of credit, ship's manifests, packing lists, dock receipts, and warehouse receipts do not require the destination control statement.

(ii) The exporter has the primary responsibility for assuring the entry of the destination control statement on the Declaration, the Bill of Lading, and the commercial invoice whether or not he prepares all of these documents. If a forwarder, carrier, or other party prepares or issues these documents he also is responsible for seeing that a correct statement is placed on the documents.

(7) *Determination by agent of appropriate statement.* (i) Where a freight forwarder, carrier, or other agent of the

exporter undertakes to prepare a Declaration or a Bill of Lading without having in his possession a copy of the commercial invoice, the determination as to which destination control statement is applicable will depend on whether the shipment is being exported under a validated or a general license. Where the shipment is made under a validated export license, the appropriate statement to be used may be determined from the license.

(ii) For a shipment made under a general license, an understanding must be reached between the exporter and his carrier, forwarder or other agent as to which destination control statement shall be used. While a carrier has no obligation to determine which destination control statement, if any, is required on a Declaration, he must see that the same destination control statement which appears on the latter document also appears on the corresponding Bill of Lading before the contract of carriage is issued. Since the primary purpose of the destination control statement is to provide notice to the importer of the U.S. reexport provisions which apply to a specific transaction, the effectiveness of the regulation will be lessened if one statement appears on the commercial invoice and a different statement appears on the Bill of Lading.

(8) *Preprinted statement.* A destination control statement may be preprinted on Shipper's Export Declarations, Bills of Lading, or commercial invoices. However, only one of the three destination control statements in this paragraph (c) of the Comprehensive Export Schedule may be preprinted on any one of these documents.

(9) *Two or more statements applicable to a shipment.* If one Bill of Lading is issued for two or more individual shipments and two or more destination control statements are applicable to these shipments, the applicable destination control statement should be entered beneath each shipment or group of shipments to which it applies. However, in some cases a Bill of Lading may use a single freight tariff classification to describe several commodities which, for export control purposes, require the use of more than one form of the destination control statement. If in such a case it is impracticable to attempt to separate the commodities on the Bill of Lading into the different export control groups and enter the appropriate destination control statement below each group, the most restrictive form of statement applicable to any of the groups shall be used on the Bill of Lading for the entire shipment. The commercial invoice and Shipper's Export Declaration should, nevertheless, segregate the commodity groups and contain the proper destination control statement for each group. If the face of the export license indicates that the commodities are licensed only for the country of ultimate destination, the shipper may use the first statement (see subparagraph (2) (i) of this paragraph). If he prefers to do so, however, he may use the second statement (see subparagraph

(2) (ii) of this paragraph) with the word "none" inserted in the last blank space. If the face of the export license indicates that the commodities are licensed for country of ultimate destination, and for distribution or resale to other countries, the shipper should use the second statement with the names of the countries to which distribution or resale is authorized inserted in the last blank space. In all cases the countries shown in the last blank space shall include only those authorized on the face of the license.

(d) *Notice and prohibition against diversion—(1) Distribution of copies of statement.* Whenever a commercial invoice shall be issued containing the destination control statement prescribed in paragraph (c) (2) of this section, the shipper or other person issuing such invoice shall promptly send copies thereof to:

(i) The ultimate consignee and the purchaser named in the authenticated Declaration;

(ii) The intermediate consignee; and

(iii) Any other persons named in the invoice who are located in a foreign country.

Nothing herein contained shall be construed to limit the persons or classes of persons to whom such invoices and Bills of Lading are usually and customarily sent in the course of export trade. The shipper or other person issuing the commercial invoice may either omit all reference to price or sales commission from the copy of the invoice sent to any of the above-named persons, provided such invoice otherwise adequately identifies the shipment. As an alternative, in lieu of a copy of the commercial invoice, such person may send a copy of the Bill of Lading containing the destination control statement prescribed in paragraph (c) (2) of this section.

(2) *Commercial invoices not containing a statement.* Whenever a forwarding agent receives from the exporter a copy of a commercial invoice which does not contain the destination control statement prescribed by paragraph (c) (2) of this section, he shall notify the exporter in writing that the statement has been omitted. In addition, he shall request written assurance from the exporter that the destination control statement has been properly entered on all copies of the commercial invoice and that any person who received an invoice without the statement has been informed in writing of the restrictions set forth in the applicable statement. Further, the forwarding agent shall either enter the appropriate destination control statement on his copy of the invoice or return it to the exporter for proper completion. The forwarding agent shall also keep and make available for inspection, in accordance with the provisions of § 381.11 of this chapter, a copy of his notification to the exporter and the original of the exporter's assurance to him.

NOTE: The Export Regulations contain further recordkeeping requirements. (See § 381.11 of this chapter.)

(3) *Conduct after receiving notice.* After receiving an invoice, Bill of Lading, or any other document containing notice of the prohibition against diversion set forth in a destination control statement provided by this § 379.10, or after receiving oral notice of such prohibition, no person so notified including the ultimate consignee, intermediate consignee or on-forwarding carrier shall divert, transship or reexport (or cause to be diverted, transshipped, or reexported) any commodity described in the written or oral notice to any country not authorized in such notification.

(e) *Proof of notice.* In any administrative compliance proceeding brought by the Office of Export Control, evidence of the sending of such invoice or Bill of Lading, or other form of notice of the prohibition against diversion to any person, shall constitute prima facie proof of his receipt thereof. This shall also constitute notice that the commodities have been licensed for a particular country of ultimate destination and may not be lawfully diverted to any other country. In addition, proof of the sending of such notice to the intermediate consignee shall be deemed notification of such prohibition to the ultimate consignee and purchaser.

(f) *Unloading of cargo at a port in other than intermediate or ultimate country of destination.* Nothing contained in the Export Regulations shall be deemed to prohibit a carrier from unloading cargo at a port in other than the intermediate or ultimate country of destination shown on the authenticated Declaration where, for reasons beyond the control of the carrier (as set forth in standard provisions of the Carrier's Bill of Lading; such as, act of God, perils of the sea, damage to the carrier, strikes, war, political disturbances, or insurrection), it is not feasible to deliver the cargo at the licensed port of destination. Whenever cargo is unloaded at a port in any country other than the intermediate or ultimate destination shown on the Declaration because of any of the reasons set forth in this paragraph (f), except where the cargo may be exported under a general license directly from the United States to such country:

(1) The carrier shall promptly, and within 10 days from the date of unloading such cargo, report the facts with respect thereto to the nearest American consul and to the agent of the carrier located in the United States. Within 10 days after the receipt of such notice by the agent of the carrier in the United States, such agent shall transmit a copy of the report to the Office of Export Control. This report shall consist of a copy of the manifest of such diverted cargo, together with a statement of the place of unloading and the name and address of the person in whose custody the commodities or technical data were delivered.

(2) The exporter of such commodities or technical data shall, upon notice from the Office of Export Control of such diversion, promptly, and within 10 days, notify the Office of Export Control of the

proposed disposition of the commodities or technical data.

(3) No person, including the exporter, the licensee, any consignee, or the carrier and any agent or person acting on its behalf, shall take any steps to effect delivery or entry of the commodities or technical data into the commerce of the country where unloaded without prior approval of the Office of Export Control. The carrier shall take steps to assure that such commodities or technical data are placed in custody under bond or other guaranty not to enter the commerce of such country or any country other than the countries of the ultimate and intermediate consignees shown on the authenticated Declaration without such prior approval.

(g) *Indication of Shipper's Export Declaration number on ship's manifest.* The carrier or its agent shall indicate on all copies of the outward foreign manifest which is filed with the U.S. Customs Office, the applicable Declaration number assigned by the Customs Office to each shipment.

(h) *Conformity of export control documents—(1) Definitions.* As used in this paragraph (h), "licensed exporter" means the person named as exporter, and "licensed ultimate consignee" means the person named as ultimate consignee, in an authenticated Declaration covering a validated license shipment.

(2) *Rules of conformity.* The rules of conformity set forth below shall apply to any shipment under a validated export license, except that in the case of shipments by air (other than airmail or air parcel post) the conformity rules do not apply to a consolidated "Master" Air Waybill. However, the rules of conformity do apply to any individual Air Waybill issued by a consolidator (indirect carrier) for an export included in a consolidated shipment and to any Air Waybill issued by a carrier or other person covering an export not included in a consolidated shipment.

(i) The validated export license, the authenticated Declaration, and the outbound Bill of Lading (including a Railroad Through Bill of Lading) covering the same export shipment must be consistent with one another. The Bill of Lading, whether in negotiable or non-negotiable form, is not consistent if:

(a) It does not provide for delivery of the shipment (cargo) at a port located in the country of either the ultimate consignee or intermediate consignee named in the authenticated Declaration.

(b) It contains any indication that the shipment is in transit to a different country of ultimate destination from that named in the authenticated Declaration when it is known or there is reasonable cause to believe that the shipment is not for consumption in the country in which the ultimate consignee is located (such as consigning the shipment to the ultimate destination with a qualifying phrase indicating the shipment is "in transit" at that destination, or consigning the shipment to a free zone or free port).

(c) It names a shipper any person other than the licensed exporter or his duly authorized forwarding agent. Where shipments from more than one exporter are consolidated on a single Bill of Lading, the shipper named on the Bill of Lading must also appear as the authorized forwarding agent for each licensed exporter on each Declaration.

(d) The name and address of the licensed ultimate consignee are not shown either in the space provided for "consignee" or in the body of the Bill of Lading under the caption "licensed ultimate consignee and notify party" or in the case of the Air Waybill under the caption "also notify". Where, however, shipments to more than one licensed ultimate consignee are consolidated on one Bill of Lading and the names of all licensed ultimate consignees are not shown in the body of the Bill of Lading, the name of the intermediate consignee (customs broker or consolidator's agent in the foreign country) who will receive and distribute the goods to the licensed ultimate consignees must appear on the Bill of Lading, the export license, and the Declaration. Where the name of the intermediate consignee in such a consolidated shipment differs from that shown on the validated license, or does not appear on the license, an amendment of the license is necessary even though the intermediate consignee is in the same country as the ultimate consignees.

(ii) In the case of negotiable Bills of Lading (i.e., "order" Bills of Lading) the Bill of Lading is deemed consistent only if the consignee or order party named in the Bill of Lading is named in the authenticated Declaration. An "order" Bill of Lading may consign the commodities or technical data covered thereby to the order of the shipper, to the order of an intermediate consignee (whether bank, foreign freight forwarder or other intermediary), or to the order of purchaser (if not the same as the licensed ultimate consignee). An "order" Bill of Lading issued in any of these forms constitutes a representation on the part of such shipper that the commodities or technical data covered by the validated license, authenticated Declaration, and Bill of Lading are ultimately destined to such ultimate consignee. It is further, a representation that the document has not been used for the purpose of evading the terms and conditions of the validated license and that pursuant to the contract of carriage, the commodities or technical data will be delivered at a port located in the country of the ultimate consignee or of the intermediate consignee named in the authenticated Declaration.

(iii) On a Bill of Lading the commodities or technical data may be described in terms of the freight tariff classification or other type of classification, but may not be inconsistent with the description shown in the authenticated Declaration and validated export license.

(iv) On the authenticated Declaration the commodity description shall include the same commodity description as shown on the related export license, and in addition, it shall include more detailed

information where required by the Bureau of Census. (See § 379.4(c).) The three-digit or five-digit Export Control Commodity number shown on the export license shall be the same as the initial digits of the seven-digit Schedule B number entered on the authenticated Declaration.

(v) No carrier shall issue, and no licensee, shipper, consignee, exporter, or consignee, or their agents, or any other person, shall prepare or procure, a Bill of Lading which is contrary to the provisions of this paragraph (h). Customs Officers are authorized to require any document or to use any other appropriate methods to insure compliance with these provisions.

(vi) If the carrier's outward foreign manifest which is filed with the U.S. Customs Office contains names of shippers or consignees, these names must not be inconsistent with the names shown on the Bill of Lading (or authenticated Declarations).

**§ 379.11 Return or unloading of cargo at direction of U.S. Department of Commerce.**

(a) *Exporting carriers*—(1) *Definition*. As used in this § 379.11, the term "exporting carrier" includes a connecting or on-forwarding carrier, as well as the owner, charterer, agent, master, or any other person in charge of the vessel, aircraft, or other kind of carrier, whether such person is located in the United States or in a foreign country.

(2) *Ordering return or unloading of shipment*. Where there are reasonable grounds for believing that a violation of the Export Regulations has occurred or will occur with respect to a particular export from the United States, the Office of Export Control or any U.S. Customs Officer may order any person in possession or control of such shipments, including any exporting carrier carrying such shipment, to return or unload the shipment. Such person shall, as ordered, either (i) return such shipment to the United States or cause it to be so returned, or (ii) unload such shipment at a port of call and take steps to assure that such shipment is placed in custody under bond or other guaranty not to enter the commerce of any foreign country without prior approval of the Office of Export Control. For the purpose of this section, the furnishing of a copy of the order to any person included within the definition of exporting carrier shall be sufficient notice of the order to the exporting carrier.

(3) *Requirements regarding shipment to be unloaded*. The provisions of § 379.10(f), relating to reporting, notification to the Office of Export Control, and the prohibition against unauthorized delivery or entry of the commodity or technical data into a foreign country, shall apply also to commodities or technical data directed to be unloaded at a port of call, as provided in this § 379.11.

(b) *Notification*. Upon discovery by an owner, agent, or other person included within the term "exporting carrier," as defined in paragraph (a) of this section,

that a violation of the Export Regulations has occurred or will occur with respect to a shipment on board, or otherwise in the possession or control of the carrier, such person shall immediately notify the Director, Investigations Division, Office of Export Control (Attention: 848), U.S. Department of Commerce, Washington, D.C. 20230, and the person in actual possession or control of the shipment.

*NOTE: 1. Customs regulations*. This § 379.11 in no wise relieves exporting carriers of their responsibilities under regulations of the Bureau of Customs (particularly under United States Code, title 46, sections 91 and 92).

*2. Commodities or technical data returned to United States*. Commodities returned to the United States pursuant to this § 379.11 are required by Customs Regulations to be removed from the dock or pier where deposited within 48 hours, or the shipment will be placed in storage with charges leviable against the shipment.

**§ 379.12 Air cargo clearance at certain ports of origin.**

(a) *Scope of procedure*. This section establishes a procedure for the export control clearance of commodities being exported by air as an exception to the requirements set forth in § 379.1(a). Under this procedure exports by air may be cleared for export at either the port of export or at ports of origin designated in paragraph (c) of this section.

(b) *Definition*. For purpose of this § 379.12 the term "port of export" shall mean that port and only that port at which the export will actually be laden aboard the aircraft which will carry it abroad.

(c) *Airports designated as ports of origin*.

- |                     |                       |
|---------------------|-----------------------|
| Atlanta, Ga.        | Newark, N.J.          |
| Baltimore, Md.      | New Orleans, La.      |
| Boston, Mass.       | New York, N.Y.        |
| Buffalo, N.Y.       | Oklahoma City, Okla.  |
| Chicago, Ill.       | Philadelphia, Pa.     |
| Cleveland, Ohio.    | Port Everglades, Fla. |
| Dallas, Tex.        | Portland, Oreg.       |
| Detroit, Mich.      | St. Louis, Mo.        |
| Honolulu, Hawaii.   | San Diego, Calif.     |
| Houston, Tex.       | San Francisco, Calif. |
| Kansas City, Mo.    | San Juan, P.R.        |
| Los Angeles, Calif. | Seattle, Wash.        |
| Miami, Fla.         | Tucson, Ariz.         |
| Minneapolis, Minn.  |                       |

(d) *Clearance procedure at ports of origin*—(1) *Presentation of export licenses and Declarations*. A person who wishes to clear an air export at a designated port of origin rather than at the port of export shall present copies of the Shipper's Export Declaration, and a validated export license when required, to the Customs Office at the port of origin in accordance with the requirements set forth in this Part 379. In completing the Shipper's Export Declaration, the name of the port of export shall be shown in the space titled "from (U.S. Port of Export)," and the name of the airline which is to carry the commodities abroad shall be shown in the space titled "Exporting Carrier." If the name of the airline which will carry the commodities abroad is unknown, this information may be omitted at the port of origin and inserted at the

port of export by the exporting carrier. Where a Form FT-7403, Export Declaration Correction Form, is required by the provisions of § 379.5(d), the form shall be filed in triplicate at the port of origin where the original Declaration was filed and authenticated.

(2) *Authentication and use of Declaration*. All copies of the Shipper's Export Declaration which are required to be presented to the Customs Office must be authenticated by the Customs Office at the port of origin in accordance with the procedure set forth in §§ 379.4 and 379.5. However after authentication of the Declaration, the Customs Office will return the original and one copy of the Declaration to the person who presented the Declaration for authentication. If such person is the domestic carrier, that person shall be responsible for delivering these Declarations to the exporting carrier which will carry the commodities from the United States. If the person who presented the Declaration for authentication is not the domestic carrier, that person shall be responsible for delivering these Declarations to the domestic carrier. The domestic carrier shall in turn be responsible for delivering the Declarations to the exporting carrier which will carry the commodities from the United States.

(e) *Procedure at port of export*—(1) *Presentation of Declarations*. The exporting carrier shall present the original and duplicate copies of each authenticated Declaration to the Customs Office at the port of export.

(2) *Lost Declarations*. If the original and duplicate copies of the Declaration are lost or mislaid, or are otherwise not available at the port of export, the merchandise shall be detained by the Customs Office at the port of export until the Declarations, certified by the Customs Office at the port of origin, have been presented to the Customs Office at the port of export.

(3) *Change in port of export or exporting carrier*. Where the port of export or the exporting carrier designated in the Declaration filed at the port of origin is changed, the exporting carrier that is to carry the merchandise from the United States may change the Declaration accordingly.

(4) *Detention and examination of shipments at port of export*. Although the Customs Office at the port of origin has primary responsibility for reviewing the export license and the export Declaration, for authenticating the export Declaration, and for physical examination of the merchandise, the Customs Office at the port of export is authorized to detain a shipment for further review of these documents or for further physical examination of the merchandise in any instance where such action is deemed necessary to assure compliance with the export regulations.

(f) *Effect of other provisions*. Insofar as consistent with the provisions of this section which relate specifically to clearance of air exports at ports of origin, the

other provisions of this Part 379 shall apply to exports cleared at ports of origin.

**§ 379.13 Other applicable laws and regulations.**

Nothing contained in this part shall relieve any person from complying with the applicable provisions of any other law of the United States or rules and regulations issued thereunder, including those governing Declarations and manifests. However, the Export Regulations contained in this part are not applicable to exports regulated by U.S. Government agencies other than the Office of Export Control, such as the Atomic Energy Commission and the Department of State.

2. In § 385.4, paragraph (a) is hereby revised to read as follows:

**§ 385.4 General license GTDR: Technical data under restriction.**

(a) *Country Group S and Z restrictions.* No technical data may be exported under this general license to Country Group S or Z.

[F.R. Doc. 69-1436; Filed, Feb. 3, 1969; 8:50 a.m.]

## Title 16—COMMERCIAL PRACTICES

### Chapter I—Federal Trade Commission PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

#### Commission Refusal To Grant Blanket Approval to Small Dairy To Be Acquired by Any Corporation Subject to Commission Acquisition-Prohibiting Orders

**§ 15.318** Commission refusal to grant blanket approval to small dairy to be acquired by any corporation subject to Commission acquisition-prohibiting orders.

(a) The Commission rendered an advisory opinion in response to a premerger clearance request from the owner of a small dairy who wants to sell the business to any one of three national firms in the dairy industry, two of which are subject to Commission cease and desist orders containing provisions prohibiting further acquisitions without prior Commission approval.

(b) The applicant was advised by the Commission that it cannot grant the blanket approval requested. The Commission pointed out that corporations covered by orders prohibiting certain acquisitions are free, of course, to apply for prior approval to acquire the applicant's business.

(c) From the data submitted by the applicant, it appears that his business continues to operate profitably despite extremely competitive and rapidly changing conditions in the milk industry in his area. The applicant enjoys a

substantial share of the markets in which he operates. No evidence was presented of any attempts to sell the business to any other independent dairy firm or to anyone now outside the dairy industry.

(38 Stat. 717, as amended; 15 U.S.C. 41-58; 49 Stat. 1526; 15 U.S.C. 13, as amended)

Issued: February 3, 1969.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA,  
Secretary.

[F.R. Doc. 69-1377; Filed, Feb. 3, 1969; 8:45 a.m.]

### PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

#### Sales Price and Lease Rate for a Book Need Not Be Identical

**§ 15.319** Sales price and lease rate for a book need not be identical.

(a) The Commission issued an advisory opinion concerning charges by a publisher in connection with the distribution of its publications.

(b) The publisher offers reference books to customers on lease (the publisher picks up the obsolete volumes upon the issuance of a new edition or upon the expiration of the lease) or for purchase.

(c) The Commission advised the publisher that no law administered by the Commission requires it to charge the same amount for the lease as for the sale of a book.

(38 Stat. 717, as amended; 15 U.S.C. 41-58; 49 Stat. 1526; 15 U.S.C. 13, as amended)

Issued: February 3, 1969.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA,  
Secretary.

[F.R. Doc. 69-1378; Filed, Feb. 3, 1969; 8:45 a.m.]

## Title 19—CUSTOMS DUTIES

### Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 69-39]

### PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

#### Coastwise Transportation; Belgium

On the basis of information obtained and furnished by the Department of State, it is found that the Government of Belgium extends to vessels of the United States in ports of Belgium privileges reciprocal to those provided for in section 27 of the Merchant Marine Act of 1920, as further amended by Public Law 90-474 (82 Stat. 700). Therefore, vessels of Belgium are permitted to transport coastwise equipment for use with vans and tanks, empty barges designed for carriage aboard a vessel, empty instruments of international traffic, and

stevedoring equipment and material under the conditions specified in the applicable proviso to 46 U.S.C. 883.

Accordingly, § 4.93(b)(2), Customs Regulations, is amended by the insertion of "Belgium" in appropriate alphabetical order in the list of nations in that section.

(80 Stat. 379, sec. 27, 41 Stat. 99, as amended; 5 U.S.C. 301, 46 U.S.C. 883)

*Effective date.* This amendment shall become effective on the date of its publication in the FEDERAL REGISTER.

[SEAL] LESTER D. JOHNSON,  
Commissioner of Customs.

Approved: January 17, 1969.

JOSEPH M. BOWMAN,  
Assistant Secretary  
of the Treasury.

[F.R. Doc. 69-1431; Filed, Feb. 3, 1969; 8:50 a.m.]

## Title 29—LABOR

### Chapter XIV—Equal Employment Opportunity Commission

### PART 1604—GUIDELINES ON DISCRIMINATION BECAUSE OF SEX

#### Effective Date of Guideline

On August 14, 1968, the Equal Employment Opportunity Commission published in the FEDERAL REGISTER (33 F.R. 11539) a revision of its guideline on "Job opportunities advertising" 29 CFR 1604.4 (effective Apr. 28, 1966). The amended provisions were to become effective December 1, 1968.

As explained in a notice published by the Commission on December 5, 1968, 29 CFR Part 1604, the effective date of the guideline was stayed by an order of the U.S. District Court for the District of Columbia, issued on November 25, 1968.

On January 24, 1969, the U.S. Court of Appeals for the District of Columbia, issued an order vacating the stay granted by the District Court. Accordingly, the guideline, 29 CFR 1604.4, 33 F.R. 11539 (Aug. 14, 1968) became effective on January 24, 1969.

The guideline provides as follows:

It is a violation of title VII of a help-wanted advertisement to indicate a preference, limitation, specification, or discrimination based on sex unless sex is a bona fide occupational qualification for the particular job involved. The placement of an advertisement in columns classified by publishers on the basis of sex, such as columns headed "Male" or "Female," will be considered an expression of a preference, limitation, specification, or discrimination based on sex.

(Sec. 713(b), 42 U.S.C. sec. 2000e-12(b), title VII of the Civil Rights Act of 1964)

Signed at Washington, D.C., this 30th day of January 1969.

CLIFFORD L. ALEXANDER, Jr.,  
Chairman.

[F.R. Doc. 69-1491; Filed, Feb. 3, 1969; 9:41 a.m.]

**Title 32—NATIONAL DEFENSE**

**Chapter I—Office of the Secretary of Defense**

**SUBCHAPTER B—PERSONNEL; MILITARY AND CIVILIAN**

[DoD Instruction 1404.9, Aug. 26, 1968]

**PART 65—VIETNAM ERA VETERANS' EMPLOYMENT REFERRAL PROGRAM**

The Assistant Secretary of Defense (Manpower and Reserve Affairs) approved the following on August 26, 1968:

- Sec. 65.1 Purpose.
- 65.2 Applicability and scope.
- 65.3 Definitions.
- 65.4 Registration eligibility.
- 65.5 Guidelines.
- 65.6 Responsibilities.
- 65.7 Registration procedures.
- 65.8 Referral procedures.
- 65.9 Procedures manual.
- 65.10 Implementation.

**AUTHORITY:** The provisions of this Part 65 issued under E.O. 11397, 33 F.R. 2833.

**§ 65.1 Purpose.**

This part establishes an automated system providing for registration and referral for employment consideration of Vietnam era veterans of the Armed Forces, in furtherance of Executive Order 11397 (33 F.R. 2833), who are eligible for transitional and other appointments in the Federal service and who desire assistance in obtaining such employment.

**§ 65.2 Applicability and scope.**

(a) The provisions of this part apply to all components of the Department of Defense and to participating Federal agencies which participate in the program by agreement with the Department of Defense.

(b) Current members of the Armed Forces and veterans who meet eligibility requirements will be registered by Department of Defense Civilian Personnel Offices and be referred for employment consideration to Department of Defense activities and to participating Federal agencies.

**§ 65.3 Definitions.**

The following terms used in this part are defined as follows:

(a) *Category "S"*. This term applies to those applicants and registrants who are qualified for shortage category occupations identified by the Department of Defense for which military personnel may register in the program within a 2-month period prior to or following release from the military service.

(b) *Category "T"*. This term applies to those applicants and registrants who are qualified and eligible for transitional appointments under Part 307 of the Civil Service Regulations.

(c) *Centralized Referral Activity (CRA)*. The Department of Defense organization located at the Defense Electronics Supply Center, Dayton, Ohio, responsible for the automated system used in the Vietnam Era Veterans' Employment Referral Program.

(d) *File Maintenance Actions*. Changes in a registrant's registration reported to the CRA by the registrant himself or a Department of Defense activity.

(e) *Project Transition Office*. An office located at a Department of Defense installation responsible for carrying out the Project Transition Program (Part 80 of this subchapter), for servicemen during a 6-month period prior to their release from military service.

(f) *Report Actions*. The report of actions taken on Vietnam Era Veterans' Referral Lists by activities receiving such lists from the CRA.

(g) *Vietnam Era Veterans' Referral List*. A list provided by the CRA which includes the names, qualifications, availability, and other identifying data of registrants in the Vietnam Era Veterans' Employment Referral Program.

(h) *Vietnam Era Veterans' Skills Summary*. A summary of the skills of registrants available for placement at specific activities or in specific geographic areas. This summary will list Category "S" and Category "T" skills separately.

**§ 65.4 Registration eligibility.**

(a) *Transitional Appointment (Category "T")*. Any member of the Armed Forces, within 2 months of release under honorable conditions, or any veteran honorably released who applies for registration within 10 months from date of separation from the Armed Forces (or released from hospitalization or treatment immediately following separation from the Armed Forces) and who meets all requirements for transitional appointment in the Federal service is eligible for participation in this program. Those eligible veterans released from the military service prior to February 8, 1968, must be registered prior to December 8, 1968, and will be deleted from the system on February 8, 1969, if not placed before that time.

(b) *Shortage Category (Category "S")*. Any member of the Armed Forces, within 2 months before or after release under honorable conditions, who meets qualification requirements for shortage category positions identified by the Department of Defense is, eligible for participation in this program.

(c) *Other*. Veterans who are ineligible for registration in this program and are interested in Federal employment may obtain advice and assistance in filing under regular-Civil Service examinations from any Civil Service Interagency Board of Examiners or information point.

**§ 65.5 Guidelines.**

(a) Retention in the system:

(1) Each Category "T" registrant will remain in the system until employed or expiration of his eligibility for a transitional appointment, whichever occurs first.

(2) Each Category "S" registrant will remain in the system until employed or one year from date of separation from military service, whichever occurs first.

(b) Each Vietnam Era Veterans' Referral List will be returned to CRA within 20 work days after receipt by each

recipient of such listing with notations of actions taken. Changes to registration data will be submitted by each registrant as they occur in accordance with instructions issued at time of registration.

(c) Any registrant who cannot be located for an employment offer or who desires no further employment consideration will be dropped from the system.

**§ 65.6 Responsibilities.**

(a) The Defense Supply Agency will serve as the operating agency for the Vietnam Era Veterans' Employment Referral Program. The Centralized Referral Activity (CRA) at the Defense Electronics Supply Center, Dayton, Ohio, will provide machine services, manage the automated system, and provide technical guidance to users of the system. Department of Defense standard data elements will be used in these procedures wherever available and applicable. All other data elements and codes are interim (nonstandard) and subject to change after standardization under the provisions of DoD Instruction 5000.12, "Data Element and Data Codes Standardization Procedures", April 27, 1965.<sup>1</sup>

(b) Project Transition Offices will provide counseling to members of the Armed Forces prior to their release from the military service to ascertain their interest in, and eligibility for, transitional appointments. Such interested and eligible servicemen will be referred to the Civilian Personnel Office for registration in the Vietnam Era Veterans' Employment Referral Program. Veterans may apply to any Department of Defense Civilian Personnel Office for determination of eligibility and registration.

(c) Military Personnel Offices will counsel other military personnel pending release from the military service as to their eligibility to register for Department of Defense employment consideration in identified shortage category occupations. Military personnel interested in such registrations will be referred to the Civilian Personnel Office.

(d) Department of Defense Civilian Personnel Offices will determine eligibility for Category "S" or "T" registration, rate qualifications, and effect the registrations of eligibles. Civil Service qualification standards will be used to determine eligibility by occupation and level of registrants. Where qualification standards include passing a written test, the applicant will be registered without meeting this requirement. Arrangements for required written tests will be made by the appointing activities at the time of employment offers.

(e) All Department of Defense activities have a special obligation to assure full use of transitional appointment authority and will give priority to Category "T" registrants eligible for transitional appointments over other outside

<sup>1</sup> Filled as part of original. Copies may be obtained from U.S. Naval Publications and Forms Center, 5801 Tabor Avenue, Philadelphia, Pa. 19120.

recruitment sources. To the maximum extent feasible, job structures will be adapted to enhance opportunities for veterans.

(f) Department of Defense Zone Coordinators designated pursuant to subsection V.B. of DoD Instruction 1404.5, "Nationwide Centralized Referral System for Displaced DoD Employees," December 17, 1964,<sup>1</sup> will act in the name of the Department of Defense in obtaining active affirmative participation among Department of Defense activities in their respective zones to provide leadership, policy interpretation and technical direction to registering activities in the zone. The Zone Coordinators will also seek out employment opportunities for registrants and provide assistance to non-Department of Defense participating agencies. The Department of Defense component regional coordinators, under the general direction of the Zone Coordinators, will provide procedural advice and assistance to registration points and assure that component activities in their respective regions provide employment opportunities consistent with the purpose and intent of this part.

(g) The Centralized Referral Activity will:

(1) Operate the automated system to provide for veteran registration and referral service.

(2) Provide Vietnam Era Veterans' Skills Summaries and Referral Lists to Department of Defense Civilian Personnel Offices, other participating Federal agencies, and Civil Service Commission Interagency Boards.

(3) Maintain an interrogation capability for use by any Federal agency.

(4) Code report and file maintenance actions for computer input.

(5) Return erroneous registration forms for correction.

(6) Issue procedural instructions to the users of the system. Resolve technical problems brought to the attention of CRA.

(7) Provide policy and procedural training on a continuing basis to personnel who require knowledge of the Vietnam Era Veterans' Employment Referral Program.

(8) Make monthly reports to the Office of Assistant Secretary of Defense (M&RA), components, and Zone Coordinators on the status of the program.

#### § 65.7 Registration procedures.

(a) Current members of the Armed Forces who apply for registration will be counseled as provided in § 65.6 (a) and (c). Those interested and eligible will be referred to the local Civilian Personnel Office. Other eligible veterans may apply to any Department of Defense Civilian Personnel Office for counseling and registration.

(b) Department of Defense Civilian Personnel Offices will:

(1) Determine Category "T" applicant's total eligibility under Part 307 of the Civil Service Regulations for transitional appointment.

(2) Identify up to three different skills, grade GS-5 or below or Wage Grade equivalent, for which the Category "T" individual applicant qualifies and considers acceptable.

(3) Identify up to three different skills, indicating the lowest and highest grades, for which the Category "S" individual applicant qualifies and considers acceptable.

(4) Request candidate to select acceptable Department of Defense activities or other participating agencies. Generally, an applicant will be registered for employment consideration at Department of Defense activities and other participating agencies of his choice located within the Civil Service Region of his intended permanent residence.

(5) Use Counseling Manual for Department of Defense Nationwide Priority Referral System, DoD 1404.5.1-M,<sup>2</sup> and the listing of participating agencies in the Department of Defense Procedures Manual for Automated Veterans' Employment Referral Program, DoD 1404.9-M,<sup>2</sup> to assist registrants in selecting acceptable locations for employment and schooling within the Department of Defense or other agencies.

(6) Obtain other registration data, complete registration form and forward to CRA.

(7) Those Project Transition applicants not eligible for transitional appointment will be advised of the Civil Service Commission's regular examining procedures and provided assistance, as necessary in obtaining information concerning other Federal civilian employment opportunities.

(8) Category "T" registrants interested in employment with non-Department of Defense Federal agencies other than participating agencies will indicate the city and State in which employment is desired to enable further referral by Civil Service Commission Interagency Boards.

#### § 65.8 Referral procedures.

(a) Vietnam Era Veterans' Skills Summaries will be referred by CRA every 2 weeks as follows:

(1) Category "T" and "S" summaries to civilian personnel offices of Department of Defense activities and Category "T" summaries to designated participating on-Department of Defense agencies selected by registrants.

(2) Category "T" summaries to the Interagency Boards of Civil Service Examiners covering the locations acceptable to the registrant.

(b) Recipients of Vietnam Era Veterans' Skills Summaries will review the skills listed thereon and will submit requisitions to the CRA for Vietnam Era Veterans' Referral Lists against those skills which match available vacancies and for which employment consideration of registrants is desired.

<sup>2</sup>Bulky document, issued for internal DoD use. If desired, the manual may be read in room 3D975, the Pentagon.

(c) Recipients of Vietnam Era Veterans' Referral Lists will make employment offers to the extent possible by direct contact with the veteran and report to CRA all job offers, declinations, and placements. Reporting instructions will accompany each referral. Category "T" registrants with a compensable service-connected disability of 10 percent or more are entitled to priority consideration under § 302.204 of the Civil Service Regulations.

(d) Interrogation of the system for listings of Category "T" registrants by skill will be available to any Federal agency authorized to effect transitional appointments.

#### § 65.9 Procedures manual.

(a) The Deputy Assistant Secretary of Defense (Civilian Personnel Policy), Office of Assistant Secretary of Defense (Manpower and Reserve Affairs), will publish, revise as necessary, and distribute a procedures manual for the Vietnam Era Veterans' Employment Referral Program. This procedures manual will be distributed separately from this part and will be used by Department of Defense components authorized to register veterans for employment consideration.

(b) The Deputy Assistant Secretary of Defense (CPP) will maintain surveillance over the instructions prescribed in the procedures manual, insure implementation and continuous operation of the program throughout the Department of Defense, and obtain agreement on application of the policies and procedures by other Federal agencies.

#### § 65.10 Implementation.

This part is effective immediately for planning purposes, with registration of eligibles commencing on September 16, 1968.

MAURICE W. ROCHE,  
Director, Correspondence and  
Directive Division, OASD (Ad-  
ministration).

[F.R. Doc. 69-1400; Filed, Feb. 3, 1969;  
8:47 a.m.]

## Title 45—PUBLIC WELFARE

### Chapter X—Office of Economic Opportunity

#### PART 1012—GENERAL ADMINISTRATION AND MANAGEMENT COMMITTEES

Chapter X of Title 45 of the Code of Federal Regulations is amended by adding a new Part 1012, reading as follows:

| Sec.     |   |
|----------|---|
| 1012.1-1 | Purpose of this subpart.                |
| 1012.1-2 | Background.                             |
| 1012.1-3 | Policy.                                 |
| 1012.1-4 | Procedures.                             |
| 1012.1-5 | Decisions.                              |
| 1012.1-6 | Composition of the Waiver Review Board. |

AUTHORITY: The provisions of this Part 1012 issued under sec. 602, 78 Stat. 530; 42 U.S.C. 2942.

**Subpart—Exchange Visitors in Anti-Poverty Programs: Application for Waiver of Foreign Residence Requirement**

**§ 1012.1-1 Purpose of this subpart.**

The Waiver Review Board is formally established to consider and recommend action on applications for a waiver of the 2-year foreign residence requirement as set forth in 8 U.S.C. 1182(e).

**§ 1012.1-2 Background.**

(a) Through a number of international exchange programs, many foreign nationals come to the United States to study and work. Many such exchange visitors are working in anti-poverty programs or closely related activities.

(b) Basic to the integrity of the exchange programs is the foreign residence requirement which states that all exchange visitors must return to their home country for a period of 2 years before they are eligible to apply for permanent residence status in this country. But for this requirement, one of the purposes of the exchange programs—to make new skills and experience gained in the United States available to home countries—would be defeated.

(c) However, the statute does recognize that in exceptional cases this requirement may be waived. One of the ways in which this may be done is through a request by a Government agency seriously interested in retaining the skills and services of a particular alien in a high priority program. After such a request from an agency, and a favorable recommendation from the Department of State, the Department of Justice may, on grounds of public interest, waive the foreign residence requirement, permitting the visitor to apply immediately for a new alien status.

**§ 1012.1-3 Policy.**

The OEO Waiver Review Board will consider applications for waiver of the foreign residence requirement from sponsoring organizations on behalf of exchange visitors who are fully and presently employed in an anti-poverty program, or doing important work related to an anti-poverty program, whether or not that program is funded by OEO. In general, it must be remembered that OEO will request, and the Department of State will recommend, only those applications for waiver which show convincing and extraordinary circumstances. All such applications will be reviewed against the following criteria:

(a) *Importance of the program.* It must be shown that the particular anti-poverty program is nationally significant. Evidence indicating the nature, scope, specialized personnel requirements, and national interests served by the program will be considered in determining whether the program satisfies this criterion.

(b) *Essential relationship of the individual to the program.* The services of the individual for whom a waiver is requested must be central to the success of the program. A direct relationship must therefore exist between the individual

and the program, so that loss of his services would necessitate discontinuance of the program, or of a major phase of it. Specific evidence as to how the loss or unavailability of the individual's services would adversely affect the initiation, continuance, completion, or success of the program or activity will be pertinent to this criterion.

(c) *Critical qualifications of the individual.* The individual must possess unusual and outstanding qualifications, training, and experience, including a clearly demonstrated capacity to make original and significant contributions to the program.

(d) *Other important factors.* Other factors which should be covered in all applications are: The alien's commitment to return home, the attitude of his home government, and the prospects for making effective use in his home country of the knowledge and skills acquired in the United States.

**§ 1012.1-4 Procedures.**

(a) The organization which is applying for a waiver of the foreign residence requirement should file a completed application form (OEO Form 224). This material, all inquiries and requests for OEO Form 224<sup>1</sup> should be sent to:

Executive Officer, Waiver Review Board, Office of Economic Opportunity, 1200 19th Street NW., Washington, D.C. 20506.

(b) The organization which is requesting a waiver should submit a statement and appropriate documentation describing in detail how the criteria set forth in § 1012.1-3 are satisfied by its application.

(c) The exchange visitor must submit a letter to the Executive Officer of the Waiver Review Board in which he certifies that:

- (1) He has no current military obligation to his government;
- (2) He has no financial or other obligation to his government;
- (3) He has no present intentions of severing, within the year following the grant of a waiver, the connections with an anti-poverty program which are claimed as justifying a waiver request by OEO on his behalf; and

(4) If a waiver is requested and granted, and within a year thereafter the exchange visitor, due to circumstances unforeseen at the time the waiver was granted, severs the anti-poverty connections claimed as justifying the waiver, he will inform OEO of the fact of severance and of the circumstances surrounding it.

(d) After submitting the written material described above, the organization which is requesting a waiver may also request an opportunity to make a brief oral presentation before the Waiver Review Board.

(e) If OEO requests a waiver for an exchange visitor, a request will also be made for his dependents.

(f) If a man and wife are both exchange visitors, separate application

<sup>1</sup> Form not filed with the Office of Federal Register, but is available from Executive Officer, Waiver Review Board, Office of Economic Opportunity, 1200 19th Street NW., Washington, D.C.

forms should be filed for each individual. If one individual is granted a waiver, the other will be also.

(g) If an exchange visitor is married to a U.S. citizen or resident alien, a waiver will be requested for that exchange visitor if the spouse meets the criteria stated in § 1012.1-2.

(h) An application to OEO for a waiver on program grounds does not affect the individual's exchange visitor status. However, an application to the Immigration Service on hardship grounds automatically terminates the individual's exchange visitor status.

(i) An individual participating in an official exchange program of the U.S. Government should obtain clearance from the sponsoring agency to apply to OEO for a waiver request. This applies, for instance, to Fulbright scholars.

**§ 1012.1-5 Decisions.**

The Executive Officer of the Board shall promptly transmit final decisions of the Board to the Deputy Director, who shall approve, reject or modify them.

**§ 1012.1-6 Composition of the Waiver Review Board.**

The members and Executive Officer of the Waiver Review Board shall be OEO officials designated by the Deputy Director.

*Effective date.* This subpart shall become effective on the date of its publication in the FEDERAL REGISTER.

ROBERT PERRIN,  
Acting Deputy Director,  
Office of Economic Opportunity.

[F.R. Doc. 69-1430; Filed, Feb. 3, 1968; 8:49 a.m.]

**Title 50—WILDLIFE AND FISHERIES**

**Chapter II—Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior**

**SUBCHAPTER E—NORTHWEST ATLANTIC COMMERCIAL FISHERIES**

**PART 240—GROUNDFISH FISHERIES**

A proposal was published November 6, 1968 (33 F.R. 16280), to amend Part 240, Title 50, Code of Federal Regulations, which are the regulations governing the Northwest Atlantic groundfish fisheries. Interested persons were given 45 days in which to submit written comments, suggestions or objections regarding the proposed amendments. After consideration of all such relevant matter as was presented, the amendment as proposed is hereby adopted.

*Effective date.* This amendment is effective upon publication.

Issued at Washington, D.C., pursuant to authority delegated to me by the Secretary of the Interior on August 26, 1966 (31 F.R. 11685) and dated January 23, 1969.

H. E. CROWTHER,  
Director,  
Bureau of Commercial Fisheries.

- Sec.  
240.1 Meaning of terms.  
240.2 Registration certificates.  
240.3 Restrictions on fishing gear.  
240.4 Temporary suspension of registration certificates.  
240.5 Certain persons and vessels exempted.

**AUTHORITY:** The provisions of this Part 240 issued under sec. 7, 64 Stat. 1069; 16 U.S.C. 986.

#### § 240.1 Meaning of terms.

When used in this part, unless the context otherwise requires, terms shall have the meanings ascribed in this section.

(a) **Convention area:** The term "Convention area" means and includes all waters, except territorial waters, bounded by a line beginning at a point on the coast of Rhode Island in 71°40' west longitude; thence due south to 39°00' north latitude; thence due east to 42°00' west longitude; thence due north to 50°00' north latitude; thence due west to 44°00' west longitude; thence due north to the coast of Greenland; thence along the west coast of Greenland to 78°10' north latitude; thence southward to a point in 75°00' north latitude and 73°30' west longitude; thence along a rhumb line to a point in 69°00' north latitude and 50°00' west longitude; thence due south to 61°00' north latitude; thence due west to 64°30' west longitude; thence due south to the coast of Labrador; thence in a southerly direction along the coast of Labrador to the southern terminus of its boundary with Quebec; thence in a westerly direction along the coast of Quebec, and in an easterly and southerly direction along the coasts of New Brunswick, Nova Scotia, and Cape Breton Island, to Cabot Strait; thence along the coasts of Cape Breton Island, Nova Scotia, New Brunswick, Maine, New Hampshire, Massachusetts, and Rhode Island to the point of beginning.

(b) **Regulatory area:** The term "Regulatory area" means and includes the whole of those portions of the Convention area which are separately described as follows:

(1) **Subarea 1.** The term "Subarea 1" means that portion of the Convention area, including all waters except territorial waters, which lies to the north and east of a rhumb line from a point in 75°00' north latitude and 73°30' west longitude to a point in 69°00' north latitude and 59°00' west longitude; east of 59°00' west longitude; and to the north and east of a rhumb line from a point in 61°00' north latitude and 59°00' west longitude to a point in 52°15' north latitude and 42°00' west longitude.

(2) **Subarea 2.** The term "Subarea 2" means that portion of the Convention area, including all waters except territorial waters, lying to the south and west of Subarea 1 as defined in subparagraph (1) of this paragraph, and to the north of the parallel of 52°15' north latitude.

(3) **Subarea 3.** The term "Subarea 3" means that portion of the Convention area, including all waters except territorial waters, lying south of the parallel of 52°15' north latitude; and to the east of a line extending due north from Cape Bauld on the north coast of New-

foundland to 52°15' north latitude; to the north of the parallel of 39°00' north latitude; and to the east and north of a rhumb line extending in a northwesterly direction which passes through a point in 43°30' north latitude, 55°00' west longitude, in the direction of a point in 47°50' north latitude, 60°00' west longitude, until it intersects a straight line connecting Cape Ray, on the coast of Newfoundland, with Cape North on Cape Breton Island; thence in a northeasterly direction along said line to Cape Ray.

(4) **Subarea 4.** The term "Subarea 4" means that portion of the Convention area, including all waters except territorial waters, lying to the west of Subarea 3 as described in subparagraph (3) of this paragraph, and to the east of a line described as follows: Beginning at the terminus of the international boundary between the United States of America and Canada, in Grand Manan Channel, at a point in 44°46'35.34" north latitude, 66°54'11.23" west longitude; thence due south to the parallel of 43°50' north latitude; thence due west to the meridian of 67°40' west longitude; thence due south to the parallel of 42°20' north latitude; thence due east to a point in 66°00' west longitude; thence along a rhumb line in a southeasterly direction to a point in 42°00' north latitude, 65°40' west longitude; thence due south to the parallel of 39°00' north latitude.

(5) **Subarea 5.** The term "Subarea 5" means that portion of the Convention area, including all waters except territorial waters, bounded by a line beginning at the terminus of the international boundary between the United States of America and Canada in Grand Manan Channel at a point in 44°46'35.34" north latitude, 66°54'11.23" west longitude; thence due south to the parallel of 43°50' north latitude; thence due west to the meridian of 67°40' west longitude; thence due south to the parallel of 42°20' north latitude; thence due east to a point in 66°00' west longitude; thence along a rhumb line in a southeasterly direction to a point in 42°00' north latitude, 65°40' west longitude; thence due south to the parallel of 39°00' north latitude; thence due west to the meridian of 71°40' west longitude; thence due north to a point 3 miles off the coast of the State of Rhode Island; thence along the coasts of Rhode Island, Massachusetts, New Hampshire, and Maine at a distance of 3 miles to the point of beginning.

(c) The regulations in this part shall apply to the following species by the Subareas they are included in and wherever in the regulations in this part the term regulated species is used it shall apply to those in this list.

##### (1) In Subarea 1:

- (i) Cod (*Gadus morhua* (L.)).
- (ii) Haddock (*Melanogrammus aeglefinus* (L.)).
- (iii) Ocean perch (redfish) (*Sebastes*).
- (iv) Halibut (*Hippoglossus hippoglossus* (L.)).
- (v) Grey sole (witch) (*Glyptocephalus cynoglossus* (L.)).

(vi) Dab (American plaice) (*Hippoglossoides platessoides* (Fab.)).

(vii) Greenland halibut (*Reinhardtius hippoglossoides* (Walb.)).

##### (2) In Subarea 2:

- (i) Cod (*Gadus morhua* (L.)).
- (ii) Haddock (*Melanogrammus aeglefinus* (L.)).
- (iii) Ocean perch (redfish) (*Sebastes*).
- (iv) Halibut (*Hippoglossus hippoglossus* (L.)).
- (v) Grey sole (witch) (*Glyptocephalus cynoglossus* (L.)).
- (vi) Dab (American plaice) (*Hippoglossoides platessoides* (Fab.)).
- (vii) Greenland halibut (*Reinhardtius hippoglossoides* (Walb.)).

##### (3) In Subarea 3:

- (i) Cod (*Gadus morhua* (L.)).
- (ii) Haddock (*Melanogrammus aeglefinus* (L.)).
- (iii) In aggregate: ocean perch (redfish) (*Sebastes*), except in the statistical Div. 3N, 3O, and 3P halibut (*Hippoglossus hippoglossus* (L.)) grey sole (witch) (*Glyptocephalus cynoglossus* (L.)) yellowtail flounder (*Limanda ferruginea* (Storer)) dab (American plaice) (*Hippoglossoides platessoides* (Fab.)) Greenland halibut (*Reinhardtius hippoglossoides* (Walb.)) pollock (saithe) (*Pollachius virens* (L.)) white hake (*Urophycis tenuis* (Mitch.)).

##### (4) In Subarea 4:

- (i) Cod (*Gadus morhua* (L.)).
- (ii) Haddock (*Melanogrammus aeglefinus* (L.)).
- (iii) In aggregate: Flounders: grey sole (witch) (*Glyptocephalus cynoglossus* (L.)) yellowtail flounder (*Limanda ferruginea* (Storer)) black back or lemon sole (winter flounder) (*Pseudopleuronectes americanus* (Walb.)) dab (American plaice) (*Hippoglossoides platessoides* (Fab.)).

##### (5) In Subarea 5:

- (i) Cod (*Gadus morhua* (L.)).
- (ii) Haddock (*Melanogrammus aeglefinus* (L.)).

(d) **Fishing:** The word "fishing" means the catching, taking, or fishing for, or the attempted catching, taking, or fishing for any species of fish protected under the regulations in this part.

(e) **Fishing vessel:** The words "fishing vessel" denote every kind, type or description of watercraft subject to the jurisdiction of the United States used in or outfitted for catching or processing fish or transporting fish from fishing grounds.

(f) **Trawl net:** The words "trawl net" mean any large bag net dragged in the sea by a vessel or vessels for the purpose of taking fish.

(g) **Cod end:** The words "cod end" mean the bag-like extension attached to the after end of the belly of the trawl net and used to retain the catch.

#### § 240.2 Registration certificates.

(a) Unless permitted to do so by § 240.5 no person shall engage in fishing for these species of fish mentioned in § 240.1(c) within the Convention area, nor shall any person possess, transport, or deliver by means of any fishing vessel such species taken within such area except under a registration certificate issued and in force in conformity with the provisions of this part.

(b) The owner or operator of a fishing vessel may obtain without charge a registration certificate by furnishing, on a form to be supplied by the Bureau of Commercial Fisheries, information specifying the names and addresses of the owner and operator of the vessel, the name, official number and home port of the vessel, and the period for which the registration certificate is desired. The form shall be submitted, in duplicate, to the Regional Director, Bureau of Commercial Fisheries, Gloucester, Mass., who shall grant the registration certificate for the duration specified by the applicant in the form but in no event to extend beyond the end of the calendar year during which the registration certificate is issued. New registration certificates shall similarly be issued to replace expired, lost or mutilated certificates. An application for replacement of an expiring registration certificate shall be made in like manner as the original application not later than ten days prior to the expiration date of the expiring certificate.

(c) The registration certificate issued by the Bureau of Commercial Fisheries shall be carried at all times on board the vessel for which it is issued and such certificate, the vessel, its gear and equipment shall at all times be subject to inspection for the purposes of this part by officers authorized to enforce the provisions of this part.

§ 240.3 Restrictions on fishing gear.

(a) Minimum mesh sizes.

(1) In Subarea 1, no person shall use or attempt to use from any vessel for which a registration certificate is in force, a trawl net or nets, parts of nets, or netting of manilla or of the trade named twines under the chemical category of polypropylene having a mesh size as defined in this section, of less than 5½ inches (130 mm.), or a trawl net or nets, parts of nets, or netting of material other than manilla or polypropylene twine unless it shall have a selectivity equivalent to that of a 5½ inch (130 mm.) manilla trawl net.

(2) In Subareas 2, 3, 4, and 5 no person shall use or attempt to use from any vessel for which a registration certificate is in force a trawl net or nets, parts of nets, or netting of manilla or of the trade named twines under the chemical category of polypropylene having a mesh size as defined in this section, of less than 4½ inches (114 mm.), or a trawl net or nets, or netting of material other than manilla or polypropylene twine unless it shall have a selectivity equivalent to that of a 4½ inch (114 mm.) manilla trawl net. No person shall possess at any time on board a vessel for which a registration certificate is in force a trawl net or nets, parts of nets, or netting having a mesh size less than that specified in this subparagraph.

(b) As used in this section, the term "mesh size" shall mean:

(1) With respect to any part of the net except the cod end, the average of the measurements of any 20 consecutive meshes in any row located at least 10 meshes from the side lacings measured when wet after use.

(2) With respect to the cod end, the average of the measurements of any 50 consecutive meshes running parallel to the long axis of the cod end, beginning at the after end of the cod end, and being at least 10 meshes from the side lacings or, if the cod end is less than 50 meshes in length, the average of the measurements of the meshes in any series of consecutive meshes running the full length of the cod end, parallel to the long axis of the cod end and located at least 10 meshes from the side lacings, such measurements of the cod end to be made when wet after use, or, at the option of the user, a cod end for use in specified subareas, which, has been approved, in accordance with paragraph (e) of this section, by an authorized employee of the Bureau of Commercial Fisheries as having a mesh size when dry before use equivalent to not less than that required by this section for such a cod end when measured wet after use.

(c) All measurements of meshes shall be made by the insertion into the meshes under pressure of not less than 10 nor more than 15 pounds of a flat wedge shaped gauge having a taper of 2 inches in 8 inches and a thickness of three-thirty-seconds of an inch.

(d) Mesh size differentials to be used in determining the selectivity equivalent of different trawl net materials including both the body of the net and the cod end shall apply as follows:

(1) In Subarea 1 in relation to 5½ inch (130 mm.) mesh size:

(i) Such part of any trawl net as is made of cotton, hemp, polyamide (Nylon) or polyester (Dacron) fibers: 4¾ inches (120 mm.).

(ii) Such part of any trawl net as is made of manila, polypropylene (Ulstron, Courlene, Drumfil) or any other material not mentioned above: 5½ inch (130 mm.).

(2) In Subareas 2, 3, 4, and 5 in relation to 4½ inch (114 mm.) mesh size:

(i) Such part of any trawl net as is made of cotton, hemp, polyamide (Nylon) or polyester (Dacron) fibers 4½ inch (105 mm.).

(ii) Such part of any trawl net as is made of manila, polypropylene (Ulstron, Courlene, Drumfil) or any other material not mentioned above: 4½ inch (114 mm.).

(e) For the purpose of approving a dry cod end before use, as contemplated by paragraph (b) of this section, the average mesh size of such cod end shall be determined by measuring the length of any single row of meshes running the length of the cod end, parallel to the long axis of the cod end and located at least 10 meshes from the side lacings, when stretched under a tension of 200 pounds, and dividing the length by the number of meshes in such row: *Provided*, That not more than 10 percent of the meshes in such row shall be more than one-half inch (13 mm.) smaller when measured between knot centers than the average of the row. A cod end so measured which is constructed of one of the twines and is of not less than the average mesh size specified in the table below for such twine may be approved for fishing for the regulated species in Subareas 2, 3, 4, and 5 by any authorized employee of the Bureau of Commercial Fisheries by the attachment to such cod end of an appropriate seal.

| Types of twine                                  | Manufacturer's specifications   | Average mesh size    |
|---|---|----------------------|
| Manila, double strand:                          |   |                      |
| 4-ply 45-yard                                   | -----   | 5.625 inches (5½").  |
| 4-ply 50-yard                                   | -----   | 5.625 inches (5½").  |
| 4-ply 75-yard                                   | -----   | 5.625 inches (5½").  |
| 4-ply 80-yard                                   | -----   | 5.500 inches (5½").  |
| Westerbeke No. 2. Nylon Braid, 100% Nylon Braid | Linear density, 38.89 yards/lb  | 4.6875 inches (4½"). |
|   | Picks/inch, 9.0.<br>Carriers, 16.<br>Ends/carrier, 3.<br>Total ends, 48.<br>840 denier/140 filament 2 ply.<br>12.1 T.P.I. of "Z" twist in singles.<br>9.9 T.P.I. of "S" twist in 2 ply. |                      |

(f) The alteration, defacement, or reuse of any seal affixed to a cod end in accordance with this section is prohibited.

(g) The repair, alteration, or other modification of a cod end to which a seal has been affixed in accordance with this section shall invalidate such seal and such cod end shall not thereafter be deemed to be approved for fishing for the regulated species. Nothing contained in this paragraph shall preclude the continued use at the option of the user of a cod end having an invalidated seal affixed thereto if such cod end after repair, alteration, or other modification does not have a mesh size of less than that defined in paragraph (b) of this section for such a cod end when measured wet after use.

(h) The use in fishing for the regulated species within the regulatory area of any device or method which will ob-

struct the meshes of the trawl net or which otherwise will have the effect of diminishing the size of said meshes is prohibited: *Provided*, That a protective covering of canvas, netting, or other material may be attached to the underside of the cod end only of the net to reduce and prevent damage, and a rectangular piece or pieces of netting may be attached to the upper side of the cod end only of the net to reduce and prevent damage, so long as the netting attached to the upper side of the cod end conforms to the specifications of either the "ICNAF-type chafer," the "multiple flap-type chafer," or the "Polish-type chafer" as described below. For the purposes of this paragraph, the required mesh size when measured wet after use shall be deemed to be the average of the measurements of 20 consecutive meshes

in a series across the netting, such measurements to be made as specified in § 240.3(c). Within the regulatory area, the "ICNAF-type chafer" may be used in any subarea; the "multiple flap-type chafer" and the "Polish-type chafer" may be used in any subarea other than Subarea 5. Specifications of each type of chafer are as follows:

(1) *ICNAF (single piece) type chafer.*

(i) The width of the netting shall be at least 1½ times the width of the area of the cod end which is covered: Such widths to be measured at right angles to the long axis of the cod end.

(ii) Such netting may be fastened to the cod end of the trawl net only along the forward and lateral edges of the netting and at no other place in the netting.

(iii) On cod ends having a splitting strap, the netting shall be fastened in such a manner that it extends forward of the splitting strap no more than four meshes and ends not less than four meshes in front of the cod line mesh.

(iv) On cod ends not having a splitting strap, the netting shall not extend to more than one-third the length of the cod end measured from not less than four meshes in front of the cod line mesh.

(v) The netting shall not have a mesh size less than that specified in this section for the cod end to which it is attached.

(2) *Multiple flap-type chafer.* (i) Each piece of netting shall not exceed 10 meshes in length; each shall be at least the width of the cod end, such width being measured at right angles to the long axis of the cod end at the point of attachment; each shall be fastened by its forward edge only across the cod end at right angles to its long axis.

(ii) The aggregate length of all the pieces of netting shall not exceed two-thirds the length of the cod end.

(iii) The netting shall not have a mesh size less than that specified in this section for the cod end to which it is attached.

(3) *Polish-type chafer.* (i) The rectangular piece of netting attached to the upper side of the cod end shall have a mesh size at least twice as large as that specified in this section for the cod end to which it is attached and shall have a width the same as that for the cod end.

(ii) It shall be fastened to the cod end only along the forward, lateral, and rear edges of the netting so that the meshes exactly overlay the meshes of the cod end.

(iii) The netting shall be the same twine material and size as that of the cod end.

§ 240.4 Temporary suspension of registration certificates.

(a) The owner or operator of any fishing vessel which is proposed to be used fishing beyond the limits of the regulatory area or is proposed to be used in fishing within such area for species of fish other than those indicated in § 240.1(c) may obtain a temporary suspension of the registration certificate issued for such vessel for the specified pe-

riod during which such nonregulated fishing is to be conducted.

(b) Temporary suspension of registration certificates shall be granted upon oral or written request, specifying the period of suspension desired, by an authorized officer of the State of Maine or of the State of Massachusetts or by an authorized officer of any one of the following agencies: Bureau of Commercial Fisheries, Coast Guard, Bureau of Customs, Post Office Department. Such officer shall make appropriate endorsement on the certificate evidencing the duration of its suspension.

§ 240.5 Certain persons and vessels exempted.

Except as otherwise provided in this section, nothing contained in §§ 240.2 to 240.4 shall apply to:

(a) Any person or vessel authorized by the Secretary of the Interior to engage in fishing for scientific purposes for those species listed in § 240.1(c).

(b) Any vessel documented as a common carrier by the Government of the United States and engaged exclusively in the carriage of freight and passengers.

(c) Any person who in the course of fishing in Subareas 3, 4, or 5 and taking fish other than the regulated species takes and possesses a quantity of cod and of haddock, and of the other regulated species in aggregate, not to exceed, which ever is the greater amount: 5,000 lbs. for each or 10 percent by weight for each, of all fish aboard the vessel taken in the subarea where fishing was conducted. The exemption provided in this paragraph shall apply separately in Subareas 3, 4, and 5.

(d) Any person who, while engaged in fishing within Subareas 3, 4, or 5 of the regulatory area, does not take in any period of 12 months the regulated species in quantities in excess of 10 percent by weight for each of cod, haddock, and the aggregate of the other listed species in § 240.1(c), of all the trawl-caught fish taken by such person within such period of 12 months within each subarea. Any such person desiring to avail himself of the exemption provided in this paragraph shall obtain a certificate of exemption and shall comply with the following conditions:

(1) The owner or operator of a fishing vessel proposed to be operated under the exemption authorized in this paragraph may obtain without charge a certificate of exemption by furnishing, on a form to be supplied by the Bureau of Commercial Fisheries, information specifying the name and address of the owner and operator of the vessel and the name, official number and the home port of the vessel. The application form shall be submitted, in duplicate, to the Regional Director, Bureau of Commercial Fisheries, Gloucester, Mass., who shall grant a certificate of exemption valid for a period of 12 months from the date of issue. The certificate shall authorize during this period the use of the vessel, for which issued, in the taking of the regulated species within the regulatory area without regard to the registration requirements and restrictions on fishing gear

imposed, respectively, by §§ 240.2 and 240.3 provided:

(i) The vessel and its fishing gear are not used to take the regulated species within Subareas 3, 4, or 5 in quantities in excess of 10 percent by weight for each of cod, haddock, and the aggregate of the other regulated species, of all the trawl-caught fish taken by means of such vessel during the 12-month period covered by the certificate.

(ii) The 10 percent exemption for each of cod, haddock, and the aggregate of the other regulated species shall be computed separately for each subarea by the weight of all fish caught within the same subarea.

(2) Duplicate certificates of exemption shall be issued to replace lost or mutilated certificates.

(3) An application for renewal of an expiring certificate of exemption shall be made in like manner as the original application not later than 15 days prior to the expiration date of the expiring certificate.

(4) No renewal shall be granted if it is determined by said Regional Director that the vessel for which a renewal is sought was used to take quantities of regulated species in excess of the allowable percentages during the 12-month period covered by the expiring certificate of exemption.

(5) The certificate of exemption issued by the Bureau of Commercial Fisheries shall be carried at all times on board the vessel for which it is issued, and such certificate, the vessel, its gear and equipment, and records pertaining to the catches of fish made by means of such vessel shall at all times be subject to inspection for the purposes of this part by any officer authorized to enforce the provisions of this part.

(6) The owner or operator of a fishing vessel for which a certificate of exemption is in force shall furnish on a form supplied by the Bureau of Commercial Fisheries, immediately following the delivery or sale of a catch of fish made by means of such vessel, a report<sup>1</sup> certified to be correct by the owner or operator, listing separately by species and weight the total quantities of all fish sold or delivered.

(7) The owner or operator of a fishing vessel for which a certificate of exemption is in force, who proposes to use such vessel in fishing primarily for the regulated species during any period of time within the 12-month period covered by the certificate, may obtain a temporary suspension of such certificate in like manner as provided in § 240.4 and may make application to engage in fishing for the regulated species under a registration

<sup>1</sup> 18 U.S.C. 1001 provides that whoever, in any matter within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals, or covers up by any trick, scheme, or device a material fact, or makes any false, fictitious, or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious, or fraudulent statement or entry, shall be fined not more than \$10,000 or imprisoned not more than 5 years, or both.

certificate as provided in § 240.2. Any of the regulated species taken by means of a vessel for which a registration certificate is in force and by means of fishing for the regulated species conducted in conformity with the restrictions on fishing gear prescribed by § 240.3, shall be excluded from the total of all trawl-caught fish taken during the applicable 12-month period when computing the ratio of the regulated species to the trawl-caught fish taken during such periods. For the purposes of computing the quantities of the regulated species so to be excluded, the owner or operator of a fishing vessel covered by a suspended certificate of exemption and taking the regulated species while operating under a registration certificate shall submit catch reports in like manner as provided in subparagraph (6) of this paragraph.

[F.R. Doc. 69-1327; Filed, Feb. 3, 1969;  
8:45 a.m.]

# Proposed Rule Making

## DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[ 7 CFR Part 953 ]

### IRISH POTATOES GROWN IN SOUTHEASTERN STATES

#### Expenses and Rate of Assessment

Consideration is being given to the approval of the expenses and rate of assessment, hereinafter set forth, which were recommended by the Southeastern Potato Committee established pursuant to Marketing Agreement No. 104 and Order No. 953, both as amended (7 CFR Part 953; 33 F.R. 8502, 8506). This marketing order program regulates the handling of Irish potatoes grown in certain designated counties of Virginia and North Carolina, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

All persons who desire to submit written data, views, or arguments in connection with these proposals shall file the same, in four copies, with the Hearing Clerk, Room 112, U.S. Department of Agriculture, Washington, D.C. 20250, not later than the 15th day after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)). The proposals are as follows:

#### § 953.206 Expenses and rate of assessment.

(a) The expenses the Secretary finds may be necessary to be incurred by the Southeastern Potato Committee, established pursuant to Marketing Agreement No. 104, as amended and this part, to enable such committee to carry out its functions pursuant to provisions of the aforesaid amended marketing agreement and order, during the fiscal period ending October 31, 1969, will amount to \$11,125.

(b) The rate of assessment to be paid by each handler in accordance with the amended Marketing Agreement and this part shall be one-fourth of 1 cent (\$0.0025) per hundredweight of potatoes handled by him as the first handler thereof during the said fiscal period.

(c) Terms used in this section shall have the same meaning as when used in the said amended marketing agreement and this part.

Dated: January 30, 1969.

PAUL A. NICHOLSON,  
Deputy Director, Fruit and  
Vegetable Division, Consumer  
and Marketing Service.

[F.R. Doc. 69-1435; Filed, Feb. 3, 1969;  
8:50 a.m.]

## DEPARTMENT OF TRANSPORTATION

Office of the Secretary

[ 49 CFR Part 71 ]

[OST Docket No. 20; Notice 69-1]

### MOUNTAIN-PACIFIC STANDARD TIME ZONE BOUNDARY IN STATE OF UTAH.

#### Relocation

The Governor of Utah has petitioned the Department of Transportation to amend Title 49, § 71.8(b), of the Code of Federal Regulations so as to include the entire State of Utah within the Mountain standard time zone.

Section 71.8(b) describes the present boundary between the Mountain standard time zone and the Pacific standard time zone as follows:

(b) *Utah*. From the point last described (south and east along the western and southern boundaries of Idaho to the Malad Valley Branch of the Oregon Short Line Railroad near Woodruff, Idaho) southerly immediately west of and parallel with Oregon Short Line Railroad through Brigham to Ogden, crossing at Ogden a connection between the railroad of the Southern Pacific, Union Pacific Railway, and Denver & Rio Grande Railroad; thence southerly immediately west of and parallel with the Denver & Rio Grande Railroad to Salt Lake City; thence in a southwesterly direction immediately north of and parallel with the Los Angeles & Salt Lake Railroad to the boundary line between Nevada and Utah near Uvada; thence south along said boundary line to the southwest corner of Utah.

The Governor petitions the Department of Transportation "to move the boundary \* \* \* from its present location to a line which would coincide with the Utah-Nevada border". The reasons stated for the move are—

(1) That the growth of Utah has resulted in the greatest concentration of population in the area which is now bisected by the boundary line;

(2) That the location of the boundary is, for all intents and purposes, regarded

as though it followed the Utah-Nevada State line, so as to facilitate the free flow of commerce within the State; and

(3) That "a realistic appraisal of the logical position of such a boundary would place it no further east than the western border of the State".

Under the time zone one act originally enacted in 1918 (15 U.S.C. 261) as amended by the Uniform Time Act of 1966 (15 U.S.C. 260a et seq.), the Secretary of Transportation is authorized to modify the limits of time zones having regard for "the convenience of commerce and the existing junction points and division points of common carriers engaged in interstate or foreign commerce". Before taking final action to adopt, deny, or modify the proposed boundary which the petition set forth, the Secretary will consider the timely comments of all interested persons. Communications should identify the regulatory docket or notice number (see above) and be submitted in duplicate to the: Docket Clerk, Office of the General Counsel, Department of Transportation, 800 Independence Avenue SW., Washington, D.C. 20590.

Communications received on or before March 19, 1969, will be considered before final action is taken on the petition. All docketed comments will be available for examination by interested persons, both before and after the closing date for comments.

This proceeding does not concern adherence to or exemption from advanced (daylight saving) time. The Uniform Time Act of 1966 requires observance of advanced time within each established time zone from the last Sunday in April to the last Sunday in October, but permits any State to exempt itself, by law, from observing advanced time within that State. The Department has no administrative authority with respect to this requirement.

This proposal is issued under the authority of the Act of March 19, 1918, as amended by the Uniform Time Act of 1966 (15 U.S.C. 260-267), section 6(e)(5) of the Department of Transportation Act (49 U.S.C. 1655(e)(5)), and Appendix 1 to Part 5 of the regulations of the Office of the Secretary of Transportation (49 CFR Part 5).

Issued in Washington, D.C., on January 30, 1969.

R. TENNEY JOHNSON,  
Acting General Counsel.

[F.R. Doc. 69-1421; Filed, Feb. 3, 1969;  
8:49 a.m.]

# Notices

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

#### ORGANIZATION AND FUNCTIONS

This material supersedes the statement on organization and functions published at 32 F.R. 727-762.

Dated: January 23, 1969.

[SEAL] **WILLIAM H. SMITH,**  
*Acting Commissioner*  
*of Internal Revenue.*

#### 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 seven 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 seven 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 (Data Processing) in the National Office. In addition, there are in the field seven Regional Inspectors and seven Regional Counsels, who report to the Assistant Commissioner (Inspection) and the Chief Counsel, respectively, in Washington, D.C.

(3) In administering the alcohol, tobacco, firearms, and appellate functions direct from the regional office, the Regional Commissioner maintains and supervises several branch offices. The Alcohol, Tobacco and Firearms branch offices are headed by Supervisors who report to the Assistant Regional Commissioner (Alcohol, Tobacco, and Firearms). The Appellate branch offices are headed by Chiefs or Assistant Chiefs, Appellate Branch Office, who report to the Assistant Regional Commissioner (Appellate) who also carries the title of Chief, Appellate Division. The Regional Counsels also maintain and supervise branch offices.

(4) In each Internal Revenue district there are offices in communities where concentration of work load in audit, collection, or intelligence activities requires the assignment of personnel.

(5) Field office addresses are shown in the appendixes.

#### 1113 NATIONAL OFFICE

##### 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.

#### 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 (Data Processing); the Office of the Assistant Commissioner (Inspection); the Office of the Assistant Commissioner (Planning and Research); the Office of the Assistant Commissioner (Technical); and the Office of the Chief Counsel.

#### 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, and the Foreign Tax Assistance Staff.

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.

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, closing agreements, reports on proposed legislation, rulings, correspondence, authorizations to the Attorney General for initiating suits, 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.

1113.33 *Foreign Tax Assistance Staff.* The Foreign Tax Assistance 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 insure 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 United States and occasionally at overseas sites. The Staff maintains close liaison with the Department of State and the Agency for International Development (A.I.D.), 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 A.I.D.

#### 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, public information, 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 Treasury Department Office of the Secretary and other components of the Treasury Department; and such agencies as the Bureau of the Budget, the Civil Service Commission and General Services Administration. Supervises the activities of the Fiscal Management, Personnel, Facilities Management, Training, and Public Information Divisions in the National Office, and is responsible for functional supervision of Administration activities in the field.

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 paperwork, 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 four branches: National Office Facilities, Standards and Programs, Protective Programs, and Publications.

**1113.411 National Office Facilities Branch.** Develops, coordinates, directs, and evaluates all Facilities Management activities (except printing and distribution) within the National Office, including the National Training Center and the National Computer Center (but excluding the IRS Data Center) within the broad guidelines established by the Division Director. These activities include: Records and Paperwork Management—correspondence management, mail management, files management, records equipment and supplies management, records retention and disposal scheduling, paperwork management studies, and the application of microphotography; Space and Transportation Management—planning requirements for space, providing for the acquisition, maintenance, utilization, and disposal of space to insure an effective, efficient, and appropriate physical working environment for employees; providing transportation management planning for interoffice movement of Service records and documents, supplies and equipment, displays and other materials; Property and Supply Management—contracting, procurement, property accountability, utilization and disposal; Telecommunications Management—communications services and facilities used for transmitting and receiving voice, image, data, and other message information by wire, radio, visual, or other electrical or electromagnetic transmission modes; systems, equipment, and circuitry for telephone, telegraph, facsimile, video, and other telecommunications operations; Protective Programs—document and physical security, safety, and fire and civil defense planning. The Branch provides standards, techniques, guidelines, and consultative services needed in these areas by National Office components. In addition, performs the following duties pertaining to Servicewide programs: Renders support services to the Foreign Tax Assistance Staff; provides contractual advice and contracting services, provides centralized procurement of automobiles, computers and data processing peripheral equipment, office machinery, and many supply items. Administers other support services for the National Office including building maintenance, transportation, travel, equipment, and vehicle repairs. Maintains liaison with National Office officials, other Government agencies, public utilities, contrac-

tors, private carriers, and other private and public organizations to coordinate and improve service in these activities.

**1113.412 Standards and Programs Branch.** Plans, develops, promotes, coordinates, and evaluates policies, standards, and programs designed to increase the effectiveness of Servicewide Internal Revenue operations. These programs include: Records and Paperwork Management—documentation standards, correspondence management, forms management, mail management, files management, records equipment and supplies management, records retention and disposal standards, paperwork management, studies and the application of microphotography; Space and Transportation Management—planning requirements for IRS space, providing standards for the acquisition, maintenance, utilization and disposal of space to insure an effective, efficient, and appropriate physical working environment for all Service employees; providing transportation management planning for interoffice movement of Service records and documents, supplies, and equipment, displays and other materials; Property and Supply Management—contracting, procurement, property accountability, utilization and disposal and motor vehicle fleet management; Telecommunications Management—communications services and facilities used for transmitting and receiving voice, image, data, and other message information by wire, radio, visual, or other electrical or electromagnetic transmission modes; systems, equipment, and circuitry for telephone, telegraph, facsimile, video, and other telecommunications operations. 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 data storage, retrieval, and new systems using electrical and electronic equipment. Acts as liaison for Internal Revenue Service with other Federal agencies and industry in matters concerning Branch program activities.

**1113.413 Protective Programs Branch.** Develops, coordinates, administers, and evaluates Servicewide programs of accident prevention, physical and document security, identification, emergency planning, and civil defense and insures 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 and the Military Personnel and Civilian Employees' Claims Act and administers the program to insure equitable settlement and payment of claims.

**1113.414 Publications Branch.** Develops and coordinates the policies, pro-

cedures, and standards for all printing and distribution programs and visual presentations services in the Internal Revenue Service in accordance with the programs determined by the appropriate IRS offices. Provides for and administers the planning, analysis, design, requirements estimating, procurement, production scheduling, and distribution of all publications, forms, and envelopes needed by the Service in accordance with the programs determined by the appropriate IRS offices. Directs and coordinates studies of newly developed or improved processes in the graphic arts field including duplicating equipment and office reproduction machines. Represents IRS in liaison with printing regulatory agencies in interpreting, coordinating, and administering Government-wide printing and publications policies; and provides consultative services needed in these areas.

**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.

**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 the Management Information Division in developing and administering the financial reporting system.

**1113.422 Budget Branch.** The Budget Branch develops the Service's budget in conformance with the established overall 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 measurement of work necessary in the justification of estimates or the evaluation of financial plans; prepares requests for the apportionment and reappportionment 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 Management Information Division in developing and administering a reporting system reflecting the status of the budget and financial plan.

**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.

1113.431 *Employee Relations Branch.* Develops and coordinates policies, procedures, and instructions for programs of employee management cooperation; employee attitude surveys, employee benefits and services, communications, conduct and appeals and recreation and fund raising. 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 employee organizations.

1113.432 *Employment Programs 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; qualifications evaluation; promotion plans; details; veteran's preference; orientation and placement followup; reduction-in-force; equal employment; separations; awards and incentive programs; high quality increases; and fitness for duty. Develops and coordinates redeployment programs and procedures; coordinates, as required, personnel programs affecting service center installations. Develops and coordinates policies and procedures pertaining to participation of the Service in Boards of U.S. Civil Service Examiner programs. Exercises functional personnel direction over the implementation and follow-through on career development programs; performs essential personnel services for career programs for supervisory and managerial positions. 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. Reviews and makes recommendations on promotion appeals. Provides staff expertise in personnel management techniques for the

development processes to personnel management. Administers the Personnel Reports Management System.

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 Foreign Tax Assistance Staff; provides staff assistance to the National Selection Board which selects and assigns executive personnel; administers National Placement Program; reviews and processes regional employment cases for which authority has not been delegated to regions; processes section 6(c) retirement cases and proposals for Gallatin Awards; and answers general inquiries and other correspondence concerning applications for employment, reassignment, promotions, etc. Reviews and makes recommendations of security cases Servicewide.

1113.434 *Position Programs and Methods Branch.* Develops and coordinates policies, procedures, and program instructions for the position classification, employee performance evaluation, pay administration, noncompetitive staffing, and career programs of the Service. Develops and coordinates occupational standards and guides including classification, qualification, and performance standards, qualification rating keys and criteria and techniques for making classification, qualifications, and training selection determinations. Reviews and counsels on position classification implications of budgetary and financial planning with respect to proposed grade structure changes as justified by data on available workload and conformance with existing classification guides and standards. Provides staff expertise in personnel management techniques including the conduct and direction of studies requiring the use of psychological and other social science methodology. Reviews and makes recommendations on CSC central office and Treasury classification and qualification standards. Exercises functional supervision over counterpart operations throughout the Service and participates as functional specialists in evaluating field programs. Performs such centralized services as classification of positions for which authority has not been delegated, preparation of supergrade recommendations, and justification, and development of standard position descriptions. Adjudicates classification appeals and administers Wage Board Program. Develops and coordinates the personnel management portion of the Service's emergency readiness plan. With assistance from Training Division, develops, negotiates, and admin-

isters Servicewide training agreements, and develops standards for selection of personnel for training.

1113.44 *Public Information Division.* Plans, develops and coordinates the Servicewide policies and programs for providing information to the public through the press, radio, television, and other informational, educational, and professional media, to improve general knowledge and understanding of the Federal tax laws and their administration, for the primary purpose of encouraging and facilitating maximum compliance with the voluntary system of taxation. It counsels and advises the Commissioner and other levels of management where public interest or response is involved in the determination of Service policy and execution of tax programs; evaluates for the Commissioner the attitude of the public toward Revenue Service policy and programs and recommends corrective measures where indicated; conducts continuous studies of the Service's information program to identify and act on problems and opportunities for improvement; maintains liaison with and gives functional guidance to regional and district offices in the public information area; and carries out the public information program at the National Office.

1113.45 *Training Division—Office of the Director.* The Director, Training Division, formulates and recommends the overall training policies of the Internal Revenue Service and provides professional training leadership and guidance to Service Officials and personnel. The Director 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 including the use of audiovisual aids. In cooperation with the separate functions, the Director identifies the need for, and administers Service training programs; is responsible for development and preparation of training courses and program materials; supports the Foreign Tax Assistance Staff in defining training needs of foreign tax officials and in developing and implementing training programs to meet these needs; 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. He administers the Teaching Taxes program and coordinates the efforts of the National Office Divisions concerned. He supports the field efforts in the Taxpayer Education program. He further advises on training cost estimates for all Servicewide training; administers the special fiscal allotment (250) used to finance centralized training activities; and carries out the training policies and programs of the Service in the National Office. The Division consists of the Director's Office, the Administrative Office, National Office Training Branch, Programs and Standards Branch, and the National Training Center.

1113.451 *Administrative Office.* The Administrative Office provides staff assistance to the Director in carrying out the administrative management functions of the Division, and also provides all necessary administrative support for internal operations. The administrative services include various management analysis activities and studies; coordination and development of financial plans; administration of the centralized training allotment; cost estimating; preparation of long-range staffing plans and requirements; space, records, and reports management; contract liaison; and personnel, mail and files, logistical, and clerical support services.

1113.452 *National Office Training Branch.* The National Office Training Branch carries out established training policies and administers training programs for National Office employees. The Branch provides professional training leadership and guidance to National Office officials and personnel. It assists National Office officials in determining training needs and defining training objectives. In collaboration with the National Office officials, the Branch determines the appropriate kind and source of training for National Office personnel; manages functional training classes for National Office employees, and trains, counsels and evaluates instructors and instruction for the National Office. It provides interfunctional training in supervision, communications, clerical skills and the like. The Branch reviews training agreements for National Office employees, outlines training to be given under the agreements, and assists in the clearance and administration of training agreements as required. It evaluates and reports on the overall adequacy, effectiveness and economy of training in the National Office.

1113.453 *Programs and Standards Branch.* The Programs and Standards Branch formulates and recommends overall training policies for the Internal Revenue Service. It determines Service training emphasis and goals and coordinates their acceptance with other components of the Service. The Branch assists management in the determination of organizational and individual training needs; provides professional training leadership and guidance to Service officials in defining training objectives and planning training programs. In cooperation with the separate functions, National Training Center, and the Regional Offices, the Branch plans and develops specific training standards and programs; plans the Taxpayer Education Program; and supports the Foreign Tax Assistance Staff in defining training needs of foreign tax officials. In addition, the Branch studies and evaluates the various training programs; plans improvements in training effectiveness and economy; and coordinates the evaluation of Servicewide-training programs. The Branch reviews Servicewide training agreements developed by the Personnel Division, outlines training to be given under the agreement, and assists in the clearance and administration of training agreements as required. The Branch

plans research in the field of training and makes special studies to determine the best methods of employee development for the Service.

1113.454 *National Training Center.* The National Training Center develops and maintains on a current basis all training courses and materials for Servicewide programs and directs the activities of permanently assigned faculty instructors, education and training specialists, functional specialists and detailed technicians, and other assigned personnel; plans, administers and conducts nationally centralized classes and administers Internal Revenue Service Correspondence Courses; and further develops courses and conducts centralized training for Service instructors, course developers, and other personnel engaged in training activity. The Center provides adequate classrooms, special training space, equipment, facilities, and professionally trained instructors for centralized, courses conducted at the Center, and provides for storage, control, and distribution of training course materials. The Director, National Training Center, is responsible for evaluating the quality of the professional work product and effort of the Center; conducts research, analysis, and evaluation of new or improved methods and techniques of training, including audiovisual aids, communications vehicles, and mechanical or electronic training devices and systems; and continually reviews the effectiveness of materials, methods, aids, and techniques utilized in existing programs through practical classroom experience and by analytical projects conducted at the Center.

#### 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 collection of delinquent accounts; obtaining of delinquent returns; audit and investigation of returns; criminal fraud investigations; the administrative system of tax appeals; administration of laws relating to alcohol, alcoholic beverages, tobacco, and firearms; and the receipt and processing of wagering, narcotics, alcohol and tobacco tax, and firearms returns and applications.\* The Assistant Commissioner (Compliance) directs, coordinates, and evaluates the work of the Alcohol, Tobacco and Firearms Division, the Appellate Division, the Audit Division, the Collection Division, the Intelligence Division and the Office of International Operations. (\*Limited to those regions where 2300 and 3200 Activities have been consolidated.)

1113.51 *Alcohol, Tobacco and Firearms Division—Office of the Director.* Accomplishes the Division mission with reference to alcohol, tobacco, and firearms by developing and supervising

(functional supervision—which includes evaluation) nationwide programs for: Regulation and supervision of the legal industries for revenue and social control purposes, and to protect the consumer and eliminate improper trade practices in the alcohol beverage industries; suppression of illicit traffic and frauds on the revenue in these commodities by developing information concerning violations, investigating suspected violations, and recommending prosecution when warranted; and measurement of the effectiveness of the regulatory, supervisory, investigative, and prosecution processes. The Division also performs certain centralized functions such as those pertaining to legislation, issuing regulations and rulings, making centralized determinations, performing final review on appeals, and supplying a variety of technical, laboratory, and specialized services within the Service and to others.

1113.511 *Executive Assistant.* Provides staff assistance to the Director in the general management of the Division operations and in the formulation of policy and program plans in the areas of organization, personnel, financial planning, funds management, and appraisal of field operations; both on a continuing basis and through specific management studies. Develops and coordinates the Divisionwide program for planned systematic visitation to appraise top management, through on-site evaluation, of the effectiveness of field office performance in both the program and management areas. Works with Assistant Regional Commissioners in evaluating program results in the regions. Provides required office management and administrative services for the National Office Division.

1113.512 *National Office Laboratory.* Responsible for formulating, developing, and carrying out programs for the application of scientific methods to the solution of problems of the Alcohol, Tobacco and Firearms Division having impact on the collection of the revenue. Furnishes technical advice and assistance to officials of the Internal Revenue Service in the fields of chemistry and physics. Conducts research to improve and develop analytical techniques and to resolve technical problems by physical or chemical methods. Examines and analyzes samples, formulas, and processes of permittees under the jurisdiction of the Division to determine taxable status and examines samples for the Bureau of Narcotics. Coordinates the National Office and Regional Laboratory Programs.

1113.513 *Basic Permit and Trade Practice Branch.* Responsible for formulating, developing, and carrying out programs for the administration and enforcement of the Federal Alcohol Administration Act. Plans and conducts studies of industry trends in marketing which might have an impact on the programs of the Branch. Recommends revision or amendment of regulations and prepares notices of hearings thereon; analyzes and evaluates testimony developed at hearings; and drafts final regulations and such related forms or internal

management documents as required. Makes rulings and interpretations of law and regulations for benefit of industry, regional offices, other Federal agencies, State agencies, and embassies of foreign governments. Collaborates with foreign governments in their developments of control procedures abroad to supplement domestic controls, established with respect to the importation of their products into the United States. Acts on applications for interlocking directorates and for certificates of (or exemption from) label approval. Determines acceptability of alcoholic beverage advertising in all media and initiates punitive actions for violations of advertising provisions of law and regulations. Maintains liaison with regional offices to appraise the effectiveness of Branch programs.

1113.514 *Enforcement Branch*. Responsible for: Formulating and developing policies, programs, procedures, and regulations relating to the investigation, prevention, and detection of willful and/or fraudulent violations of the Internal Revenue Liquor and Tobacco Laws, the Liquor Enforcement Act of 1936, the Federal Alcohol Administration Act, and the National and Federal Firearms Acts; control and coordination of the law enforcement activities of the Division with related functions of other Federal agencies and with those of State authorities; adaption of investigative techniques and procedures to the varying needs of different regions, to a diversity of State control laws and their fluctuating requirements and to the constantly changing social and economic conditions affecting the enforcement operations of the Division; providing guidance and training to field elements, for effective application of policies and programs; and appraising management of field offices, as it relates to their enforcement function, through a planned on-site evaluation program.

1113.515 *Permissive Branch*. Responsible for developing the objectives of the Division in the administration of Internal Revenue laws relating to the production, processing, distribution, and use of alcoholic beverages, industrial alcohol, and related products. Devises policies and programs and designs the organizational structure to achieve these objectives. Plans, develops, and prepares regulations, procedures, and rulings, and provides guidance and training to field elements, for effective application of policies and programs; and appraises management of field offices, as it relates to functional areas other than enforcement, through a planned on-site evaluation program.

1113.516 *Tobacco Tax Branch*. Responsible for planning, developing, and expressing the program for the administration of the internal revenue laws relating to tobacco materials, tobacco products, and cigarette papers and tubes. Formulates policies, practices, procedures, and regulations relating to the manufacture and taxpayment or tax-exempt disposition of tobacco products and cigarette papers and tubes, and to the handling of tobacco materials. Conducts analytical studies of the laws, regu-

lations, policies, practices, and procedures, and appraises field operations, to determine the efficiency and effectiveness of the tobacco tax program. Formulates recommendations for revision of internal revenue laws in the tobacco tax area. Interprets laws and regulations, makes tax determinations, and issues rulings and instructions; prepares internal management documents and forms; analyzes recurring problems and develops solutions; and prepares final decisions in cases where the action of regional offices is protested or appealed.

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 overstates the decision of the District Director, and of cases docketed in the Tax Court of the United States (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. Furnishes administrative services for the operation of the Appellate Division of the National Office. Also directs or performs certain centralized Appellate functions.

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.

1113.522 *Operations Analysis Branch*. Analyzes and interprets program status and progress in accomplishing the overall Appellate mission, and conducts the Appellate Reports and Information Retrieval Activity (ARIRA) program, through

the following principal functions: 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. Collaborates with the Management Information Division in the development, review, and improvement of the nationwide Appellate reporting system which provides the Director, his assistants, and staff with statistical information to assist them in evaluating management effectiveness in the regions. Issues instructions for changes and improvements in the system and coordinates with other organizations on reporting and related matters. Assists regional offices in problems involved in preparing statistical reports. Collaborates with the Management Information Division on the ARIRA program in determining and testing formats for machine-produced reports which present information in the most usable form for Appellate management at all levels and as an aid to research. Issues instructions for the preparation of source documents for computer input and for branch office records. Collaborates with Planning and Research, Data Processing, and other segments of the Service in a research effort to create a comprehensive information storage and retrieval system.

1113.523 *Procedures Branch*. Provides current procedural instructions and public issuances for the Appellate Division through the following principal functions: Plans, directs, and administers the development, preparation, issuance, and interpretation of instructions necessary to implement policies, plans, programs, and procedures relating to the Appellate function. Coordinates all procedural changes with other segments of the Service. Recommends changes in the Code of Federal Regulations for Appellate activities and, when necessary, publication in the FEDERAL REGISTER. Considers employee suggestions submitted under the Incentive Awards Program which relate to Appellate activities and implements those that are adopted.

1113.524 *Settlement Analysis Branch*. Performs qualitative analysis of the work product of the regional Appellate Divisions and provides them with technical assistance through the following principal functions: Reviews and analyzes action memoranda and supporting statements on cases closed by regional Appellate Divisions to provide assurance of and to promote uniformity and consistency in the treatment of issues, to assist in maintaining optimum quality of performance and decisions, and to ascertain compliance with procedures and the need for clarifying instructions. Postreviews final closing agreements approved by regional Appellate officials. Also reviews final 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 Session, Reconsideration, Affirmative Issue, and Fraud cases) to assist the Director and the Assistant Regional Commissioners (Appellate) in their programming and long-range planning. 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. Analyzes the ARIRA and RIRA legal issue tables and reports significant findings to the Director, the Assistant Regional Commissioners (Appellate), and regional offices. Maintains liaison on matters relating to cases requiring submission to the Congressional Joint Committee on Internal Revenue Taxation. Provides centralized files, mails, distribution, and messenger service; and prepares sensitive case reports.

**1113.525 Special Services Branch.** Advises 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 reviewing settlements, 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.

**1113.53 Audit Division—Office of Director.** Accomplishes the audit mission with reference to the correct reporting of income, estate, gift, employment, and certain excise taxes by developing and supervising (functional supervision) nationwide programs for the examination of tax returns and the disposition of certain offers-in-compromise, and through measurement of the types and degrees of compliance and noncompliance in reported tax liabilities, the determination and analysis of the reasons for noncompliance, and the reduction of noncompliance. The Division also performs certain centralized audit functions as specified in branch functional statements.

**1113.531 Administrative Services Office.** Furnishes administrative services for the operation of the Audit Division through performance of the following functions: Provides for administrative needs of the Division; provides centralized mail, files, distribution, messenger, and library services.

**1113.532 Budget, Reports and Data Processing Branch.** Coordinates development of current and long-range examination workload plans and budget and fiscal activities through the Planning-Programming-Budgeting System. Integrates annual work plan with current budget allocations. Designs statistical reports systems and report forms. Compiles, analyzes, and presents comprehen-

sive statistical and other management data needed to monitor accomplishment of work plans and assist National Office and field program managers in the interpretation and use of such data. Provides program management and functional supervision of activities performed in district office service branches and audit activities performed at Service Centers, including Data Center and Service Center-oriented operational systems and programs. Coordinates with the Office of the Assistant Commissioner (Data Processing) and the Office of the Assistant Commissioner (Planning and Research) on storage and retrieval of information.

**1113.533 Management Services Branch.** Monitors, studies, and coordinates matters pertaining to organization, staffing, recruitment, job classification, equipment and facilities; performs liaison with Personnel Division and Facilities Management Division. Evaluates identified training needs, prepares specifications, and coordinates with Training Division in development, revision, or modification of training course materials, including seminar and workshop materials. Appraises need for, quality, and uniformity of district and regional external use forms and form letters; develops, revises, and controls National Office internal and external use forms and form letters and maintains liaison with Tax Forms Coordinating Committee and Facilities Management Division. Evaluates corrective actions taken on Internal Audit findings and prepares reply to Internal Audit Division. Evaluates and recommends adoption or nonadoption of incentive awards suggestions and processes all other matters pertaining to the Incentive Awards Program. Controls revisions, deletions, and additions to Part IV, IR Manual for consistency and uniformity of format and performs manual updating. Receives all field issuances, maintains a complete central file of these issuances, and distributes them to the functional areas affected.

**1113.534 Field Examination Branch.** Provides program management for Audit Division's functional supervision of examinations for income tax liabilities through field examinations. Performs the following functions: Plans selection of workloads within limitations of examination program allocations; implements programs through development of systems, procedures, methods and other instructions including audit technique guides; identifies needs for special training courses, seminars and workshops; assists field offices in program execution through participation in Audit Division visitation program and special purpose visits as required; monitors and evaluates program execution through interpretation of statistical and other available information disclosed during field visits on status, progress, and trends of programs and operations; controls, processes, and evaluates field requests for information from other Government agencies concerning examinations, contacts the agencies, and advises the requesting field office.

**1113.535 Office Examination and Miscellaneous Taxes Branch.** Provides program management for Audit Division's functional supervision of examinations for income tax liabilities through office audits; all examinations for estate, gift, excise, and employment tax liabilities; and examinations of tax exempt organizations (for detection of violation of conditions of exemption). Performs the following functions: Plans selection of workloads within limitations of examination program allocations; implements programs through development of systems, procedures, methods and other instructions including audit technique guides; identifies needs for special training courses, seminars and workshops; assists field offices in program execution through participation in Audit Division visitation program and special purpose visits as required; monitors and evaluates program execution through interpretation of statistical and other available information disclosed during field visits on status, progress, and trends of programs and operations; performs liaison with Chief Counsel and Office of Assistant Commissioner (Technical) in solving administrative problems stemming from legal or interpretative positions on estate, gift, excise, employment taxes, and exempt organizations.

**1113.536 Operational Research Branch.** Coordinates and collaborates with the Office of the Assistant Commissioner (Planning and Research) and the Office of the Assistant Commissioner (Data Processing) with respect to research projects and studies pertaining to (1) taxpayer compliance and noncompliance; (2) relative effectiveness of various overall Audit program concepts; and (3) applications of automatic data systems to Audit operations. Provides complementary research analyses and measurements, and evaluates forecasts in terms of their application to Audit programs. Develops analytical models to reveal significant relationships among Audit operations. Serves as consultant on analytical methods to other Branches and assists National Office and field audit personnel in understanding and utilizing the tools of systematic analysis and data resulting from analyses.

**1113.537 Post Examination Branch.** Provides program management for Audit Division's functional supervision of post-examination and associated programs including: review and postreview activities; district conference function; preliminary and statutory notices; pension trust and exempt organization determination letters; Joint Committee cases; jeopardy assessments; claims for reward; and offers in compromise based on doubt as to liability for taxes or for both taxes and statutory additions (except alcohol, tobacco, and firearms taxes). Performs the following functions: Plans and implements program through development of systems, procedures, methods, and other instructions including reviewer, conferee, and other technique guides; identifies needs for special training course, seminars, and workshops; assists field offices in program execution

through participation in Audit Division visitation program and special purpose visits as required; monitors and evaluates program execution through interpretation of statistical and other available information disclosed during field visits on status, progress and trends of programs and operations; performs liaison and coordinates with Appellate Division and the Office of Assistant Commissioner (Technical) as necessary on district conferences and determination letters; postreviews Office of International Operations cases in a role comparable to an Assistant Regional Commissioner (Audit); reviews offers in compromise within functional jurisdiction requiring the Commissioner's approval; reviews and approves certain proposed jeopardy assessments and performs sample postreview of all jeopardy assessments.

**1113.538 Technical Coordination Branch.** Performs liaison activity on income tax technical matters with Appellate Division, Office of Assistant Commissioner (Technical) and Chief Counsel. Identifies need for and proposes changes in legislation, regulations, and issuance or revision of rulings through review of technical coordinator reports, review of tax briefs, requests for and replies to technical advice, and other sources of information indicating administrative problems stemming from legal or interpretative positions. Monitors and reports on cases and issues in suspense awaiting court decision or National Office action. Recomputes tax based on court decisions and proposed Justice Department settlements. Assists Chief Counsel and the Department of Justice in trial and settlement of cases. Maintains file and prepares regular reports to Assistant Commissioner (Compliance) on sensitive cases. Performs centralized activities relating to qualification for enrollment and practice. Prepares replies to correspondence from external sources relating to audit field action.

**1113.54 Collection Division—Office of the Director.** Accomplishes the Collection mission with reference to the filing and payment requirements of the Internal Revenue laws by developing and supervising (functional supervision) nationwide programs for taxpayer assistance (including 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 nonfiling and reduction of nonfiling; and the receipt and processing of wagering, narcotics, alcohol, and tobacco tax, and firearms returns and applications.\* The Division also performs certain centralized Collection functions and administers the disclosure provisions of the law and regulations concerning inspection of returns and related matters of official record. (\*Limited to those regions where 2300 and 3200 Activities have been consolidated.)

**1113.541 Administrative Service Office.** Furnishes administrative services for the operation of the Collection Division of the National Office through performance of the following functions: Provides for administrative needs of the Division, such as centralized mails, files, distribution, messenger, photoreproduction, and library services. Maintains liaison with the Office of Assistant Commissioner (Administration) on all National Office Collection Division administrative matters (including budgetary, personnel, training, and facilities management matters). Provides administrative control of Incentive Awards suggestions assigned to other elements of the Division for study and recommendation and makes certain all suggestions have been effectively coordinated within the Division. Monitors, coordinates and integrates Collection Division portion of the Management Improvement Report.

**1113.542 Analytical Services Staff.** As a staff and service support element, provides statistical analytical services to the Director/Assistant Director and all elements of the Collection Division, and identifies, evaluates, interprets, reports, and assists in reporting progress toward accomplishment of the Collection mission through performance of the following functions: Collects and presents relevant statistical data in an organized and readily usable form in accordance with management needs. Analyzes and evaluates source data and other information, prepares preliminary interpretations and presents preliminary reports of progress toward accomplishment of Collection mission and stated objectives. Provides these to the Director and concurrently to the other organizational elements of the Division. Performs across-the-board (horizontal) evaluation of Collection programs and activities, including relating of external data such as economic and social data and provides technical assistance to Branch Chiefs in their detailed (vertical) analysis and evaluation of specific programs. Researches, develops, and disseminates to Collection personnel (National Office and Field) the most effective and latest analytical methods and techniques and the most effective means for presenting and communicating statistical data and interpretations. Serves as Collection Division consultant on these matters. Provides assistance in program evaluation, general analysis and in preparation for visits to Field Offices by the Supervisor of Visits and other personnel; as requested, provides assistance in statistical research to all element of the Collection Division with reference to TCMP, evaluation of Collection Field workload, and other special compliance research and measurement of voluntary compliance. Serves as specialist and consultant in analytical methods and assists District, Regional, and National personnel in understanding and utilizing techniques and data resulting from integrated analysis of relevant internal and external data.

**1113.543 Centralized Activities Office.** Performs all centralized Collection operations retained in the National Office,

through the following principal functions: Reviews and processes all cases requiring approval of the Joint Committee on Internal Revenue Taxation (overassessments of \$100,000 or more); adjustments of World War II Excess Profits Tax; adjustments of Post-War Credit; Judgments of the District Courts and the Court of Claims; administrative settlements by the Department of Justice. Advises district directors with reference to proper application in the final settlement of cases involving administrative provisions of the Code relating to assessments, collections, abatements, credits, refunds, and restricted interest. Performs other centralized functions relating to: Offsets of claims and debts; redemption of Government securities; redemption of mutilated currency; requests for relief under Public Law 334; and arranges for Government depositaries. Receives checks from Post Office Department from the proceeds of the documentary stamp sales; causes checks to be issued for distribution of certain tax collections to island possessions and Government agencies and maintains an account current for same. Conducts correspondence and engages in conferences with taxpayers, other officials of the Service, the Department of Justice, and other Government agencies regarding the above activities. Serves in an advisory capacity to other branches of the Division in developing policies and procedures in connection with these activities.

**1113.544 Special Projects Staff.** Assists the Director/Assistant Director and all elements of the Collection Division as a Staff element assigned special projects and activities not directly identified with any single program for which a program management branch has responsibility and especially involving 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, 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 (Data Processing) 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. 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. Monitors maintenance and development of Part V of the Manual by all organizational elements of the Division, and serves as control point for all published issuances of the Division. Provides for and controls regularly planned and special visits by personnel of the various organizational elements of the Division to Field Offices. Responsible, on a continuing basis, for management improvement, work simplification, better utilization of resources, etc., with reference to assigned programs.

1113.545 *Delinquent Accounts Branch.* Exercises program management responsibility for Collection Division's 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, and withholding taxes and specific penalties), and all offers in compromise of 100 percent penalties, and 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) by performing the following functions with reference to the Offer in Compromise and Delinquent Accounts 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 and training guides. 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 (Data Processing) on substantive program and systems matters pertaining to assigned programs. Collaborates with Special Projects Staff in identifying need for and seeking improvement of reports and information systems. Identifies need for and seeks improvement of records and internal forms in collaboration with Fa-

ilities Management Division. Recommends appropriate action on Incentive Award suggestions referred by the Administrative Services Office and on internal audit reports referred by the Special Projects Staff. Conducts studies required for problem identification, problem solving, planning, assistance to the regions, and engages in "trouble-shooting" for assigned programs. 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. Responsible, on a continuing basis, for management improvement, work simplification, better utilization of resources, etc., with reference to assigned programs.

1113.546 *Delinquent Returns Branch.* Exercises program management responsibility for Collection Division's functional supervision of the filing requirements of the Internal Revenue laws through the Delinquent Returns Program (obtaining of delinquent returns, measurement of the types and degrees of nonfiling, determination and analysis of the reasons for nonfiling and reduction of nonfiling) by performance of the following functions with reference to the 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 and training guides. 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 trend of Field Operations involving assigned programs. Collaborates with Office of Assistant Commissioner (Data Processing) on substantive program and systems matters pertaining to assigned programs. Collaborates with Special Projects Staff in identifying need for and seeking improvement of reports and information systems. 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 Services Office and on internal audit reports referred by the Special Projects Staff. 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.

1113.547 *Disclosure and Liaison Branch.* Serves as taxpayer liaison office

for the Division and administers the disclosure provisions of the law and regulations concerning inspection of returns, and other matters of official record, by congressional committees, Federal agencies, States, and in the case of documents in the custody of the National Office, by any person, through 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. Certifies documents under the Treasury Department Seal, furnishing copies where appropriate. Prepares Manual instructions, revenue procedures, delegation orders, policy statements, and other instructions governing disclosure from official records. Acts on requests for testimony. Conducts correspondence and engages in conferences with taxpayers, officials of the Service, States, other Federal agencies, and congressional committees on disclosure matters. Serves in an advisory capacity to officials of the National Office in developing disclosure policies and procedures.

1113.548 *Taxpayer Assistance Branch.* Exercises program management responsibility for Collection Division's functional supervision of the year-round Taxpayer Assistance Program to assure prompt, accurate, and responsive replies to taxpayer inquiries (walk-in, telephone, and correspondence\*), through participation and support by various organizational elements of the Service with reference to manpower and facilities, and to assure uniformity and consistency of Service policy on furnishing assistance to taxpayers through review of educational and informational materials issued for general public use. The scope of the year-round Taxpayer Assistance Program includes the issuance of Certificates of Compliance to departing aliens.\* Performs the following functions with reference to the Taxpayer Assistance 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 and training guides. 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 trend of Field Operations involving assigned programs. Collaborates with Office of Assistant Commissioner (Data Processing) on substantive program and systems matters pertaining to assigned programs. Collaborates with Special Projects Staff in identifying need for and seeking improvement of reports and information systems. 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 Services Office and on internal audit reports referred by the Special Projects Staff. Conduct 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. (\*Correspondence and departing alien assistance is limited to those regions where 2,300 and 3,200 Activities have been consolidated.)

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 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 and prosecution processes. The Division also conducts, coordinates, and directs the investigation of cases which have been centralized, and performs certain other centralized Intelligence functions.

1113.551 *Administrative office.* Furnishes 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.

1113.552 *Analysis and Evaluation Branch.* Evaluates, interprets, and reports progress toward the accomplishment of the Intelligence mission and performs certain support, case review, and centralized operational functions by: Appraising the effectiveness of field Intelligence management and investigative

operations through statistical studies and from narrative material such as visitation reports and internal audit findings; collaborating with the Management Information Division for the report of management and investigative accomplishments; consolidating, evaluating, and disseminating information reflecting accomplishments of programs and plans; identifying operational and management deficiencies through statistical studies and analytical case reviews and, as appropriate, initiating corrective action or referring the identified deficiencies to the appropriate branch; preparing final Intelligence recommendations in cases unresolved at regional level; analyzing selected cases for uniform application of policies, programs, and procedures; disseminating information on current developments, such as legal decisions, unique defenses, and unusual investigative approaches; collaborating with the Fiscal Management Division in the evaluation of field financial proposals; submitting recommendation for the allocation of Intelligence personnel and funds; collaborating with the Office of Public Information in the preparation of news releases regarding closed cases; conducting special statistical and analytical studies, and research; and participating, as directed, in field visits in connection with the national program and management review.

1113.553 *Investigative Techniques Branch.* Develops and maintains professional skills of special agents, develops investigative techniques and performs certain support functions in the accomplishment of the Intelligence mission by: Conducting studies and developing intelligence training programs, materials, and budget estimates in collaboration with the Training Division; directing and conducting centralized Intelligence training programs; instructing at, and collaborating in the direction and supervision of the Treasury Law Enforcement School; coordinating and evaluating field training; developing, providing, and maintaining investigative handbooks; evaluating, developing, and disseminating investigative techniques; identifying deficiencies in training programs and materials and in investigative techniques and initiating corrective action or referring identified deficiencies to the appropriate branch; developing Intelligence investigative equipment standards; allocating investigative equipment to the field in collaboration with the Operations Coordination Branch; cooperating with the Personnel Division in the development of guidelines and standards for recruitment of and selection of Intelligence personnel; collaborating with the Foreign Tax Assistance Staff in orienting interested enforcement officials of other Federal agencies, and of State and foreign governments concerning Intelligence techniques, procedures, and practices; conducting special studies and research and undertaking special assignments; collaborating and consulting with other Service activities and Government agencies concerning training, investigative techniques and equipment; and par-

ticipating, as directed, in field visits in connection with the national program and management review.

1113.554 *Operations Coordination Branch.* Provides the field with operational assistance, and conducts, directs, and coordinates 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 interregional in scope, of a sensitive nature, or of national interest; responding to communications on matters pertaining to operations, including correspondence for the signature of top Treasury and Service officials; keeping Service and Treasury officials informed of significant developments in sensitive cases and those of national interest; collaborating with the Investigative Techniques Branch in allocating investigative equipment to the field; maintaining and controlling the National Office Intelligence Division investigative equipment pool; coordinating certain phases of investigations and furnishing the field with advice to resolve problems arising in the course of specific cases; 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 participating, as directed, in field visits in connection with the national program and management review.

1113.555 *Planning and Procedures Branch.* Provides effective management and technical programs (including Intelligence Division's portion of the Commissioner's Program Planning Document), plans and procedures for accomplishment of the Intelligence mission and identifies as well as corrects deficiencies in programing, planning, and procedural guidelines through review of policies, management reports, reports of field visits, other issuances, and special on-site studies, and through consultation and coordination with other Service elements. Develops organizational and staffing standards; conducts special studies and research; consults and coordinates with other Service elements on such matters as the findings in internal audit reports, the preparation of the Long-Range plan, and the development of criteria to be used in the automatic processing of returns to aid in identification of returns having criminal potential. Collaborates with the appropriate Service elements on submission of legislative proposals (including voluntary disclosure matters) and also in the development of personnel standards, procedures and guidelines for Intelligence personnel. Evaluates and recommends disposition of Incentive Awards suggestions and proposals. Responds to communications on matters pertaining to Intelligence programs, plans, and procedures, and prepares, as necessary, correspondence for

the signature of top Treasury and Service officials. Monitors, coordinates and integrates the Intelligence portions of the Management Improvement Report and the Commissioner's Annual Report. Participates, as directed, in field visits in connection with the national program and management review.

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 nonresident 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 Director's 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 U.S. 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 U.S. tax liabilities, coordinates foreign travel of Service personnel, and maintains foreign posts.

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 U.S. Embassies and Consulates.

1113.562 *Collection Division.* Receives, processes and, where appropriate, mathematically verifies all tax returns and information items emanating from the

foreign area and U.S. possessions; safeguards and deposits all remittances received in the office; makes all required adjustments to tax liabilities; provides taxpayer service to citizens and aliens through correspondence, telephone, and personal interview; performs required delinquency checks in the overseas area; performs all accounting operations, including the issuance of bills, processing of claims, scheduling of refunds, and maintenance of general ledger; administers the provisions of tax treaties authorizing the automatic and other exchange of tax information between the United States and foreign countries; administers section 6316 of the 1954 Code authorizing, under certain conditions, the acceptance of foreign currencies in payment of U.S. tax liabilities; develops procedures required to process alien returns; determines whether National Office programs and procedures which are geared to district and Service Center processing should be applicable to the international area and issues implementing instructions where necessary; collects delinquent accounts of taxpayers residing abroad; examines certain offers in compromise; provides collection assistance to foreign governments as provided by tax treaties; develops procedures relating to the collection of delinquent taxes in the foreign area; maintains liaison with the State and Defense Departments and the Bureau of Accounts concerning collection matters; provides advice and guidance on collection where performed by the Foreign Posts and personnel detailed overseas; provides guidance and assistance to the governments of Guam and American Samoa concerning the processing of U.S. social security and self-employment tax returns.

1113.5621 *Office Branch.* Receives, processes and, where appropriate, mathematically verifies all types of tax returns filed by nonresident aliens, citizens residing abroad, foreign corporations, plus wage and excise, and estate and gift tax returns emanating from the foreign area, withholding agents returns (Form 1042), information returns with respect to foreign corporations (Form 959), and all information returns filed under tax treaties; receives, safeguards, and deposits all funds tendered to International Operations in Washington, D.C., in payment of Internal Revenue taxes; receives, opens, stamps, sorts, and distributes all ordinary mail; makes all required adjustments to tax liabilities; computes and asserts penalty and interest on delinquent returns; authorizes extensions of time for filing; provides taxpayer service through correspondence and personal interview; performs required delinquency checks in the overseas area; performs all accounting operations relating to returns and remittances received including the issuance of bills and taxpayer delinquent account notices, processing of claims, scheduling abatements, credits, and refunds, certifications of accounts, and maintenance of a general ledger; computes and withholds tax due from interest allowed on refunds paid

to nonresident aliens; administers the provisions of tax treaties authorizing the automatic and other exchange of tax information between the United States and foreign countries; administers section 6316 of the 1954 Code authorizing, under certain conditions, the acceptance of foreign currency in payment of U.S. taxes; develops procedures required to process alien returns; develops implementing procedures from National Office issuances which are geared to regular district and Service Center operations; prepares all required accounting, processing, and work planning and control reports; provides guidance and assistance to the governments of Guam and American Samoa concerning the processing of U.S. social security and self-employment tax returns.

1113.5622 *Delinquent Accounts and Returns Branch.* Is responsible for all activities pertaining to the collection of delinquent accounts of nonresident aliens and citizens residing abroad through levy, lien, summons, seizure, sale, or other authorized means; secures delinquent returns on the basis of assigned investigations or by returns compliance activity (primarily by correspondence); makes recommendations to Chief Counsel for suits to foreclose Federal tax liens, enforce levies, appoint receivers and to establish transferee assessments; recommends jeopardy assessments and expedites and coordinates collection actions required; recommends transferee assessments to the Audit Division; works closely with Chief Counsel and Justice Department in developing legal approaches to collecting accounts; prepares proofs of claim and traces the transfer of assets in decedent cases; maintains file of validated liens; reviews and acts on requests for release, discharge, or non-attachment of Federal tax liens; determines appropriateness and legal sufficiency of collateral offered to stay collection of tax or withhold the filing of liens; 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 or doubt as to collectibility (except alcohol, tobacco, firearms, employment, and withholding taxes and specific penalties), and all offers in compromise of 100 percent penalties; authorizes the write-off of accounts as uncollectible; performs necessary followup on written-off accounts; furnishes advice and guidance to the Revenue Service Representatives and their staffs concerning the collection of delinquent accounts; maintains liaison with the State and Defense Departments and other Government agencies as a means of increasing compliance with IRS regulations by overseas personnel of these departments; develops operating procedures for collecting delinquent accounts and securing delinquent returns in the foreign area; constantly explores means of increasing enforcement powers overseas; requests and lends assistance under the applicable reciprocal collection provisions of tax treaties with foreign governments; maintains statistical and accomplishment records and prepares

necessary work planning and control reports and other necessary activity reports as required.

**1113.5623 Puerto Rico Collection Branch.** Receives, processes and, where appropriate, mathematically certifies all tax returns emanating in Puerto Rico and the Virgin Islands, including alcohol and tobacco tax returns; receives, safeguards, and deposits all remittances received in the office; receives, opens, stamps, sorts, and distributes all ordinary mail; makes all required adjustments in tax liabilities; computes and asserts penalty and interest on delinquent returns; authorizes extensions of time for filing; provides taxpayer service through correspondence, telephone and personal interview; performs all accounting operations, including the issuance of bills, processing of claims, scheduling of refunds and maintenance of general ledger; responsible for all activities pertaining to the collection of delinquent accounts of citizens residing in Puerto Rico and the Virgin Islands through levy, lien, summons, seizure, sale, or other authorized means; makes all required delinquency checks through correspondence and personal contact; recommends jeopardy assessments and expedites and coordinates collection actions required; prepares proofs of claim; determines appropriateness and legal sufficiency of collateral offered to stay collection of tax or to withhold the filing of liens; 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 or doubt as to collectibility (except alcohol, tobacco, firearms, employment, and withholding taxes and specific penalties), and all offers in compromise of 100 percent penalties; authorizes the write-off of accounts as uncollectible and performs necessary followup on these accounts; maintains liaison with Puerto Rican government concerning items of mutual interest; prepares all processing, accounting, and delinquent accounts and returns reports, including all work planning and control reports; maintains records of alcohol and tobacco tax collections for subsequent transmission to the Puerto Rican government.

**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, informants' 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.

**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.

**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 tech-

nical 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.

**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.

**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 Operations 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 Division; assembles audit production and statistical data and maintains controls on statutory expirations for the entire Audit Division as well as the Foreign Operations Division.

**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 nonresident aliens and foreign corporations. Conducts examinations of estate tax returns of U.S. citizens who died while residing abroad or nonresident aliens with substantial property or income in the United States and gift tax returns filed by nonresident 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 U.S. 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 examination 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.

1113.564 *Foreign Operations Division.* Plans, develops and coordinates the work programs and other activities of the foreign posts in accordance with Service objectives in the international area. Conducts the intelligence function with respect to taxpayers under jurisdiction of the Office of International Operations. Coordinates, directs and/or conducts all compliance functions performed overseas by Appellate, Audit, Collection, Intelligence, and International Operations personnel. Makes necessary recommendations, holds conferences and coordinates all audit, collection, delinquency and intelligence functions between the foreign posts and the Divisions of the Office of International Operations, other Service components and other Government agencies; determines whether actions requested are appropriate and whether they should be handled by foreign representatives, International Operations personnel on detail, other Service personnel or other Government agencies. Supervises and evaluates the work and performance of foreign representatives. Keeps Director informed of trends in the foreign area which will be employed in program development and establishment of Service objectives. Exercises broad vision in determining proper utilization of information obtained from foreign representatives. Assists the Director in the performance of functions under tax treaties principally involving nonautomatic exchange of information. Serves as focal point for all contacts with foreign governments either directly or through the foreign posts pursuant to the operating provisions of the various tax treaties. 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 Delinquency Programs abroad and plans and coordinates, in conjunction with the military services, the Annual Military Assistance and School Program for overseas military personnel.

1113.5641 *Foreign Posts.* Pursuant to broad annual programs developed by the Foreign Operations Division, initiates such actions in the assigned areas as are necessary to establish and maintain satisfactory levels of voluntary compliance. Develops information indicating possible tax evasion, delinquency or noncompliance and completes action thereon or forwards the information to Washington for further development. 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 cases involving timely and delinquent income, estate, and gift tax returns, claims, offers in compromise, etc., including those referred abroad by International Operations headquarters for such purposes. Under specific direction, assists the Director in the exercise of the Competent Authority provisions of tax treaties by holding preliminary discussions with the foreign government representatives on the settlement of issues in specific cases involving double or discriminatory taxation and forwards information to Washington, D.C. Maintains close liaison with foreign governments, in tax treaty, enforcement, exchange of information, technical and other highly complex matters. Maintains close liaison with U.S. military authorities and taxpayer groups in the area and 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 with regard to both current and delinquent income, estate, and gift tax matters.

1113.565 *Research Tax Treaty and Technical Services Division.* Provides the Office of International Operations with research and technical assistance to aid in achieving its mission; accumulates and analyzes varied pertinent tax data of foreign and U.S. derivation; prepares, coordinates, and reviews guidance memoranda for other OIO Divisions. Assists the Director in performance of the functions of Competent Authority under tax treaties principally involving processing of double taxation claims; maintains a continuing appraisal of the operation of the income and estate tax treaties of the United States for the purpose of identifying areas for renegotiation; considers administrative and operational feasibility of proposed tax conventions and regulations thereunder; conducts analytical studies with a purpose of achieving effective tax compliance; prepares for the Office of International Operations and coordinates with various

National Office Divisions recommendations for remedial legislation or regulatory amendments; reviews or prepares for the Office of International Operations suggested public use or internal forms and documents; accumulates and disseminates information regarding U.S. business activity abroad and foreign business activity in the United States. Acts on assignments received by Director from Assistant Commissioner (Compliance) or other National Office officials or components, of a program or planning nature. Determines the amount of administrative relief (offset) to be allowed under Revenue Procedure 64-54; conducts detailed studies and analyses of various examination reports and other documents in assisting the Director to provide assistance and guidance to the various compliance functions in the international area; submits recommendations with respect to proposed changes in legislation, regulations, revenue procedures, treaty provisions and other aspects of the international enforcement program. Maintains a group of economists and Internal Revenue Agents to provide economic data and guide technical personnel in resolving economic problems arising from proposed section 482 adjustments.

1113.5651 *Economic Advisory Branch.* Accumulates and maintains reference files of economic data pertinent to section 482 allocation cases; postreviews appropriate coordinated examination reports to determine whether there is uniformity of approach and application of economic principles in section 482 allocations; prepares guidelines which set forth economic factors to consider in determining section 482 allocations; upon request, provides elements of the Service with economic data for guidance in determining section 482 allocations; provides direct assistance, when necessary, to appropriate Service personnel on a consultant basis in section 482 allocation matters; provides expert testimony of economists in section 482 cases in process of litigation; conducts economic studies covering pricing, and other trade practices; periodically prepares a review digest containing items of general interest and results of review of closed section 482 allocation cases.

1113.5652 *Research and Tax Treaty Branch.* Accumulates and analyzes data concerning foreign tax laws, U.S. Tax Treaties, U.S. tax-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 the Director in the performance of the functions of the Competent Authority with respect to claims of double taxation under the respective tax treaties; under direction of the Competent Authority, represents the U.S. Government at conferences with foreign Competent Authorities on double taxation matters; reviews drafts of proposed tax conventions and regulations thereunder and prepares comments thereon regarding the administrative and operational feasibility of the conventions and

regulations; seeks out operational and administrative problems in the tax treaty area, and where applicable, prepares analytical studies of technical problems and tax avoidance schemes in the international area for the purpose of disclosing tax law provisions that are weak, ineffective, inconsistent or unjust; prepares plans and programs to combat tax avoidance and evasion in the international area; reviews or prepares suggested tax forms and other material for the use of taxpayers under the jurisdiction of the Office of International Operations and coordinates technical matters having reference to proposed legislation and similar matters with the various Divisions of the National Office and other Government agencies. Accumulates or programs for the accumulation of data designed to show such information as to extent, nature, location of U.S. taxpayer business and trust interest outside of United States, as well as similar data relative to foreign business entities ostensibly doing business in the United States; develops and prepares procedures designed to accumulate data on receipt and disposition of information relative to foreign business operations of concern to United States; all such information shall be in such form that periodic or special requests for reports on the subject can be readily provided. Acts on assignments received by Director from Assistant Commissioner (Compliance) or other National Office officials or components, of a program or planning nature. Receives requests for relief from economic double taxation filed by taxpayers under Revenue Procedure 64-54 and processes such requests to determine the amount of administrative relief (offset) to be allowed and where appropriate prepares closing agreements for execution by taxpayers and Service. Conducts detailed studies and analyses of various examination reports and other documents in assisting the Director to provide assistance and guidance to the various compliance functions in the international area. Submits recommendations with respect to proposed changes in legislation, regulations, revenue procedures, treaty provisions and other aspects of the international enforcement program. Provides data concerning foreign tax laws through channels 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.

**1113.6 OFFICE OF ASSISTANT COMMISSIONER  
(DATA PROCESSING)**

The Assistant Commissioner (Data Processing) is the principal assistant to the Commissioner and Deputy Commissioner on all matters relating 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 (except wagering, narcotics, alcohol, and tobacco tax, and firearms

returns and applications\*) and payments; and the review and coordination of all reports. 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 ADP activities in Regional Offices and Service Centers, and for deposit operations in District Offices.\*\* Confers and collaborates with officials of other Government agencies and private industry to assure compatibility of data which will be integrated into the ADP system of each. (\*Exception limited to those regions where 2300 and 3200 Activities have been consolidated.) (\*\*Exception: In those districts where 2300 and 3200 Activities have not been formally consolidated in accordance with the established timetable, this Assistant Commissioner has functional supervision over all data processing activities in such District Offices.)

**1113.61 Administrative Office.** Plans, organizes, coordinates, and directs the administrative management activities of the Office of Assistant Commissioner (Data Processing) 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.

**1113.62 Operations Division—Office of the Director.** Plans, directs, and coordinates the implementation of the ADP System. Provides functional supervision over data processing activities in the Regional Offices and Service Centers, and over deposit operations in District Offices.\* This includes program planning for and evaluating these activities and directing the installation of the ADP system or modifications to that system. Provides line supervision over the National Computer Center and provides liaison between the Center and other organizational units of the Service served by it. In addition, the Division develops and administers a program for analysis and statistical evaluation of the continuing programs of the Data Processing Activity. (\*Exception: In those districts where 2300 and 3200 Activities have not been formally consolidated in accordance with the established timetable, this Division has functional supervision over all data processing activities in such District Offices.)

**1113.621 Analysis Branch.** Develops and administers a program for analysis and statistical evaluation of the continuing programs of the Data Processing Activity. The Branch determines criteria, establishes data requirements, and conducts both continual and special evaluation with respect to: (1) The effectiveness of the Automatic Data Processing Program, including the effect of shifts in program emphasis between Activities on Data Processing and other Service programs; (2) the assessment of the status of Data Processing programs at all or-

ganizational levels, as revealed through analysis of recurring reports providing accounting and broad statistical data on the operations of the Returns Processing and Revenue Accounting, and Service Center Activities; (3) the Taxpayer Compliance Measurement Program. In exercising these responsibilities, it maintains close coordination with the Management Information and Systems Divisions, and indicates to appropriate Data Processing officials possible alternative solutions to problems discovered through the evaluation process. The Branch evaluates source data analyzed to ensure its meeting professional standards of quality and timeliness; coordinates with other offices and makes field visitations as necessary to correct problems. It collaborates with the other branches of the Operations Division and with the Management Information Division in the development, review, and administration of an integrated reporting system which will provide the data necessary for areas of mutual concern.

**1113.622 Field Coordination Branch.** Responsible for monitoring and evaluating the progress of returns and documents through the ADP system in relation to established standards and cycles; for providing higher management with reports on progress of production; and for recommending corrective action where necessary to assure timely and efficient processing. Conducts on-site studies of operations incident to the evaluation of progress of production, and performs a continuing review and evaluation of the functioning of the entire ADP system to determine how effectively the objectives of the system are being met. Identifies through on-site studies, observation or otherwise, the existence of non-uniformity in organization, procedures, flow of work, physical layout, equipment, etc., wherever uniformity is deemed or established to be necessary to the effective management or operation of the ADP system and recommends corrective action. Provides liaison between field data processing activities and the Systems Division on the improvement of the ADP system and procedures. Participates with the Systems Division in systems acceptability tests. Coordinates development and analysis of evaluative data under the National Office Review Program, including review of Internal Audit Reports and related liaison activities.

**1113.623 Program Development Branch.** Responsible for developing and recommending the current and long-range Data Processing programs and plans to achieve the ADP Plan objectives, and for providing related coordination and guidance. Provides support, direction and guidance of all general administrative management functions of field installations of Data Processing including procurement of buildings, supplies and personnel; organization; redeployment; training; and internal and external information. Develops, recommends, or evaluates management control systems; coordinates with appropriate officials to assure compatibility

with other systems and furnishes specifications to the Systems Division. Responsible for preparing and coordinating technical information materials relating to, and in support of, data processing programs. Reviews and answers inquiries from taxpayers, Congressmen, and others relating to operations, procedures, tax code provisions, or legal questions. Coordinates with field offices, tax practitioners and taxpayers in resolving questions and problems in individual cases. Assists with recommendations and reports on legislation affecting data processing activities.

1113.624 *Resource Utilization Branch.* Responsible for the development, supervision and analysis of the Work Planning and Control System for manpower and equipment requirements. Conducts studies to assure that resources are effectively utilized and are abreast with the needs of the ADP Program. Develops and prepares Financial Plans for National Office activities of the Assistant Commissioner (Data Processing), recommends allocation of field activity budgetary estimates, and develops and updates the long-range plans as they relate to resources requirements and budgetary estimates.

1113.625 *National Computer Center.* Responsible for the creation, maintenance and updating of business and individual tax accounts. Receives input data from Service Centers and processes against master file. Produces output data for use in issuing refund checks, bills, or notices; answering inquiries; making delinquency checks; detecting fraudulent refund claims; classifying returns for audit purposes; preparing reports; and other matters concerned with the processing and enforcement activities of the Service. Performs other machine data processing activities as required.

1113.63 *Management Information Division—Office of the Director.* Develops and administers a Servicewide Reports Management Program for an overall management information and reporting complex which is integrated with the Automatic Data Processing System and which serves the needs of management at the various levels of the Service. It collects, coordinates, tabulates and presents data needed for planning, controlling, analyzing, and evaluating programs. The Division performs these functions in consultation and cooperation with the various operating and planning officials using or providing data and who share with the Division the responsibility for effective and economical conduct of reporting programs. The Division independently develops and issues periodically statistical and narrative summaries of operating performance which are designed to point out significant developments in program execution and to assist operating officials to appraise progress toward approved program objectives and goals. It maintains a continuing program aimed at prescribing and revising forms, procedures and systems which will produce necessary data more effectively and economically. The Division provides line supervision over the IRS Data Center and liaison

between the Center and other organizational units of the Service.

1113.631 *Reports Management Branch.* The Reports Management Branch develops and administers: the policies, procedures and standards for a Service-wide Reports Management Program, and a program to bring reporting systems of the various program areas into a coordinated, overall management information and reporting complex integrated with the Automatic Data Processing system. In collaboration with responsible operating officials, the Branch studies and determines specific management information requirements for planning, controlling and evaluating programs of an entire Activity at the various levels of the Service; prepares feasibility studies to determine best data gathering and processing techniques (ADP system, mechanical, manual or combinations of these); develops reporting and related recordkeeping systems and integrates these with the overall management information and reporting complex; and implements the new or revised systems. It provides technical guidance and assistance for the development and integration of work planning and control systems. The Branch operates a National Office clearance procedure to examine proposed reporting requirements for duplication, overlapping, conformity to standards, and compatibility with the overall management information and reporting complex; and periodically reviews established requirements to insure continuing comparability with the needs of the Service.

1113.632 *Processing Branch.* The Processing Branch develops and administers a program to provide published managerial and operating reports and related narrative summaries responsive to the needs of management and which are an integral part of the overall management information and reporting complex. The Branch conducts studies of requirements for servicewide published reports and designs their format and content; reviews published reports to determine modifications needed to provide for changing program emphasis and requirements of management; maintains liaison with field offices and service centers on all reporting documents and material received for review and processing; and provides centralized manual processing services for published reports and for special requirements of the various organizational elements of the National Office. It independently develops and issues periodically statistical and narrative summaries of operating performance which are designed to point out significant developments in program execution and to assist operating officials to appraise progress toward approved program objectives and goals. The Branch performs necessary research to compose replies to a variety of requests for management and operational-type information received from Congress, local, State and Federal agencies, research and other organizations and individuals interested in tax administration matters.

1113.633 *IRS Data Center.* Responsible for the performance of nonmaster 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 Treasury Department payrolls; fiscal reports; statistics of income; Taxpayer Compliance Measurement Program, including both work progress reports and special studies; special tax research; personnel analysis reports; work planning and control reports; data for the Planning-Programming-Budgeting System and other purposes; special tabulations and comparisons for States and other Federal agencies; and statistical information for management control by National and Regional Headquarters officials; and other special applications not included in the Business and Individual Master File systems.

1113.64 *Systems Division—Office of the Director.* Plans, directs, controls and coordinates the development, issuance and interpretation of all procedures, instructions, and computer programs for the integrated ADP master files systems and related data processing operations in Service Centers and the National Computer Center, and for deposit operations in District Offices.\* Division functions include: making or evaluating studies of proposed data processing systems, methods and equipment in cooperation with Systems Development Division, the design of integrated manual, machine and computer systems for the receipt and processing of tax returns and related documents or data (except wagering, narcotics, alcohol, and tobacco tax and firearms returns and applications\*\*), accounting for revenue collections and tax deposits, fulfilling the requirements of the Compliance activity and of the Treasury Department, maintenance of taxpayer master file accounts, required financial and operating reports; design of related management and data control systems; special data extracts and reports from the master files for research and other activities within or outside the Service; compatibility of systems with other Federal agencies to achieve interagency systems effectiveness and economies; the development and issuance of detailed systems requirements, forms, procedures, and computer programs; 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. (\*Exception: In those districts where 2300 and 3200 Activities have not been formally consolidated in accordance with the established timetable, this Division develops and issues systems requirements and procedures for

all data processing activities in such District Offices.) (\*\*Exception: Limited to regions where 2300 and 3200 Activities have been consolidated.)

1113.641 *Procedures Branch. Develops*, prepares, issues, and interprets systems requirements and procedures for data processing activities in Service Centers and the National Computer Center, and for deposit operations in District Offices.\* Such activities include all operations performed in the receipt and processing of tax returns, related documents, payments, maintenance of taxpayer accounts and adjustments thereto, correspondence with and service to taxpayers; required accounting documents, and internal controls over such operations; also, fulfilling the requirements of the Compliance activity, research and other activities within the Service, and the Treasury Department. Designs and develops integrated manual, machine or computer requirements, data processing inputs, outputs, forms, instructions and procedures manuals for the ADP master files and all related systems including those to serve interagency purposes. Assists the Testing Branch in conducting tests of such systems prior to operational use. Confers and collaborates with officials of other divisions within the Service, the Treasury Department, General Accounting Office, Social Security Administration and other Government agencies in the performance of these functions. (\*Exception: In those districts where 2300 and 3200 Activities have not been formally consolidated in accordance with the established timetable, this Branch develops and issues systems requests and procedures for all data processing activities in such District Offices.)

1113.642 *Service Center Branch. Develops*, documents, and maintains computer processing programs, executive and applied software programs, and related off-line equipment instructions for tax return and all related data processing operations in the Internal Revenue Service Centers. 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 SC computer input/output programs, data controls and related processes. Coordinates with the Master File Branch to assure compatibility with ADP computer processes at the National Computer Center. Assists the 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 system.

1113.643 *Master File Branch. Develops*, documents, and maintains computer processing programs, executive and applied software programs, to establish, update, analyze, and produce required outputs from master files of taxpayer accounts and related data files at

the National Computer Center. 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 NCC computer input, master files processing, and output programs including data controls and files extracts. Coordinates with Service Center Branch to assure compatibility with computer input/output programs in the Internal Revenue Service Centers. Assists the 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.

1113.644 *Equipment Branch. Conducts* studies to determine immediate equipment or special management application requirements, and participates in studies to determine long-range equipment or special management application requirements, for data processing systems, and develops plans and schedules for meeting these requirements; makes or evaluates equipment feasibility studies and recommends acceptance or rejection of suppliers' proposals; evaluates new equipments or techniques available, researches those which may be feasible for data processing applications. Manages and operates the National Office test computer and peripheral equipment installation. Issues machine requirement guidelines for the development of forms used on high-speed printers and envelopes used on high-speed inserting and mail handling machines. Represents Data Processing on the Tax Forms Coordinating Committee. Develops and issues systems standards and techniques for uniform guidance and use by all systems analysts and programmers. Analyzes requirements for management control information systems applicable to data processing activities in the Internal Revenue Service Centers and National Computer Center; develops integrated manual procedures, machine processes and computer programs to fulfill these requirements; tests such systems on-site for operational acceptability and implementation.

1113.645 *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, Internal Revenue Service Centers, or National Computer Center, including accounting, document and other internal controls over such operations. Coordinates with other data processing, operating, and user organizations participating in the testing and certifying of the system as acceptable for implementation. Analyzes total systems requirements, develops appropriate test documents and data, establishes prede-

termined 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 or problem areas, recommends evident modification or clarification, tests changes made and, when requirements are fulfilled, certifies the system as acceptable and ready for operational use.

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.

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.

1113.711 *Field Coordination Branch.* The Field Coordination Branch has responsibility for keeping the Director advised of matters necessary to assure that a uniformly high standard of internal audit performance at the regional level is maintained in audits of Administration, Alcohol and Tobacco, Appellate, Audit, Collection, Counsel, and Intelligence activities. Develops guidelines for the annual internal audit plans. Responsible for the review, preliminary approval, and followup of regional internal

audit plans based on these guidelines, including a continuing review to see that Internal Audit's manpower resources are effectively utilized. Furnishes staff guidance to Internal Audit Division personnel assigned to the Regional Inspectors. Participates in a program of on-site review and evaluation of the activities of the Regional Internal Audit staffs. Evaluates matters reported by the Regional Internal Audit staffs concerning the Service's operations. Initiates action to call important matters to the attention of the Commissioner, Assistant Commissioners or other principal officials. Evaluates the adequacy of the action instituted by operating officials at all levels to correct deficiencies reported, except where only ADP matters are involved. Consults with top officials of the Offices of the Assistant Commissioners and Chief Counsel on operating problems disclosed by Internal Audit which suggest need for revisions in current operating instructions. Develops a monthly summary to the Commissioner of significant operational deficiencies reported as a result of internal audits. Follows up with National Office officials on internal audit recommendations for changes in the Service policies and procedures, except where ADP matters are involved. Develops an analysis of the Internal Audit Division's annual accomplishments and prepares the required report for the Commissioner to the Treasury Department. Assists in developing various special reporting material, including budget justifications for the Internal Audit Division, and briefing papers for the Assistant Commissioner (Inspection).

**1113.712 Operations Branch.** The Operations Branch is responsible for conducting periodic internal audits of National Office activities, including the audit of the Office of International Operations, and the Tax Division of the U.S. Virgin Islands Government. Conducts special surveys and procedural studies as requested by the Treasury Department, the Commissioner or the Deputy Commissioner. Carries out special assignments on particular phases of operations requested by the Assistant Commissioner (Inspection) or the Director. Assists the Treasury Department in the annual audit of the Exchange Stabilization Fund. Responsible for conducting audits of regional and district offices as assigned by the Director. 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.

**1113.713 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 field Administration, Alcohol and Tobacco, Audit, Appellate,

Collection, Intelligence, and Counsel activities. Keeps abreast of new developments in Service programs other than ADP to determine their effect on Internal Audit's responsibilities in the auditing of district and regional operations. Coordinates with the Data Processing Activities Branch and other functional areas of the office of Assistant Commissioner (Inspection) as necessary. Maintains liaison with Offices of Assistant Commissioners (Compliance) and (Administration) and Chief Counsel, to determine operating problems or developments that should be given attention in the carrying out of the Division's overall Internal Audit program. Develops and carries out career development programs to increase nationwide staff management and auditing proficiency including conducting basic and advanced Internal Audit training programs other than ADP. 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.

**1113.714 Data Processing Activities Branch.** The Data Processing Activities Branch has responsibility for ensuring a continuing effective internal audit program of the Service's data processing system by developing policies, procedures and internal audit program guidelines; conducting staff development training programs; conducting audits; coordinating, evaluating, and reviewing and following through on audit findings; and bringing all significant audit disclosures to the attention of top National Office management officials including the Commissioner. Participates with Data Processing in the development of improved controls in the ADP system to ensure the maintenance of an effective management control system in the Service. 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 review and evaluation of the data processing auditing activities of Regional Internal Audit staffs. Conducts continuing audits of the National Computer Center and the IRS Data Center. Consults with top officials in the offices of the Assistant Commissioners and the Office of Chief Counsel on recommendations for improving data processing procedures and controls; maintains liaison with such officials to keep abreast of current data processing developments including technological changes so that proper consideration can be given to the carrying out of 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.

**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, including attempts to bribe or otherwise corrupt Service personnel. 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 four branches: Complaint Case Coordination Branch, Investigations Branch, Planning and Programming Branch, and Security Case Coordination Branch.

**1113.721 Complaint Case Coordination Branch.** The Branch controls and coordinates on a nationwide basis the Internal Security Division function of investigating 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 to practice before the Internal Revenue Service, and special investigations as required for the Commissioner and other components of the Treasury Department. The Branch maintains a continuing review and control of individual cases to:

- (a) Assure that the scope of the investigations and the evidence are sufficient to provide a basis for conclusions by management, the Department of Justice or other authority;
- (b) assure that established policies, procedures and techniques are being followed uniformly;
- (c) to promote uniformity in investigative coverage, form and quality of reports, and administrative and criminal dispositions;
- (d) develop data for improvement, simplification, and standardization of investigative operations;
- (e) develop information that will aid management in planning and programming Internal Security activities. The Branch maintains liaison on criminal matters with the Office of the Chief Counsel, other law enforcement segments of the Service, Federal Bureau of Investigation and other Federal law enforcement agencies.

**1113.722 Investigations Branch.** The 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.

**1113.723 Planning and Programming Branch.** The 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 handbook; conducting inspections of the management and operation of the Regional Internal Security Divisions; conducting special surveys of National Office Internal Security activities; developing and coordinating training programs for the Division; providing technical and staff assistance to the Treasury Law Enforcement Officer Training School; directing the maintenance of record and case files relating to investigations by the Division; 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.

**1113.724 Security Case Coordination Branch.** The Branch controls and coordinates on a nationwide basis the Internal Security Division function of investigating the character and background of applicants for, or incumbents of, positions in the Service. The Branch reviews reports submitted by the National and field offices of the Internal Security Division concerning investigations conducted for the Internal Revenue Service, for certain other components of the Treasury Department and for the Director of Practice. These reports cover all character and security cases, all National Agency Check and Inquiry (NACI), and enrollee applicant cases in which unfavorable or questionable information is disclosed, formal investigations under the Federal Tort Claims Act, and investigations of alleged discrimination because of race, creed, color or national origin. The purpose of these reviews is to: (a) Assure that the high suitability and security requirements for Government employment and the investigative requirements of the Service have been met; (b) assure that policies and procedures are being followed uniformly; (c) develop factual data for improvement, simplification, and standardization of investigative operations; (d) promote nationwide uniformity in the approach, operating techniques, and administrative results of character and background investigations; (e) develop information to aid management in planning and programming Internal Security activities. The Branch directs all investigative activities and coordinates administrative activities incidental to the issuance of Top Secret Defense Information Clearance letters to Service personnel and Confidential clearance letters to Service employees when required.

**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 Program and Financial 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; 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 Treasury Department, 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 four divisions: Planning and Analysis Division, Research Division,

Statistics Division, and Systems Development Division.

**1113.81 Planning and Analysis Division.** The Planning and Analysis Division develops and administers the systems for producing a comprehensive multiyear Program and Financial Plan, for coordinating and integrating policies 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 Program and Financial Plan; through Special Studies, approved by the Deputy Commissioner, evaluates the desirability and costs of existing and proposed plans, policies, 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 Program and Financial 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 Program and Financial Plan, Program Memoranda, and Special Studies. The Division also administers the Internal Management Document System and reviews issuances for conformance to basic policies of the Service.

**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 Treasury Department; and furnishes leadership and coordination for the program of Federal-State cooperation in the field of tax administration. The Division actively participates with the appropriate staffs of the Treasury Department and the Assistant Commissioner (Technical) 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 the Service with the basic data needed for the formulation of 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.

**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 consists of the Income, Finance, and Wealth Branch, the Statistical Techniques Branch, the Mathematical Statistics Branch, and the Program Management Branch.

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.

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.

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 for 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 advises on applications of statistical techniques to technical and administrative tax problems.

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 of 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 Planning-Programming-Budgeting System; and review of sampling plans developed in other areas of the Service.

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.

1113.84 *Systems Development Division*. The Systems Development Division is concerned both with electronic systems and other 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 recommendation 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.

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; 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 conventions; provides advice and assistance on technical matters throughout the Service, and to the Treasury Department, other Government agencies; and congressional committees; conducts a technical liaison program with Service field offices; conducts a Technical Field Conference program; coordinates with the Office of the Chief Counsel, the Treasury Department, and the Committees of Congress on legislative and regulatory matters; reviews all new or amendatory regulations for administrative feasibility and adequacy; 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 Treasury Department, 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.

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 the application of income and employment taxes and the interest equalization tax to corporate and non-corporate taxpayers (including individuals, partnerships, estates, and trusts); those involving depreciation, depletion, and valuation issues; those involving the taxable status of exchanges and distributions in connection with corporate organizations, reorganizations, and liquidations; and those involving taxes imposed on self-employment income. In

carrying out these responsibilities, the Division: Issues rulings to taxpayers, technical advice and general technical information to District Directors and Regional Commissioners, and advises the Appellate and Audit Divisions of the Service's position on particular issues; drafts Revenue Rulings, Revenue Procedures, Technical Information Releases, and other Announcements 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 Tax Court of the United States, prior to publication in the Internal Revenue Bulletin; initiates recommendations and coordinates with the Office of the Chief Counsel in providing advice and assistance to that office, and to the Treasury Department and the Committees of Congress, on legislative and 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 Treasury Department 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 conventions. In areas involving the application of Federal taxes 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 under section 614(e) of the Code; postaudits 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 jointly with Compliance training materials, including handbooks; prepares and presents material on professional and technical developments at engineering meetings; and prepares material for inclusion in the Engineers' Coordination Digest calling attention to important new developments. 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.

1113.911 *Corporation Tax Branch.* In matters involving the application of Federal income and profits taxes and the interest equalization tax to corporate taxpayers, including the taxation of insurance companies under Subchapter L and those relating to consolidated returns of affiliated groups, this Branch: Issues rulings, technical advice, and general technical information; drafts Revenue Rulings, Revenue Procedures, Technical Information Releases and other Announcements, 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 as-

sistance to other offices of the Service, including the Office of the Chief Counsel, and the Treasury Department, 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. (section 115); amortization of emergency and grain storage facilities (sections 168 and 169); Research and Experimental Expenditures (section 174); LIFO inventories (section 472); farmers' cooperatives and their patrons (sections 521 and 1381 through 1388); taxation of regulated investment companies and their shareholders (sections 851 through 855); foreign tax matters which involve determination of sources of income (sections 861 through 864); taxation of nonresident alien individuals and partnerships or of alien residents of Puerto Rico (sections 871 through 876); Compensation of Employees of Foreign Governments or International Organizations (section 893); Income Affected by Treaty (section 894); Foreign Tax Credit (sections 901 through 906); Earned Income from Sources Without the United States (section 911); income from possessions (sections 931 through 934); involuntary conversions (sections 1033 and 1071); small business investment company stock losses (sections 1242 and 1243); election to be taxed as a corporation (section 1361); Mitigation of Effect of Renegotiation of Government Contracts (section 1481); Interest Equalization Tax (Chapter 41 of the Code); and requests for permission for change in or adoption of accounting periods and methods (except methods of accounting for depreciation and depletion). The Branch also acts as competent authority in matters involving interpretation or application of tax conventions and makes determinations with respect to earnings and profits of corporations and the taxable status of distributions to shareholders.

1113.912 *Engineering and Valuation Branch.* Provides advice and assistance throughout the Service and the Treasury Department and, under Main Treasury direction and in coordination with the Office of the Chief Counsel, to congressional committees, on depreciation, depletion, and valuation questions arising in the oil and gas, mining, timber, pulp and paper, industrial, public utilities, real estate, and commercial fields; and assists the Office of the Chief Counsel and through that office the Department of Justice in the development of cases involving such issues for trial or pretrial

settlement. In engineering and valuation areas involving the application of Federal taxes, this Branch also: Issues rulings, technical advice, and general technical information; drafts Revenue Rulings, Revenue Procedures, Technical Information Releases and other Announcements, 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 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 non-operating mineral interests as a single property under section 614(e) of the Code; conducts a postreview of field engineering reports and of the depreciation, depletion, and valuation issues in a sample of other large cases involving such issues for purposes of quality control and the detection of nonuniform treatment of engineering and valuation issues; provides direct assistance to regional and district offices, upon request; provides or secures expert witnesses in support of Government position in cases in litigation, and assists the Office of Chief Counsel in preparation and presentation of cases and in negotiations of settlements; prepares training materials, including Handbooks, jointly with Compliance; prepares and presents material on professional and technical developments at engineering meetings, and develops and conducts training programs for engineers; prepares material for inclusion in the Engineers' Coordination Digest calling attention to important new developments; and prepares and maintains an up-to-date Engineering Citor.

**1113.913 Individual Income Tax Branch.** In matters involving the application of Federal income taxes to noncorporate taxpayers (including partnerships, estates, and trusts), and with respect to the application of employment taxes 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, Technical Information Releases and other Announcements, 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, and the Treasury Department, 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 (section 170); tenant-stockholders of cooperative housing corporations (section 216); employee stock option and stock purchase plans (sections 421 through 425); Real Estate Investment Trusts (sections 856 through 858); Subchapter S, elections and related matters (sections 1371 through 1378); and Withholding of Tax on Foreign Corporations (section 1442).

**1113.914 Reorganization Branch.** In matters involving the application of Federal income taxes to exchanges and distributions in connection with corporate organizations, reorganizations, liquidations, and spin-offs, to stock dividends, redemptions, exchanges in obedience to S.E.C. 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, Technical Information Releases and other Announcements, 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, and the Treasury Department, 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 distributions, exchanges, or transfers referred to in sections 306(b)(4), 355(a)(1)(D)(ii), 367, and 1492 of the Code are in pursuant of a plan having as one of its

principal purposes the avoidance of Federal income taxes.

**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 the application of estate, gift, and certain excise taxes; those involving organizations exempt from income tax under sections 501 and 521 of the Internal Revenue Code; those involving procedure and administration provisions of the Internal Revenue Code; those involving matters requiring actuarial determinations; those 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. In carrying out these responsibilities, the Division: Issues rulings to taxpayers, technical advice and general technical information to District Directors and Regional Commissioners, and advises the Appellate and Audit Divisions of the Service's position on particular issues; drafts Revenue Rulings, Revenue Procedures, Technical Information Releases and other Announcements 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 Tax Court of the United States, prior to publication in the Internal Revenue Bulletin; initiates recommendations and coordinates with the Office of the Chief Counsel in providing advice and assistance to that office, and to the Treasury Department and the Committees of Congress, on legislative and 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 Treasury Department, 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 programing, 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; manages the Service's Master Files of Exempt Organizations and Pension Trusts; determines uses to be made of EOMF and PTMF data and establishes procedures for obtaining data; works with other National Office divisions on ways and means for satisfying their needs for EOMF and PTMF data, e.g., selecting returns for audit examination; and acts as competent authority in matters involving interpretation or application of tax conventions. This Division also: Postreviews field determination letters relating to the status of organizations under sections 501 and 521 of the Code and relating to qualification of pension, annuity, profit sharing, stock bonus, and bond purchase plans under sections 401 through 407 of the Code; 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 sections 401 through 407 of the Code; on a certiorari basis, reviews and decides cases appealed by taxpayers to the National Office for reconsideration of determinations by District Directors under sections 401 through 407 of the Code; and provides the final level of appeal in the Service on proposals by District Directors to revoke the exempt status or organizations under section 501 of the Code. 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.

**1113.921 Actuarial Branch.** In matters involving actuarial determinations, this Branch: Issues rulings, technical advice, and general technical information; drafts Revenue Rulings, Revenue Procedures, Technical Information Releases and other Announcements, 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; and participates in the Technical Field Conference Program. This Branch also furnishes expert consulting assistance to other Service components, including the Office of the Chief Counsel, 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.

**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, Technical Information Releases and other Announcements, 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 Treasury Department, 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 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.

**1113.923 Estate and Gift Tax Branch.** In matters involving the application of Federal estate taxes and gift taxes, this Branch: Issues rulings, technical advice, and general technical information; drafts Revenue Rulings, Revenue Procedures, Technical Information Releases

and other Announcements, 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 Treasury Department, 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 conventions; and participates in the Technical Field Conference Program.

**1113.924 Excise Tax Branch.** In matters involving the application of Federal excise taxes other than the interest equalization tax and the alcohol, tobacco, and firearms taxes (but including the manufacturer's excise tax on firearms under sections 4181 and 4182 of the Code), this Branch: Issues rulings, technical advice, and general technical information; drafts Revenue Rulings, Revenue Procedures, Technical Information Releases and other Announcements, 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 Treasury Department, 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.

**1113.925 Exempt Organizations Branch.** In matters involving the exemption of organizations under sections 501 and 521 of the Internal Revenue Code, this Branch: Issues rulings, technical advice, and general technical information; drafts Revenue Rulings, Revenue Procedures, Technical Information Releases

and other Announcements, 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 Treasury Department, 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; post-reviews field determination letters; 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 under section 502 of the Code; prohibited transactions under section 503; unreasonable accumulations, or misuse of, income under section 504; liability for tax on unrelated business taxable income under sections 511 through 515; and requirements for filing annual information returns under section 6033.

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 sections 401 through 407 of the Internal Revenue Code, this Branch: Issues rulings, technical advice, and general technical information; drafts Revenue Rulings, Revenue Procedures, Technical Information Releases and other Announcements, 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 Treasury Department, 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; par-

ticipates in the development of tax return forms and instructions, and reviews pertinent portions of public-use forms and instructions; postreviews 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 section 72 of the Code, the death benefit exclusion under section 101(b), and the sick pay exclusion under section 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 section 501 of the Code; 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 nonresident aliens; deductions by acquiring corporations for carryovers under sections 381(c) (11) and (20); feeder organizations under section 502; prohibited transactions under section 503; and liability for tax on unrelated business taxable income under sections 511 through 515.

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, control and maintenance of correspondence files and exempt organization application and information return 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 Treasury Department 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 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 Treasury Department or National Office components; administers 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 and information return files. The Director is responsible for and supervises the activities of three branches: Forms and Form Letters Branch; Technical Publications Branch; and Technical Services Branch.

1113.931 *Forms and Form Letters 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); assists the National Office Tax Forms Coordinating Committee in planning, reviewing and approving all tax return forms materials; assists the National Office Tax Forms Coordinating Committee in its review and approval functions relating to other public-use forms and form letters; provides advice and assistance to other offices in the Service, the Treasury Department, and congressional committees in matters relating to tax return forms and instructions; and coordinates with other Technical branches on matters of mutual concern.

1113.932 *Technical Publications Branch.* Conducts the publications program 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 biannual 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 Understanding 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 Information Division; drafts in-depth analyses and explanations of major developments in Federal taxation for Annual Technical Review Institutes 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 materials 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; coordinates with other Technical branches, Chief Counsel, Audit Division, and others on matters of mutual concern; administers 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; 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.

1113.933 *Technical Services Branch.* Coordinates the overall correspondence program of the Technical organization, issues general technical information letters, provides research and reference materials and services, and manages Technical's closed files system. 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, Data Processing, and Administration of correspondence crossing jurisdictional lines; keeps the Assistant Commissioner (Technical) informed regarding incoming communications involving sensitive or controversial matters; maintains a technical reference library and provides research assistance and reference services for the Technical organization and other personnel 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 rulings 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 and information return files that are open to public inspection, processes requests for inspection thereof, and screens such files to delete certain materials that are exempt from public inspection.

1113.(10) OFFICE OF THE CHIEF COUNSEL

The Chief Counsel, an 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. The key officials under his supervision are: Associate Chief Counsel (Litigation), Associate Chief Counsel (Technical), Staff Assistants, Technical Advisors, Special Assistants, and Director of the Operations and Planning Division.

1113.(10)1 *Associate Chief Counsel (Litigation).* Plans, directs, coordinates and controls the policies and programs pertaining to Tax Court, Enforcement, Alcohol, Tobacco and Firearms, General Litigation, and Refund Litigation work.

1113.(10)11 *Tax Court Division.* The Tax Court Division develops policies, programs, and procedures relating to the disposition of tax cases pending in the Tax Court of the United States; 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 nonacquiescence 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.

1113.(10)12 *Enforcement Division.* The Enforcement 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 U.S. 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.

1113.(10)13 *Alcohol, Tobacco and Firearms Legal Division.* The Alcohol Tobacco, and Firearms Legal Division performs all of the legal services in the National Office incident to the administration and enforcement of the provisions of the Internal Revenue Code which relate to alcohol, tobacco products and firearms, the Federal Alcohol Administration Act, the Federal Firearms Act, Chapter 59 of the Criminal Code relating to the liquor traffic (18 U.S.C. sections 1261 through 1265), certain provisions of the Customs and Transportation laws relating to the forfeiture and to the remission and mitigation thereof of contraband and articles used or intended to be used in violation of these laws and of the

wagering tax provisions of the Internal Revenue Code, and the legal work arising under the Federal Tort Claims Act in respect of the negligent acts of Service employees. Execution of these functions includes the rendering of legal opinions, assisting in conferences and hearings held by the administrative officers with taxpayers and other interested parties, advising as to legal problems involved in their handling of individual cases handling appeals to the Director, Alcohol, Tobacco, and Firearms Legal Division, in administrative quasi-judicial proceedings, drafting and reviewing proposed legislation, regulations, Treasury decisions, notices and accompanying documents, preparing and reviewing formal legal opinions, Revenue Rulings, and correspondence involving the interpretation or enforcement of the regulations, and the compromise of liabilities arising thereunder, preparing recommendations and furnishing advice and assistance to the Department of Justice in civil and criminal cases arising under the cited laws. It maintains general supervision over the legal work involving alcohol and tobacco matters performed in the offices of Regional Counsel. The Division advises the Regional Counsel, when requested, concerning legal matters considered by them.

1113.(10)14 *General Litigation Division*. The General Litigation Division supervises and coordinates legal work of 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 International Operations. The General Litigation Division prepares and reviews recommendations to the Department of Justice concerning (a) the defense of injunction actions to restrain the assessment or collection of Federal taxes; (b) offers in settlement; (c) the waiver or release of a right to redeem under 28 U.S.C. 2410; and (d) suits for the civil enforcement of summonses. Similarly, the Division considers recommendations that the Commissioner authorize or sanction affirmative action in (a) insolvency cases (including decedents' estate proceedings), (b) suits for foreclosure of mortgages or other liens and suits to quiet title where the United States is named as a party defendant, (c) cases involving appointment of a receiver in aid of foreclosure of Federal tax liens, and (d) suits for the collection of taxes.

1113.(10)15 *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.

1113.(10)2 *Associate Chief Counsel (Technical)*. Plans, directs, coordinates, and controls the policies and programs pertaining to Legislation and Regulations, and Interpretative work.

1113.(10)21 *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 meetings 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.

1113.(10)22 *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: (a) Alcohol, tobacco, and firearms matters; (b) criminal tax investigations and prosecutions; (c) lien and collection matters, including those involving bankruptcies, receiverships and other insolvencies; (d) administrative matters; (e) disclosure matters; and (f) 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.

1113.(10)3 *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 (Data Processing) 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.

#### 1114 OFFICE OF REGIONAL COMMISSIONER

##### 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, alcohol, tobacco, and firearms programs at the regional level, and direct and coordinate the functions and activities of the district offices within the region.

##### 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 Alcohol, Tobacco, and Firearms Division, the Appellate Division, the Audit Division, the Collection Division, the Data Processing Division, and the Intelligence Division. An Assistant Regional Commissioner is at the head of each division.

##### 1114.3 REGIONAL COMMISSIONER

The Regional Commissioner administers within an assigned regional area the collection, audit, intelligence, appellate, alcohol, tobacco, firearms, 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 Servicewide 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 equable 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.

**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 assure 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 Branch.

**1114.41 Facilities Management Branch.** The Facilities Management Branch coordinates, evaluates and carries out regionwide 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.

**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.

**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 framework 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.

**1114.44 Training Branch.** (1) The Training Branch provides leadership and coordination to the regional training programs and evaluates and reports on all such programs. It coordinates the regional execution of nationwide training programs; gives advice on all training programs conducted within the region; and assists in their development from the standpoint of training techniques. It participates in and coordinates the development of regional training programs to meet training needs that cut across organizational lines, such as supervisory training and training in clerical skills.

(2) The Training Branch also administers any formal Taxpayer Education Program for the region. Where a formal Taxpayer Education Program is administered by this branch, the branch title is Training and Taxpayer Education Branch.

**1114.5 ASSISTANT REGIONAL COMMISSIONER (ALCOHOL, TOBACCO, AND FIREARMS)**

The Assistant Regional Commissioner (alcohol, tobacco, and firearms) acts as the principal assistant to the Regional Commissioner in planning, directing, and coordinating the alcohol, tobacco, and firearms activities of the Service under the jurisdiction of the Regional Commissioner for the execution of Service policies and programs established by the National Office. He is responsible to the Regional Commissioner for the administration and enforcement of Internal Revenue laws relating to alcoholic beverages and products, and tobacco and tobacco products; and related laws including the Federal Alcohol Ad-

ministration Act, the National Firearms Act, and the Federal Firearms Act. This includes the supervision and control, under Federal laws, of units of the lawful liquor and tobacco industries located within the region. Under the Regional Commissioner he serves as the primary source of information to the National Office as to the effectiveness of alcohol, tobacco, and firearms policies, programs, procedures and standards in terms of regional requirements, provides reports and factual information upon which the National Office can base policy and program considerations and recommends actions with respect to problems encountered in alcohol, tobacco, and firearms operations. He supervises the activities of three branches: Enforcement Branch, Laboratory Branch, and Permissive Branch.

**1114.51 Enforcement Branch.** (1) The Enforcement Branch plans, coordinates and evaluates the enforcement activity within the region. It develops regional programs, standards, and procedures necessary to implement most effectively Service criminal law enforcement policies and programs established by the National Office. The Branch provides the Assistant Regional Commissioner and the National Office with reports and evaluations regarding the effectiveness of the enforcement programs and recommends any needed changes. The Branch provides the regional coordination of cooperative actions with other Federal and State enforcement agencies and gives immediate supervision to investigations which are sensitive, very complex and difficult, or for other reasons require regional control.

(2) The Branch supervises the activities of the Office of the Chief Special Investigators.

**1114.52 Laboratory Branch.** (1) The Laboratory Branch coordinates and evaluates the alcohol and tobacco tax laboratory activities to assure that throughout the region the policies and programs are properly executed and that the work is prepared in an orderly and timely manner.

(2) In conformity with Service policies and alcohol and tobacco tax programs established by the National Office develops regional practices, standards, and other measures necessary to implement most effectively the laws and regulations governing alcohol, alcoholic beverage, and tobacco industries.

(3) The Branch analyzes beverage and nonbeverage products containing alcohol, examines illegally-produced alcoholic beverages, examines drugs submitted by the Bureau of Narcotics in connection with the enforcement of the Harrison Narcotic Act and the Marihuana Act, carries out analyses and work for other IRS divisions upon request, advises on technical matters pertaining to the production, storage, tax payment, and disposition of alcohol, alcoholic beverages, and tobacco products, and the denaturation of distilled spirits, use of tax-free alcohol, manufacture of nonbeverage products and articles in which denatured alcohol is used; members of

the staff testify as expert witnesses on chemical matters in civil and criminal actions.

(4) The Branch provides functional advice and guidance to branch offices on laboratory matters.

1114.53 *Permissive Branch.* (1) The Permissive Branch plans, coordinates, and evaluates the alcohol and tobacco tax permissive activities within the region. It develops regional programs, standards, and procedures necessary to implement most effectively Service revenue and regulatory control policies and programs established by the National Office. The Branch provides the Assistant Regional Commissioner and the National Office with reports and factual information as to current industry operation and evaluations regarding the effectiveness of Government supervision with recommendations for any needed changes. In the regional office the Branch exercises jurisdiction over the qualification of plants and premises and issuance of permits. It examines and audits records and reports submitted by proprietors and Government officers, and, in matters beyond the scope of subordinate offices, gives advice and guidance to industry.

(2) The Branch supervises the activities of the Offices of the Chief Inspectors.

1114.54 *Branch Offices.* (1) The offices below the regional offices are designated branch offices. As such they represent either an Office of Chief Inspector or an Office of Chief Special Investigator. Two or more may share housing facilities at the one location.

(a) The Office of Chief Inspector has responsibility for alcohol and tobacco tax permissive activities in an assigned geographical area. This involves the investigations required prior to the issuance of a new permit or other authorization required under the internal revenue laws or Federal Alcohol Administration Act. It includes the periodic and special inspection of plant premises and the examination of records of permittees authorized to engage in operations involving alcohol, alcoholic beverages, alcoholic products or in the manufacture of cigars and cigarettes. The Office is responsible for providing the on-premises supervision at premises which have been qualified as distilled spirits plants. The Office provides advice and assistance to industry in matters relating to revenue and regulatory control. The substantive work of the Office is performed by Inspectors and Inspectors (On-Premises) organized in groups, each working within geographical limits established on the basis of industry activity, under the immediate supervision of an area supervisor. An area supervisor may or may not be at the same location as the Chief Inspector.

(b) The Office of Chief Special Investigator has responsibility for alcohol, tobacco, and firearms enforcement activities in an assigned geographical area, usually representing one or more judicial districts. This involves the investigation, prevention, and detection of violators of the Federal laws and regulations relating to alcohol, tobacco, and firearms. The responsibility includes the

apprehension of violators, submission of evidence to U.S. Attorneys for prosecution and forfeiture action, and the submitting of information to the Assistant Regional Commissioner for administrative action. The Office is responsible for the seizure and custody of real and personal property until forfeiture or other disposition is made. In addition, the Office is responsible for making inspections of retail liquor dealer establishments and examining the records of firearms dealers. Conducts such other investigations as may be specially assigned by the Service. The substantive work of the Office is performed by Special Investigators organized in groups, each working within geographical limits based on the distribution of the investigative workload under the immediate supervision of an Area Supervisor. An Area Supervisor may or may not be at the same location as the Chief Special Investigator.

1114.55 *Area Offices.* An Area Office provides the headquarters for an Area Supervisor who has responsibility for the substantive work in a geographical area some distance from the Office of Chief Inspector or Chief Special Investigator and is established to increase the effectiveness of the Area Supervisor's supervision and direction of his group.

#### 1114.6 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 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, reviewing final closing agreements under Code section 7121 recommended by District Directors within the region, 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 recom-

mends action with respect to problems encountered in Appellate operations. He supervises the activities of all Appellate branch offices in the region.

1114.61 *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). The branch offices hold conferences and makes 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 final closing agreements in cases under their jurisdiction and also review and execute closing agreements recommended by District Directors.

#### 1114.7 ASSISTANT REGIONAL COMMISSIONER (AUDIT)

(1) 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 assure 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 cases closed by the district offices 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.

(2) In the Central Region, where centralized review of audit cases has been established, the functions of this office are as follows:

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 assure 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 uniformly 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, 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. He reviews, as a service to those districts included in the centralized review, all field audit and unagreed office audit cases and a selected sample of agreed office audit cases examined by the district offices (except that cases in which the expiration of the statute of limitations is imminent are reviewed after the necessary assessment, overassessment or statutory notice action is completed). He also prepares reports for the Commissioner's signature to the Joint Committee on Internal Revenue Taxation in all nonpetitioned and non-docketed cases involving overpayments in excess of \$100,000.

**1114.8 ASSISTANT REGIONAL COMMISSIONER (COLLECTION)**

The Assistant Regional Commissioner (Collection) acts as the principal assistant to the Regional Commissioner in planning, coordinating and evaluating the collection activities of the Service under the jurisdiction of the Regional Commissioner to assure that policies and programs are properly executed, the col-

lection work is processed in an orderly and timely manner, and that equal emphasis is placed and uniform effort directed toward the accomplishment of the current collection program objectives. In conformity with collection policies and programs established by the National Office, he develops regional programs, standards and other measures necessary to implement most effectively the program of the Service for the administrative disposition of offers in compromise by district Collection Divisions; the collection of delinquent accounts; the securing of delinquent returns; the year-round taxpayer assistance program (including the issuance of Certificates of Compliance to departing aliens\*); and the receipt and processing of wagering, narcotics, alcohol and tobacco tax, and firearms returns and applications.\* He provides the Regional Commissioner with results of evaluations and other information upon which to base his administration of the regional collection program and recommends improvements and adjustments in collection 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 collection policies, programs, procedures, and standards in terms of factual information upon which the National Office can base collection policy and program considerations and recommends appropriate action with respect to problems encountered in observing and evaluating collection operations. (\*Limited to regions where 2300 and 8200 Activities have been consolidated.)

**1114.9 ASSISTANT REGIONAL COMMISSIONER (DATA PROCESSING)**

The Assistant Regional Commissioner (Data Processing) acts as the principal assistant to the Regional Commissioner in planning, coordinating and evaluating the returns processing (except wagering, narcotics, alcohol, and tobacco tax, and firearms returns and applications\*), data processing, and revenue accounting activities under the jurisdiction of the Regional Commissioner to assure that policies and programs established by the National Office are timely and properly executed. He exercises line supervision over those activities at the Regional Office and functional supervision over those activities at the Service Center and over deposit operations in District Offices\*\* within the Region. He provides the Regional Commissioner and, through him, the National Office with evaluations, recommendations, and other information which are used as a means for determining the effectiveness of returns processing, data processing, and revenue accounting operations, policies, programs, procedures, and standards. (\*Exception limited to regions where 2300 and 3200 Activities have been consolidated.) (\*\*Exception: In those districts where 2300 and 3200 Activities have not been formally consolidated in accordance with the established timetable, this Assistant Regional Commissioner has functional

supervision over all data processing activities in such District Offices.)

**1114.(10) 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 assure 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 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. He supervises the review of special agents' reports of investigation submitted by the district offices in the region, approves or disapproves recommendations for prosecution, and provides for conferences when required with taxpayers, their representatives, representatives of the Regional Counsel and the Appellate Division relative to cases investigated.

**1114.(10)1 Review and Conference Staff.** (1) The Review and Conference Staff plans and directs the critical review of district office reports pertaining to alleged criminal violations of the internal revenue laws, which contain recommendations for criminal prosecution and/or ad valorem penalties, to determine that the conclusions and recommendations are sound and conform to existing policies; and recommends to the Assistant Regional Commissioner (Intelligence) the action to be taken on each such report.

(2) The Staff post reviews selected nonprosecution case reports prepared at the district level and unnumbered case disposals to determine that an appropriate, uniform basis for disposal existed.

Where deficiencies are disclosed through such activities, the Staff suggests corrective measures.

(3) Through continuing analysis of district office reports the Staff provides the Assistant Regional Commissioner (Intelligence) with formation which will assist him in evaluating investigative techniques employed and the extent procedural and technical uniformity in the intelligence activity throughout the region.

(4) The Staff consults with and advises intelligence personnel at regional and district office locations on difficult and unusual issues, interpretations of regulations, rulings, tax laws and court decisions; also, as to the conduct of investigations, rules of evidence and Service policies. The Staff undertakes special assignments and investigations as directed by the Assistant Regional Commissioner (Intelligence).

#### 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.

##### 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 and as a basis for necessary changes in policies, practices and procedures.

##### 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, including attempts to bribe or otherwise corrupt Service personnel. 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 re-

sponsible 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.

#### 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 Tax Court of the United States and in furnishing legal advice and performing legal services connected with the tax court, enforcement, general litigation and alcohol and tobacco tax functions.

(2) Tax Court Matters—The Regional Counsel's office furnishes legal advice to the Assistant Regional Commissioner (Appellate); in the name of the Chief Counsel, represents the Commissioner 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 U.S. 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 U.S. Attorneys in criminal tax proceedings in the U.S. 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 quit 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) Alcohol, Tobacco, and Firearms Matters—The Regional Counsel's office gives legal advice on request to the Assistant Regional Commissioner (alcohol, tobacco, and firearms) and to his staff on administration and enforcement of the laws and regulations pertaining to liquor, tobacco and, firearms. The office reviews and makes recommendations, upon request, regarding claims for refund, abatement and drawback of liquor, tobacco, and firearms taxes, and for damages, and with respect to petitions for mitigation or remission of forfeiture, offers in compromise, and proposed tax assessments. Upon request, the office assists U.S. Attorneys by preparing libels of information, indictments, briefs, stipulations and other legal documents required in litigation, and by aiding in the prosecution and defense of suits. The office also handles the legal work in connection with administrative proceedings involving the issuance, suspension, revocation or annulment of liquor and tobacco permits, including the preparation of the necessary orders, notices and pleadings and the presentation of the Government's case at both formal and informal hearings.

#### 1117 SERVICE CENTERS

##### 1117.1 GENERAL

(1) There are 7 Internal Revenue Service Centers located at: Andover, Mass.; Austin, Tex.; Chamblee, Ga.; Covington, Ky.; Kansas City, Mo.; Lawrence, Mass.; Ogden, Utah; and Philadelphia, Pa. 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.

#### 1117.2 SERVICE CENTER ORGANIZATION.

**1117.21 General.** The principal organizational components of the typical Service Center are the immediate office of the Service Center Director, the Audit Staff, Program Analysis Staff, Administration Division, Examination Division, Data Conversion Division, Taxpayer Service Division, and Accounting and Adjustment Division.

**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. 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, wage 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 personal operations of the Service Center.

**1117.23 Audit Staff.** Administers Audit program for assigned activities including the classification of prerefund and post refund returns; the classification of other than prerefund and post refund returns; the classification and review of claims, amended returns, etc.; the perfection of unprocessable "S" cards and Forms 2501; answering correspondence received from taxpayers and providing assistance to taxpayers seeking help in audit matters.

**1117.24 Program Analysis Staff.** Plans, schedules, analyzes, and evaluates programs assigned or planned for the Service Center. Administers prescribed and supplemented work planning and control system (including production control and performance evaluation) and quality control system. Plans, organizes, and coordinates the control of documents received from District Offices and taxpayers as they are processed through the

Service Center. Conducts production analysis studies of programs in terms of quality, quantity and cost. Evaluates work measurement and cost ascertainment reports required by the Regional and National Offices. Develops information to support annual financial plan or special project financial plans. Prepares daily production reports from data received through production control system, analyzes for potential problem areas, and prepares appropriate recommendations. Coordinates the review of National and Regional Office procedures, the identification of systemic problems and the submission of recommended solutions. Originates and develops organization and methods studies to continually improve operating efficiencies. Monitors the Statistics of Income sampling.

**1117.25 Administration Division.** Directs and coordinates the personnel, facilities management, training, fiscal management 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.

**1117.251 Facilities Management Branch.** Provides by purchase, rental or other appropriate means the space, furniture, equipment, supplies, and services needed by the entire organization. Supplies budget information necessary for annual budget estimates and periodic funds reviews. Responsible for records management, safety, security, reproduction, distribution, communications, transportation, emergency planning, messenger service and space management.

**1117.252 Personnel Branch.** Develops, executes and evaluates the Service Center 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 framework of policies, programs and procedures established by the National and Regional Offices. Conducts the position classification program within delegated authority. Operates a Board of U.S. Civil Service Examiners. Provides staff assistance to operating officials in all personnel areas.

**1117.253 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 course materials, audio-visual aids and training devices.

**1117.26 Examination Division.** Receives, blocks, sorts, and controls documents, both Master File and non-Master File, received from taxpayers and District Offices; deposits and maintains accounting control of remittances. Examines, perfects and codes returns and documents 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. Resolves error conditions detected during the processing cycle and performs necessary research for correction and reentry into the processing cycle. Processes and mails forms, notices, registers, microfilm, reports, and other communications to taxpayers and to District, Regional, and National Offices.

**1117.261 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. Under coordination of the Program Analysis Staff, makes necessary adjustments in work schedules as dictated by actual work receipt patterns to maintain a steady balanced work flow which will meet Service Center deadlines. 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. Controls and issues Special Tax stamps. Performs a variety of machine operations such as: Labeling, folding, and inserting. 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. Duplicates, edits and distributes microfilm reference material.

(1) Receiving and Sorting Section: Receives, categorically classifies and internally routes all tax returns, remittances, correspondence and other documents. Sorts returns and documents without remittances into prescribed categories. Ships tax returns, documents, cycle output, microfilm, etc., to National, District, and Area Offices, Social Security Administration and Federal Reserve Banks. Reproduces (from master copy), controls, and distributes copies of microfilm tapes for indexes and registers used for research by the Service Center and District Offices. Performs other machine services.

(a) Receiving and Shipping Unit: Receives, verifies contents and acknowledges shipments of returns, documents and general correspondence. Performs all shipping operations for the Service Center, including processed documents, Schedule A, magnetic tape, Depository Receipt, microfilm tapes, and zip code error cards. Receives, prepares reports of receipts, and maintains Forms 1099 received in Service Center.

(b) Extracting and Sorting Unit: Receives taxpayer mail, separates by district on automatic mail sorter or by hand, slices, extracts, and makes initial sort of returns, documents and correspondence. Candles extracted envelopes to find undetected material. Routes all taxpayer correspondence directly to Correspondence Section, routes returns and documents received with remittance directly to Clearing and Deposit Unit. Makes secondary sort of all nonremittance returns and documents. Prepares daily reports of receipts and number of returns extracted by category after sorting operations.

(c) Machine Unit: Performs a variety of intricate machine operations including mail inserting and sealing, labeling, folding, cutting, and trimming, bursting and decollating. Performs mailout of all tax packages, IMF and BMF, to taxpayers as well as mailout of taxpayer notices and inquiry letters. Maintains hold file of mailing slips to be affixed to Nonmaster File tax returns for mailing to taxpayer. Bags mail in accordance with prescribed postal regulations for direct mailing to taxpayers. Receives master microfilm copy of reference material, reproduces and edits copies and distributes to Service Center processing units and to District Office.

(2) Clearing and Control Section: Establishes physical control over all returns and documents released by the Receiving and Sorting Section and maintains integrity of processing categories through various preliminary processing steps, such as, counting and blocking, batching, numbering and preparation of production control documents. Establishes batch control and releases documents into the initial work processes in accordance with work schedules. Under coordination of the Program Analysis Staff, makes necessary adjustments in release of work and maintains a steady balanced work flow to meet various Service Center deadlines.

(a) Clearing and Deposit Unit: Receives remittances, related returns and documents; determines the acceptability of remittances for deposit; performs various sorts of the returns and documents; places documents under block control, assigns Document Locator Number and prepares registers. Prepares Certificates of Deposits and related documents to accomplish deposit of remittances. Receives checks not accompanied by notice or return and initiates research for proper account; controls unidentified remittances and prepares proper documents if account cannot be located. Returns dishonored

checks to taxpayers when account is paid. Performs window teller operations; receives applications for special tax stamps, perfects and processes applications, initiates correspondence (when necessary), and controls issuance.

(b) Batching Unit: Establishes physical control of returns and documents; maintains integrity of document categories through various preliminary processing steps and prepares all necessary internal production control documents for both Master File and Nonmaster File items. Establishes batch controls and scheduled release date for processing cycle. Maintains inventory of documents pending release to processing.

(c) Numbering Unit: Receives returns and documents, both Master File and Non-Master File items, for assignment of Document Locator Number; maintains integrity of numbering and blocking categories.

1117.262 *Examination Branch*. Examines, edits, perfects, and codes Master File tax documents 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. Performs similar operations for Non-Master File documents.

(1) Section A: Examines, edits, perfects and codes Forms 1120, 1120ES, 1120 SOI (Statistics of Income) 7004, 940, 941, 720, CT-1, BMF and IMF Audit and Collection Adjustments, prerefund Audit Adjustments, BMF and IMF entity changes, BMF and IMF Revenue Receipts, BMF and IMF Delinquent Accounts and Returns notices, W-3 Reconciliation of Income Tax Withheld, IMF Delinquency Notices, 1040 NBM (Nonbusiness multipage) 1040 B&F (Business and Farm) and taxpayer returned invalid Social Security number notices.

(a) Unit A-1: Examines, edits, perfects, and codes Forms 1120, 1120ES, 7004, 1040 B&F and 1120 SOI.

(b) Unit A-2: Examines, edits, perfects and codes Forms 1120, 1120ES, 7004, 1120 SOI, and 1040 B&F.

(c) Unit A-3: Examines, edits, perfects, and codes Forms 720, 940, 941, CT-1, BMF and IMF Audit and Collection Adjustments, prerefund Audit Adjustments, BMF and IMF entity changes, BMF and IMF Revenue Receipts, BMF and IMF Delinquent Accounts and Returns Notices and transfers and transcripts.

(d) Unit A-4: Examines, edits, perfects, and codes a variety of miscellaneous documents including Audit Adjustments, Accounts Receivable, Collection Adjustments, entity changes, Delinquency Notices, Delinquent Accounts and Returns, transfers and transcripts as well as 940, 941, 1040 NBM, 720, W-3 reconciliation and other miscellaneous BMF returns.

(e) Unit A-5: Examines, edits, perfects, and codes 1040 NBM.

(2) Section B: Examines, edits, perfects, and codes current year and prior year Forms 1040 B&F; 1040 NBM; and IMF SOI.

(a) Unit B-1: Examines, edits, perfects, and codes prior year 1040 B&F, 1040 SOI, and 1040 prior year returns.

(b) Unit B-2: Examines, edits, perfects, and codes Forms 1040 B&F and 1040 SOI.

(c) Unit B-3: Examines, edits, perfects, and codes 1040 B&F and 104 NBM.

(d) Units B-4 and B-5: Examines, edits, perfects, and codes 1040 NBM.

(3) Section C: Examines, edits, perfects, and codes Non-Master File returns and documents, Wage and Information Documents; and performs typing service, involving form and pattern paragraph letters, for the Branch.

(a) Units C-1 and C-2: Examines, edits, perfects, and codes Non-Master File returns and documents.

(b) Unit C-3: Examines, edits, perfects, and codes Wage and Information Documents.

(c) Unit C-4: Performs typing services for the Examination Branch by typing form and pattern paragraph letters to taxpayers requesting additional or clarifying information incidental to the initial processing of returns; transmits incomplete refund returns to taxpayers for completion. Transmits other returns or documents to Correspondence Section for maintenance of suspense file until reply received from taxpayer.

(4) Section D: Examines, edits, perfects, and codes Form 1040 NBS (Nonbusiness single page); 1040A; and 1040ES; 1040 NBM and 1040 B&F.

(a) Unit D-1: Examines, edits, perfects, and codes 1040 B&F and 1040 NBM.

(b) Unit D-2: Examines, edits, perfects, and codes 1040 NBM.

(c) Unit D-3: Examines, edits, perfects, and codes 1040 NBS, 1040ES and 1040A.

(d) Units D-4 and D-5: Examines, edits, perfects, and codes Form 1040A.

1117.263 *Error Correction Branch*. Performs research, perfects and resolves processing and taxpayer errors detected during the work cycles within the Service Center.

(1) Section A: Perfects and resolves processing and taxpayer generated errors detected in the working cycle for BMF and IMF returns and documents. These documents include Forms 1120, 1120ES, 720, 940, CT-1, 1040 B&F, 1040 NB (Nonbusiness), and all related documents. Perfects and resolves errors in miscellaneous documents such as the Form 990 Series of returns. As a secondary function, perfects and resolves errors in other IMF documents and returns.

(a) Unit A-1: Researches and resolves processing and taxpayer generated errors involved in Forms 1120 and 1040 prior year. May also resolve 1040 B&F errors.

(b) Unit A-2: Researches and resolves processing and taxpayer generated errors involved in Forms 940, 941, 720, CT-1, and IMF and BMF miscellaneous documents. May also resolve 1040 B&F and 1040 NB errors.

(c) Unit A-3: Researches and resolves processing and taxpayer generated errors involved in 1040 NB returns.

(2) Section B: Perfects and resolves processing and taxpayer generated errors detected in the working cycle for IMF returns and documents. These documents include Forms 1040 NB, 1040A, and all related documents.

(a) Unit B-1: Researches and resolves processing and taxpayer generated errors involved in 1040NB returns raw errors and loops. May also resolve 1040A errors.

(b) Unit B-2: Researches and resolves processing and taxpayer generated errors involved in 1040A raw errors and loops. May also resolve 1040NB errors.

(c) Unit B-3: Researches and resolves processing and taxpayer generated errors involved in 1040NB raw errors and loops. May also resolve 1040A errors.

1117.27 *Data Conversion Division.* Through use of keypunch equipment, optical character recognition equipment or similar devices and equipment, converts data from source documents to a form processable by computers. Operates computer and peripheral equipment used to verify tax liability of all taxpayers within the Region and to convert input data to magnetic tape. Balances data forwarded to and received from the National Computer Center and maintains file 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 for authorized external use. Programs projects as assigned by the National Office and provides the necessary liaison and programming for maintenance of National Office programs.

1117.271 *Transcription Branch A.* Transcribes, verifies, and corrects pertinent information of all BMF tax returns, some IMF tax returns and information documents and forms associated with other miscellaneous programs. Processes documents related to BMF and IMF, subsequent activity programs and documents which have been previously transcribed for which error conditions have been detected in subsequent processing.

(1) Section 1: Keypunches, verifies, and corrects all BMF returns, all miscellaneous returns and documents, and prior year IMF returns. At peak periods, transcribes 1040ES, 1040NB short entity, and 1040A. These programs involve both fixed field and variable field concepts of keypunching. Programs require both alphabetic and numeric punching and for this purpose there shall be units specializing in these functions.

(a) Units: Keypunch, verify, and correct a portion of the work of the section. Units perform either numeric or alphabetic punching or verifying involving both fixed field and variable field concepts of keypunching. As workload demands, employees are moved between alphabetic and numeric units. To provide effective supervision, the units will be subdivided into groups.

(2) Section 2: Keypunches, verifies, and corrects Forms 1040A and 1040ES. At peak periods also transcribes 1040NB short entity. Transcription of these programs involve variable field concepts of keypunching. Programs require both alphabetic and numeric punching and for this purpose there shall be units specializing in these functions.

(a) Units: Keypunch or verify and correct a portion of the work of the section. Units perform either alphabetic or numeric punching and verifying involving variable field concepts of keypunching. To provide effective supervision the units will be subdivided into groups.

1117.272 *Transcription Branch B.* Transcribes, verifies, and corrects pertinent information from IMF tax returns.

(1) Section 3: Keypunches, verifies, and corrects 1040NB returns, without schedules. At peak periods also transcribes 1040A short entity returns. Transcription of these programs involves variable field concepts of keypunching. Programs require both alphabetic and numeric punching and for this purpose there shall be Units specializing in these functions.

(a) Units: Keypunch, verify, and correct a portion of the work of the section. Units perform either alphabetic work or a combination of alphabetic and numeric punching (short entity) and verifying involving variable field concepts of keypunching. To provide effective supervision the Units will be subdivided into Groups.

(1) Section 4: Keypunches, verifies, and correct 1040 B&F and 1040NB short entity returns with and without schedules. Transcription of these programs involve variable field concepts of keypunching. Programs require both alphabetic and numeric punching and for this purpose there shall be Units specializing in these functions.

(a) Units: Keypunch, verify, and correct either alphabetic or numeric portions of Form 1040 B&F returns and both alphabetic and numeric portions of Form 1040NB short entity returns. To provide effective supervision the Units will be subdivided into Groups.

1117.273 *Computer Branch.* Operates the digital computer system used in processing, verifying and computing the tax liabilities of all Master File taxpayers within the Region; maintains tape library; processes tax information and documents for mailing to taxpayers and for internal use by the Service; generates reports, statistical information and other information for use by the National Regional and District Offices, other programs areas of the Service, and by various States within the Region. Processes and balances tax data forwarded to and received from the National Computer Center through the maintenance of the Service Center Control File. Balances accounting data going to and from the National Computer Center and maintains and controls listing of reject documents for reinput to Service Center processing. Processes other programs assigned by the National Office. Operates an EAM system

for preconversion perfection of input data and processing of other Service Center card-oriented projects. Provides programming services as required for the maintenance of the system as directed by the National Office. Performs a quality review of computer generated output to ascertain conformance with prescribed standards and formats.

1117.28 *Taxpayer Service Division.* Receives, analyzes, and corrects unpostable conditions detected during the National Computer Center processing cycle. Researches for entity and account information through the use of microfilm, source information on returns and registers. Maintains permanent and temporary files of returns and retires returns in accordance with prescribed procedures. Performs output review and necessary correction. 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 assigns Employer Identification numbers.

1117.281 *Unpostables and Entity Control Branch.* Resolves IMF, BMF, and miscellaneous unpostable returns and documents listed on printouts generated as a result of detection of unpostable conditions at the National Computer Center. Controls and assigns employer identification numbers; resolves Social Security number discrepancies.

(1) Unpostables Section (S): Perfects and resolves unpostable returns and documents, listed on printouts, through review and comparison of input documents, research, contact with district and area offices, and contact with the taxpayer. Resolves unpostable conditions arising from the attempt to input all documents and returns relating to the IMF or BMF Master File. Prepares necessary input documents to resolve unpostable conditions.

(2) Entity Control Section: Receives and processes applications for Employer Identification and Social Security numbers. Maintains control over the assignment of Employer Identification numbers. Determines and initiates appropriate action to taxpayer inquiries, perfection requirements, and Social Security letters in regard to account numbers. Processes Forms 2553 (Election to file return for Small Business Corporations). Maintains files of Form SS-4 and prepares substitute Forms SS-4 pending completed application from employer. Performs detailed researches for previously assigned numbers to prevent duplication of assignment of numbers. Mails blank tax packages to new employers and notifies taxpayers of numbers assigned. Receives taxpayer replies to CP-54 notices and takes action necessary, including contact with SSA, to correct entity data on Master File.

1117.282. *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 nonmaster 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.

(1) Research Section: Research microfilm and other sources to obtain entity and account data needed for adjustment actions, taxpayer and district inquiries, resolution of IMF and BMF unpostables, math errors, delinquency checks, refund deletions, unidentified remittances, and perfection of documents for processing. 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. Performs necessary research for payment tracers on master file and nonmaster file returns.

(2) Returns Section: Maintains permanent files of returns and related documents and provides for the control and accountability of returns and documents in temporary files set up after computer operations and prior to final disposition. Selects and batches returns for statistical editing; withdraws returns for audit selection; withdraws returns temporarily rejected from the system; withdraws returns for association with inquiry notices. Prepares returns and documents for transmittal to Federal Records Center. Furnishes advice and testimony concerning filing, processing, coding and related markings on all returns and documents. Performs delinquency checks for Nonmaster File returns.

1117.283 *Taxpayer Contact Branch.* Answers taxpayer inquiries initiated by telephone, mail, and/or personal visit. Controls, monitors, and takes all necessary action to process special or unusual cases. When necessary, prepares replies to taxpayer inquiries which accompany returns and which indicate that complex issues need be resolved before the return can be processed.

(1) ADP Technical Section: Controls complaint and special cases and monitors the adjusting action through the system to insure that a correct and final settlement has been effected with the taxpayer; takes all necessary actions, including written or telephone contacts with taxpayers or their authorized representatives; prepares adjustment documents for input to the Master File; and in critical situations on individual cases determines need for manual processing of a refund, assessment, or billing. Functions as a centralized point for the effective and uniform handling of taxpayer complaints under the ADP System. Processes actions that fall outside the normal work flow where ADP Handbooks do not contain specific procedures for processing a particular kind of adjustment, and recommends procedures for incorporation in the ADP Handbooks.

(2) Correspondence Section: Receives and classifies all taxpayer inquiries, responses to inquiry letters and related documents. Maintains suspense files, in-

cluding computer generated inquiry-letters. Prepares replies to taxpayer correspondence and requests for correspondence from other activities which generally require individually tailored letters. Reviews taxpayer replies for adequacy of information submitted. Performs taxpayer service function in connection with telephone inquiries or personal calls. Maintains files for refund checks returned for redeposit. Furnishes photostatic copies and/or related documents to taxpayers, types and transmits various forms, tax returns and documents, and the Audit assembly for Taxpayer Compliance Measurement Program. Initiates research of microfilm and other sources to obtain entity and account data needed for taxpayer inquiries to determine action required and prepares the necessary correspondence. Prepares Nonmaster File TY 14. Receives all notices of Social Security Administration discrepancies and makes initial review, research and analysis; corresponds with taxpayer, as necessary; forwards to Adjustment Branch only cases requiring adjustment action.

1117.29 *Accounting and Adjustment Division.* Maintains an accounting system to provide subsidiary records and general ledger accounts that reflect the Director's accountability for the Master File and Nonmaster File tax revenue collected within the region. 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 adjustment documents for posting to Master File and Nonmaster File returns.

1117.291 *Accounting Branch.* Maintains subsidiary records and general ledger accounts covering Master File and Nonmaster File revenue transactions to provide for the recording of assessments, collections, receivables, refunds, overassessments and other elements of revenue accounting affecting taxpayers' accounts. Controls accounting documents received from District Offices for entry to Master File and processes out-of-region Master File accounting transactions. Receives and controls Master File accounting outputs from the National Computer Center, such as settlement registers, and accomplishes required journalization and general ledger postings; initiates or processes account transfers, account adjustments, debit or credit transfers, statutory clearances, etc. related to Master File accounts. Verifies National Computer Center accounting outputs against general ledger balances. Receives settlements and other adjustments generated by National Computer Center and processes into general ledger accounts. Balances Master File accounts with general ledger maintained in the Service Center; reconciles accounts with regional disbursing office; prepares periodic trial

balances; prepares Statement of Accountability for the Service Center Director and Statement of Classified Collections; and prepares special and periodic financial reports covering deposits and collection data for transmittal to the National, Regional, and District Offices.

(1) Master File Accounts Section: Performs all accounting activities related to determining and recording payments and adjustments to taxpayers' Master File accounts. Prepares weekly Assessment Certificates for each district within the region and obtains proper and timely signature of certifying officer.

(a) Accounting Control Unit: Receives, controls and processes all accounting documents received from District and Area offices, the National Computer Center, and from within the Service Center for entry to Master File accounts. Maintains records of incoming and completed work, assembles information necessary for work planning and management reporting. Prepares certificates of assessment and distributes as required.

1 Journal and Assessment Group: Prepares the weekly Assessment Certificate for each District within the Region and obtains the proper and timely signature of the certifying officer on the certificates. Prepares the Voucher and Schedule of Overassessments for each District Office. Prepares all journals relating to transfers, revenue receipts and miscellaneous transactions, includes Accounting Journals prepared for daily work received from each District Office within the Region, and journals for adjustment documents originated in District Offices and the Service Center as a result of print-outs from National Computer Center tapes. Prepares a weekly journal from the Register of Settlements Regional Recap.

2 Ledger and Reports Group: Maintains general ledger accounts and subsidiary records covering revenue transactions to provide for the recording of assessments, collections, receivables, refunds, overassessments, and other elements of revenue accounting affecting taxpayers' Master File accounts. Verifies National Computer Center accounting outputs against general ledger balances. Balances Master File accounts with Regional Disbursing Office. Prepares special and periodic financial reports covering revenue transactions, including Master File and Non-Master File collections and tax refunds, for transmittal to National, Regional, and District Offices. Prepares statement of accountability for the Service Center Director. Reconciles monthly listing of depositary receipts received from Federal Reserve Bank with the general ledger accounts.

3 Processing Group: Assigns document locator numbers to adjustment and accounting documents. Researches and prepares appropriate documents for input to the Master File relating to dishonored checks, canceled refund checks and bonds, and erroneous depositary receipt transactions. Prepares documents to debit or credit the Treasurer's account, to re-mail checks and bonds, or to stop

payment. Acknowledges receipt of canceled checks, and bonds, determines if adjustments should be made and prepares requests for any adjustment necessary.

(b) Accounts Services Unit: Establishes and maintains file for unidentified remittances received and identifies and applies remittances to proper accounts. Processes input and output documents related to computer transcripts. Performs quality control review of computer output relating to taxpayer delinquent accounts and returns. Performs debit, credit and account transfer operations. Provides account maintenance control over Master File Accounts.

1 Unidentified and Transfer Group: Establishes and maintains record files for unidentified remittance. Identifies payments, prepares and processes required documents for application to appropriate tax accounts, transfer, or refund. Prepares journals on Unidentified Clearances. Prepares required documents to effect transfers involving payments, debits or credits to taxpayer accounts. Initiates account transfers, into, out of, and between Master File accounts.

2 Accounts Review Group: Examines, classifies, codes and processes requests for transcripts of Master File accounts for the preparation of formal or informal certificates of assessments and related account transactions. Reviews computer output relating to taxpayer delinquent accounts and returns for quality and accuracy, corrects erroneous output, and releases to District and Area Offices. Maintains the Outstanding Balance List as a current reference document for all Master File accounts.

3 Accounts Maintenance Group: Reviews Master File Outstanding Balance List systematically to follow up on incomplete action on open accounts identified by codes. Prepares required documents for settlement of the account. Maintains and reviews Outstanding Balance List transcripts to purify and for quality control checking. Initiates follow-up action as required to resolve the account.

(2) Nonmaster File Accounts Section: Performs all revenue accounting activities related to determining and recording payments and adjustments to Nonmaster File taxpayers' accounts. Prepares assessment certificate; journalizes and abstracts collections, assessments, overassessments, and dishonored and canceled checks; transfers debits and credits to and from Master File; maintains open suspense file for debits and credits transferred to the Nonmaster File accounts for which no account has been established; prepares and issues taxpayer delinquent accounts; issues debit and credit advices; issues current and notice status account bills; performs post deposit search for unidentified remittances for which no predeposit search has been made at District Offices; prepares miscellaneous vouchers for account adjustments; transfers accounts into or out of District Offices; lists returns; and posts to general ledger. Prepares formal and informal certifications

and accounting reports. Performs annual taxpayer delinquent accounts reconciliation.

(a) Nonmaster File Control Unit: Journalizes and abstracts collections, assessments, overassessments, canceled refund checks, dishonored checks, transfers of debit and credits and transfers of accounts. Posts to General Ledger and prepares accounting reports. Prepares assessment certificates.

(b) Nonmaster File Accounts Maintenance Unit: Prepares and issues taxpayer delinquent accounts; issues debit and credit advices; performs post deposit search for unidentified remittances; maintains suspense file for debits and credits for which no account has been established; issues current and notice status account bills; prepares formal and informal certifications. Performs annual taxpayer delinquent accounts reconciliation. Balances all subsidiary records monthly. Prepares miscellaneous vouchers for account adjustments.

1117.292 *Adjustment Branch*. Receives adjustment requests and determines appropriate action to be taken, including adjustment to tax, penalty and interest, and to the entity section of a module. Categorizes, numbers, controls, and assigns incoming adjustments and claims, and makes adjustments to both Master File and Nonmaster File taxpayer accounts. Controls and processes statutory case adjustments.

(1) Analysis, Research and Control Section: Performs analytical review of incoming adjustment requests, and correspondence pertaining to previous adjustment requests, to classify adjustments as to degree of difficulty and to effectively utilize the adjustment control system. Receives, analyzes, classifies, assigns and controls all accounting adjustment cases and claims. Responsible for maintenance of the master control file, multiple case association, inventory storage, inventory data, and reports.

(a) Adjustment Control Unit: Receives and controls the processing of adjustment cases or other subsequent control items through the Adjustment Control System; associates multiple cases, associates returns and documents with related case files, maintains the master control file, the orderly storage of inventory, and prepares inventory data and reports.

(b) Analysis and Research Unit: Receives and analyzes all incoming adjustment requests, determines the returns and/or documents needed to complete adjustment case files, classifies adjustments to established categories. Determines status of adjustments, whether pending, completed, or forwarded to another action unit or activity; researches subsequent requests, correspondence, or other followups on adjustments to determine status of original request. Requests returns and/or documents needed and associates them with related adjustment requests before assignment to tax examiners in the adjustment groups.

(2) IMF Adjustment Section: Processes all IMF account adjustments to

tax, penalty, and interest resulting from erroneous processing of returns, taxpayer initiated requests, computer generated notices, inquiry letters and transcripts, and other internally or externally initiated adjustments and claims which require a determination of tax, additions to tax liability or abatement of tax, penalty and interest assessed.

(a) IMF Adjustment Unit 1: Processes all internally generated adjustments such as: Computer generated notices, inquiry letters, and transcripts which require adjustment action, adjustment requests, duplicate filing conditions, erroneous refunds, and nullified unpostables. May also process other adjustment actions as workload dictates.

1 IMF Adjustment Groups: Analyzes pertinent returns and documents; determines adjustment action to be taken; computes tax increases or decreases; prepares documentation to input adjustments to the Master File, or releases freeze conditions on IMF returns.

(b) IMF Adjustment Unit 2: Processes all externally initiated Requests for Adjustment and claims. May also process other adjustment actions as workload dictates.

1 IMF Adjustment Groups: Analyzes pertinent returns and documents; determines adjustment action to be taken; computes tax increases or decreases; prepares documentation to input adjustments to the Master File, or releases freeze conditions on IMF returns.

(3) BMF and Special Processing Adjustment Section: Processes all adjustments to BMF accounts resulting from erroneous processing of returns, taxpayer initiated requests, computer generated notices, inquiry letters and transcripts, and other internally or externally initiated adjustments and claims which require a determination of tax, additions to tax liabilities, and abatements of assessed tax, penalty, and interest. Processes IMF and BMF Applications for Tentative Carryback Adjustments, IMF and BMF restricted interest cases, IMF and BMF combination ADP and Non-ADP overassessment and deficiency cases. Computes deficiency and allowable interest on all Non-ADP audit adjustments; and controls and processes IMF and BMF statutory protection cases. Processes adjustments to Nonmaster File accounts.

(a) BMF Adjustment Unit: Processes all BMF Requests for Adjustment and claims, computer generated notices; inquiry letter and transcripts which require adjustment action; Adjustment Requests, Social Security Administration wage discrepancies; nullified unpostables and erroneous refunds. May also process other adjustment action as workload dictates.

1 BMF Adjustment Groups: Analyzes pertinent returns and documents, determines adjustment actions to be taken, computes tax increases or decreases; and prepares documentation to input adjustments to the Master File, or releases freeze conditions on BMF returns.

(b) Special Processing Adjustment Unit: Controls and processes IMF and

## 1118.4 AUDIT DIVISION

BMF Applications for Tentative Carryback Adjustments and related records; IMF and BMF restricted interest cases; IMF and BMF combination ADP and Non-ADP overassessment and deficiency cases. Computes deficiency and allowable interest on all Non-ADP audit adjustments. Processes adjustments to Non-Master File accounts including computation of penalty and interest and preparation of documents for use by Non-Master File Accounts Section.

1 Special Processing Group: Receives, controls, and processes all Applications for Tentative Carryback Adjustments; maintains Permanent Work Record-Tentative Carryback Allowance; receives and processes Statements for the Purpose of Extending Time for Payment of Taxes by Corporations Expecting Carrybacks; processes IMF and BMF restricted interest cases, IMF and BMF combinations ADP and Non-ADP overassessment and deficiency cases; and computes deficiency and allowable interest on all Non-ADP Audit adjustment. Receives, controls, and processes all adjustments to Non-Master File accounts including computation of penalty and interest, and preparation of documents for use by the Non-Master File Accounts Section.

2 Statutory Protection Group: Receives Master File printouts on IMF and BMF cases where the statute of limitations for assessment of tax is about to expire. Compares computer transcripts with returns, documents, and research information, and takes all action necessary to insure protection of the statutory period of limitations. Maintains the statutory control file system and follows up on all input documents prepared to protect statute cases so as to insure that all necessary assessments are made.

## 1118 OFFICE OF DISTRICT DIRECTOR

## 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 and regional offices.

## 1118.2 BASIC ORGANIZATION

The principal organizational components of the typical district office are the immediate office of the District Director, the Audit Division, Collection Division, Intelligence Division, and Administration Division.

## 1118.3 DISTRICT DIRECTOR

The District Director administers, within an internal revenue district, the collection, 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.

(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 assistance program.

(2) Audit Divisions in the Atlanta, Chicago, Dallas, Manhattan, Philadelphia, and San Francisco districts, on a regionwide basis, 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 nondocketed cases, including estate and gift tax cases.

(3) 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. In the Central Region the review functions are centralized in the regional office. Each district Audit Division in that region has a Technical Branch in lieu of the Conference Staff and the Review Staff.

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.

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, and prepares determination letters. 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.

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.

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 prepares 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. Provides technical support to the year-round taxpayer assistance program.

1118.45 *Office Audit Branch.* Conducts examinations through correspondence or interviews with taxpayers in office 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. Recommends jeopardy assessments. Provides technical support to the year-round taxpayer assistance program.

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 officers' reports, form letters, correspondence, and other material as assigned and furnishes clerical, stenographic, and typing assistance to all Division offices.

1118.47 *Technical Branch.* (1) The Technical Branch directs the issuance of preliminary 30-day letters to taxpayers, prepares Form 7900 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 Division; reviews protests filed in response to notices of deficiency and Form 7900 letters 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.

#### 1118.5 COLLECTION DIVISION ORGANIZATION

After the 2300 and 3200 activities have been consolidated in accordance with the established timetable, the Collection Division organization and functions will be as shown in 1118.51 through 1118.512. Where the consolidation has not been effected, the organization and functions are as shown in 1118.52 through 1118.524. The timetable is as follows: July 1, 1968, Southeast Region; July 1, 1969, Central Region, Mid-Atlantic Region, Southwest Region, and Western Region; July 1, 1970, Midwest Region and North-Atlantic Region.

**1118.51 Collection Division.** The Collection Division is responsible for the receipt, processing and retention of wagering, narcotics, 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 assistance 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 Collection 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 assure that proper legal action may be timely taken.

**1118.511 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 districtwide execution of the year-round taxpayer assistance program. It provides taxpayer assistance within the Headquarters Office and surrounding metropolitan commuting area, including responses to correspondence requests for tax information and provides functional supervision of taxpayer assistance at other posts of duty. The Branch screens and assigns cases and maintains assignment files. It prepares periodic reports of Collection 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 narcotics, wagering, alcohol and tobacco tax, firearms returns and applications. It also receives and transmits other returns and documents received in the District Office.

**1118.512 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 issuance 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 percent penalties. The Branch provides taxpayer assistance within the assigned area (except in the Headquarters Office location).

**1118.52 Collection Division.** (1) The Collection Division is responsible for the receipt and processing of tax returns and related documents filed with the district; the deposit of and accounting for tax remittances; making determinations with respect to tax refunds, credits, penalties, abatements, or overassessments; maintaining prescribed accounting and ledger controls including control of the refund appropriation account; the performance of all collection activity as relates to the sale and accounting for revenue stamps; the collection of delinquent accounts through distraint, seizure, levy, and other means; the securing of delinquent returns; the conduct of a year-round taxpayer assistance program; and the conduct of field examinations 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, and withholding taxes and specific penalties), and all offers in compromise of 100 percent penalties.

(2) The organization of the Collection Division varies in its branches based on the size of the district. The basic or large district organization has four branches: Returns and Receipts, Revenue Accounting, Taxpayer Service, and Delinquent Accounts and Returns. The organization for medium districts has three branches: Returns and Receipts, Taxpayer Service and Accounts, and Delinquent Accounts and Returns. The organization for small districts has two branches: Office Branch, and the Delinquent Accounts and Returns Branch. The basic or large district organization is set forth below.

**1118.521 Returns and Receipts Branch.** (1) The Returns and Receipts Branch is responsible for the receipt, categorical classification, and internal routing of all tax returns, remittances, correspondence, and other documents received by the District Office. It sorts, examines, verifies and reconciles tax returns, forms, schedules, and other types of supporting tax and information documents for correctness; matches prepayment credits and associates supporting information documents with tax returns in preparation for audit; computes or verifies tax on all wage and excise tax returns, estate and gift and corporation income tax returns; makes certain penalty determinations; numbers all nonremittance returns; and prepares, transmits, and controls shipment of returns and documents to and from the Service Center and the Social Security Administration.

(2) The Branch is responsible for the examination of all tax returns and documents received with remittance and for

the determination of acceptability of remittances for deposit. It classifies returns and documents by prescribed classification and initially accounts for all remittances by class of tax; maintains required records and effects prescribed balancing of all recorded entries; takes required action to make daily deposits in designated depository bank; and numbers all remittance returns. It coordinates cashier receipts and deposits activities with accounting and processing operations; initiates predeposit search on all remittances received without returns or identifying documents; and receives returned remittances from depository bank and attempts to make collection from taxpayer; prepares necessary debit vouchers, posting vouchers, and maintains pertinent records. The Branch is responsible for requisitioning, issuance, and control of internal revenue stamps, Revenue Officers' receipt books, and other receipts for payment of internal revenue taxes. It handles and maintains collateral agreement records and related securities. The Branch has line responsibility for all teller activities in the same location as the Returns and Receipts Branch and functional responsibility for all other teller activities.

#### 1118.522 *Revenue Accounting Branch.*

(1) The Revenue Accounting Branch performs all revenue accounting activities with respect to determining and recording of payments and adjustments to taxpayers' accounts and establishes and maintains all prescribed accounting control records, posting media, and related accounting records. It is responsible for the mechanical listing (or scheduling) of all returns filed, and for the posting of debits and credits to taxpayer accounts and balancing of ledgers to sectional controls. It classifies and records all tax payments received without appropriate identification and searches records to identify same; issues all tax bills, notices, and taxpayer delinquent accounts; prepares required vouchers to effect adjustments involving payments, debits, or credits to taxpayers' accounts and prepares abatement vouchers on duplicate assessments; maintains all account cards files on a current posting basis; maintains all required sectional and general ledger controls in connection with revenue accounting operations; makes reconciliations of ledger controls with prescribed sectional controls and takes appropriate action to ascertain source of discrepancies and make necessary corrections in records; and prepares and submits all accounting and ledger reports as required.

(2) The Branch makes final determination of tentative carryback adjustments; prepares necessary schedules and vouchers in connection with the refunding appropriation; computes general and restricted interest; maintains files of refund and credit schedules; prepares certificates of overassessment; prepares appropriate overassessment schedules for refund, credit, or abatement; and computes or verifies tax on certain tax returns.

#### 1118.523 *Taxpayer Service Branch.*

(1) The Taxpayer Service Branch is re-

sponsible for taxpayer contact by telephone, mail, or personal call; adjustments on tax returns; preparation of replies to correspondence; informal conferences relative to tax adjustments; and conduct of year-round taxpayer assistance within headquarters office.

(2) The Branch establishes and maintains all tax returns files and index card files and furnishes information from the files as requested. It maintains addressograph files and plates and performs all addressograph services; maintains and distributes adequate supplies of various types of income tax forms, returns, and all processing forms; addresses, stuffs, and mails copies of blank tax forms, tax notice forms, and other documents and forms, except those handled by Service Centers. Photostats all tax forms, returns, and other documents, as required; assigns and controls all employers' identification numbers; receives, analyzes, classifies, controls, routes, performs research, and makes reply to various routine types of correspondence on collection matters which can be serviced at a centralized point; prepares various documents for transmittal to the Federal Records Center, Service Center, Statistics Division, and other (associate) Government agencies, as necessary; coordinates Collection activities with Administration, Audit, Intelligence, Appellate, Statistics, Federal Records Center, and Service Centers relative to returns' disposition, classification, statistics, and processing. The Branch is responsible for furnishing advice and testimony concerning filing, processing, coding, and related markings on all returns and documents.

1118.524 *Delinquent Accounts and Returns Branch.* (1) The Delinquent Accounts and Returns Branch makes collections of delinquent accounts and conducts a continuing program for the securing of delinquent returns. The Branch 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 and conducts the investigations necessary to support such recommendations.

(2) The Branch receives, acts on, and processes information pertinent to bankruptcies, receiverships, assignments, reorganizations, probate proceedings, bulk sales, gifts and prizes, and dissolutions and initiates investigations for securing delinquent returns where necessary. It canvasses the district for delinquent returns and serves summonses on taxpayers to produce books, documents, returns, or other information where necessary to secure compliance with the requirements for filing returns. The Branch maintains control 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 assure that proper legal action may be timely taken. The Branch has line responsibility for all teller activities in a location different from that of the Returns and Receipts Branch. The Branch is responsible for year-round taxpayer assistance in local offices.

(3) The Branch is responsible for the control, management, field investigation and review 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, and withholding taxes and specific penalties), and all offers in compromise of 100 percent penalties. It also issues conference invitation letters in unagreed offers in compromise and certain DAR Branch proposed assessment cases; conducts conferences with taxpayers and their representatives; and prepares conference reports.

#### 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.

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 U.S. Attorney and with other Divisions in the district office. The Branch assists the U.S. Attorney and the Chief Counsel in the trial of cases. The Branch evaluates allegations of tax law violations and initiates surveys, examinations and investigations 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 insure that high standards of performance are maintained.

#### 1118.7 ADMINISTRATIVE 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.

(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.

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 assure effective space utilization. It procures, requisitions, issues, and assures 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.

1118.72 *Personnel Branch.* The Personnel Branch performs the recruitment and placement functions at the district level, and conducts the district's employee relations program and incentive awards program. It processes personnel action documents in accordance with prescribed procedure and maintains all district personnel records.

1118.73 *Training Branch.* The Training Branch provides leadership and coordination to the district training program. It coordinates the district execution of training programs; gives advice on all training programs conducted in the district office, and assists in their development from the standpoint of training techniques. It participates in and coordinates the development of district training programs to meet local training needs that cut across organizational lines. In addition, it evaluates and reports on all district training programs.

#### 1118.8 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, 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; 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 taxpayer assistance and 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 Collection Force 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 Offi-

cers. Generally, it also contains one or more Special Agents. Usually it does not have a Teller and if it has OCF 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 or full-time Collection Managers 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 10 OCF as the equivalent of a group; or 10 or more OCF as two groups), the District Director may establish a full-time Collection Manager (who supervises only Group Supervisors, as distinguished from other Collection Managers who also directly supervise Revenue Officers). 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 Supervisors, Branch Chiefs, or Collection Managers in a different location, 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 functions; and for specialists, such as those trained in estate, gift, and excise tax work.

## APPENDIX A

## INTERNAL REVENUE REGIONAL OFFICES

San Francisco, Calif., ZIP 94102, Flood Building, 870 Market Street.  
 Atlanta, Ga., ZIP 30303, Federal Office Building, 275 Peachtree Street NE.  
 Chicago, Ill., ZIP 60601, North American Life Insurance Building, 35 East Wacker Drive.  
 New York, N.Y., ZIP 10007, Federal Office Building, 90 Church Street.  
 Cincinnati, Ohio, ZIP 45202, Federal Office Building, 550 Main Street.  
 Philadelphia, Pa., ZIP 19102, 2 Penn Center Plaza Building, 2 Penn Center Plaza.  
 Dallas, Tex., ZIP 75202, Federal Office Building, 1114 Commerce Street.

## APPENDIX B

## ALCOHOL, TOBACCO, AND FIREARMS BRANCH OFFICES

Birmingham, Ala., ZIP 35203, 2121 Building, 2121 Eighth Avenue North.  
 Little Rock, Ark., ZIP 72203, Federal Office Building, 700 West Capital Street.  
 Los Angeles, Calif., ZIP 90012, 300 North Los Angeles Street.  
 San Francisco, Calif., ZIP 94102, New Federal Building, 450 Golden Gate Avenue.  
 Jacksonville, Fla., ZIP 32201, U.S. Courthouse and Post Office Building.  
 Atlanta, Ga., ZIP 30309, 67 Peachtree Drive NE.  
 Honolulu, Hawaii, ZIP 96803, Federal Building.  
 Chicago, Ill., ZIP 60601, Pure Oil Building, 35 East Wacker Drive.  
 Louisville, Ky., ZIP 40202, Federal Building.  
 Boston, Mass., ZIP 02203, John F. Kennedy Federal Building, Government Center.  
 Detroit, Mich., ZIP 48226, Federal Building.  
 St. Paul, Minn., ZIP 55101, Federal Building and U.S. Courthouse, 316 North Robert Street.  
 Jackson, Miss., ZIP 39201, 630 Milner Building, Lamar and Pearl Streets.  
 St. Louis, Mo., ZIP 63103, Federal Building, 208 North Broadway.  
 New York, N.Y., ZIP 10007, 120 Church Street.  
 Charlotte, N.C., ZIP 28202, 316 East Morehead Street.  
 Cincinnati, Ohio, ZIP 45202, Federal Office Building, 550 Main Street.  
 Oklahoma City, Okla., ZIP 73102, 200 Fourth Street NW.  
 Philadelphia, Pa., ZIP 19106, U.S. Customhouse, Second and Chestnut Streets.  
 Pittsburgh, Pa., ZIP 15222, Federal Building, 1000 Liberty Avenue.  
 San Juan, P.R., ZIP 00902, Post Office and Customhouse Building.  
 Columbia, S.C., ZIP 29201, Federal Office Building, 901 Sumter Street.  
 Nashville, Tenn., ZIP 37203, U.S. Courthouse, 801 Broad Street.  
 Dallas, Tex., ZIP 75202, Wholesale Merchants Building, 912 Commerce Street.  
 Richmond, Va., ZIP 23240, Federal Building, 400 North Eighth Street.  
 Seattle, Wash., ZIP 98104, U.S. Courthouse, Sixth and Madison Streets.

## APPENDIX C

## APPELLATE BRANCH OFFICES

Birmingham, Ala., ZIP 35203, 2121 Building, 2121 Eighth Avenue, North.  
 Phoenix, Ariz., ZIP 85004, 222 North Central Avenue.  
 Los Angeles, Calif., ZIP 90012, Federal Building, 300 North Los Angeles Street.  
 San Francisco, Calif., ZIP 94108, 447 Sutter Street.  
 Denver, Colo., ZIP 80202, 17504 Federal Building, 1961 Stout Street.  
 New Haven, Conn., ZIP 06511, 1221 Chapel Street.

Washington, D.C., ZIP 20009, Universal North Building, 1875 Connecticut Avenue NW.  
 Jacksonville, Fla., ZIP 32202, 400 West Bay Street.  
 Miami, Fla., ZIP 33130, 51 Southwest First Avenue.  
 Atlanta, Ga., ZIP 30303, Federal Office Building, 275 Peachtree Street NE.  
 Chicago, Ill., ZIP 60601, 35 East Wacker Drive  
 Springfield, Ill., ZIP 62705, 325 West Adams Street.  
 Indianapolis, Ind., ZIP 46204, 510 Guaranty Building.  
 Wichita, Kans., ZIP 67201, 212 North Market Street (suboffice, Oklahoma City Branch Office).  
 Louisville, Ky., ZIP 40202, 410 Federal Building.  
 New Orleans, La., ZIP 70130, 444 Federal Office Building, 600 South Street.  
 Baltimore, Md., ZIP 21201, Federal Building, 31 Hopkins Plaza.  
 Boston, Mass., ZIP 02203, John F. Kennedy Federal Building.  
 Detroit, Mich., ZIP 48226, 600 Griswold Building, 1214 Griswold Street.  
 St. Paul, Minn., ZIP 55101, Fifth Floor, Federal Building and U.S. Courthouse, 316 North Robert Street.  
 Kansas City, Mo., ZIP 64106, 1006 Federal Office Building, 911 Walnut Street.  
 St. Louis, Mo., ZIP 63101, 901 U.S. Courthouse and Customhouse, 1114 Market Street.  
 Omaha, Nebr., ZIP 68102, New Federal Building.  
 Newark, N.J., ZIP 07102, 701 Federal Building, 970 Broad Street.  
 Buffalo, N.Y., ZIP 14202, 330 U.S. Courthouse Niagara Square.  
 New York, N.Y., ZIP 10007, 90 Church Street.  
 Greensboro, N.C., ZIP 27401, 338 North Elm Street.  
 Cincinnati, Ohio, ZIP 45202, 10511 Federal Office Building, 550 Main Street.  
 Cleveland, Ohio, ZIP 44199, 16th Floor, Federal Office Building, 1240 East Ninth Street.  
 Oklahoma City, Okla., ZIP 73102, 2030 Courthouse and Federal Office Building, 220 Northwest Fourth Street.  
 Portland, Oreg., ZIP 97204, 880 Multnomah Building, 319 Southwest Pine Street.  
 Philadelphia, Pa., ZIP 19102, 2 Penn Center Plaza.  
 Pittsburgh, Pa., ZIP 15222, Federal Building, 1000 Liberty Avenue.  
 Nashville, Tenn., ZIP 37203, 654 New U.S. Courthouse Building, 801 Broadway.  
 Dallas, Tex., ZIP 75202, 1025 Elm Street.  
 Houston, Tex., ZIP 77002, 8031 Federal Building, 515 Rusk Avenue.  
 Salt Lake City, Utah, ZIP 84111, Federal Building, 125 South State Street.  
 Richmond, Va., ZIP 23240, Federal Building, 400 North Eighth Street.  
 Seattle, Wash., ZIP 98121, 1112 Sixth and Lenora Building.  
 Huntington, W. Va., ZIP 25701, Post Office Building, Ninth Street and Fifth Avenue.  
 Milwaukee, Wis., ZIP 53202, Towne Building, 730 East Michigan Avenue.

## APPENDIX D

## INTERNAL REVENUE SERVICE CENTERS

Chamblee, Ga., ZIP 30005, 4800 Buford Highway.  
 Andover, Mass., ZIP 01812, 310 Lowell Street.  
 Kansas City, Mo., ZIP 64170, Federal Building, 2306 East Bannister Road.  
 Covington, Ky., ZIP 41012, 200 West Fourth Street.  
 Philadelphia, Pa., ZIP 19154, 11601 Roosevelt Boulevard.  
 Austin, Tex., ZIP 78741, 3651 South Inter-Regional Highway.  
 Ogden, Utah, ZIP 84405, 1160 West 12th Street.

## APPENDIX E

## INTERNAL REVENUE DISTRICT OFFICES

Birmingham, Ala., ZIP 35203, 2121 Building, 2121 Eighth Avenue North.  
 Anchorage, Alaska, ZIP 99501, Alaska Mutual Savings Building, Fifth and F Streets.  
 Phoenix, Ariz., ZIP 85025, Federal Building, 230 North First Avenue.  
 Little Rock, Ark., ZIP 72203, Federal Office Building, 700 West Capitol Avenue.  
 Los Angeles, Calif., ZIP 90012, Federal Building, 300 North Los Angeles Street.  
 San Francisco, Calif., ZIP 94102, Federal Building and Courthouse, 450 Golden Gate Avenue.  
 Denver, Colo., ZIP 80202, Federal Office Building, 1961 Stout Street.  
 Hartford, Conn., ZIP 06115, Federal Office Building, 450 Main Street.  
 Wilmington, Del., ZIP 19802, 330 East 30th Street.  
 Jacksonville, Fla., ZIP 32202, Federal Office Building, 401 West Bay Street.  
 Atlanta, Ga., ZIP 30303, Federal Office Building, 275 Peachtree Street NE.  
 Honolulu, Hawaii, ZIP 96813, U.S. Post Office, Courthouse, 335 South King Street.  
 Boise, Idaho, ZIP 83707, Federal Building, U.S. Courthouse, 550 West Fort Street.  
 Chicago, Ill., ZIP 60602, State-Madison Building, 17 North Dearborn Street.  
 Springfield, Ill., ZIP 62704, Land of Lincoln Building, 325 Adams Street.  
 Indianapolis, Ind., ZIP 46204, Post Office Courthouse, 46 East Ohio Street.  
 Des Moines, Iowa, ZIP 50309, Federal Building, 210 Walnut Street.  
 Wichita, Kans., ZIP 67202, Federal Building, 412 South Main Street.  
 Louisville, Ky., ZIP 40202, Federal Building, Sixth and Broadway.  
 New Orleans, La., ZIP 70130, Federal Office Building, 600 South Street.  
 Augusta, Maine, ZIP 04330, Federal Office Building, 68 Sewall Street.  
 Baltimore, Md., ZIP 21201, Federal Building, 31 Hopkins Plaza.  
 Boston, Mass., ZIP 02203, The John Fitzgerald Kennedy Federal Building.  
 Detroit, Mich., ZIP 48226, Post Office and Courthouse, 231 West Lafayette Street.  
 St. Paul, Minn., ZIP 55101, Federal Building, U.S. Courthouse, 316 North Robert Street.  
 Jackson, Miss., ZIP 39202, 301 Building, 301 North Lamar Street.  
 St. Louis, Mo., ZIP 63101, U.S. Courthouse, Customhouse Building, 1114 Market Street.  
 Helena, Mont., ZIP 59601, Federal Office Building, West Sixth Street and Park Avenue.  
 Omaha, Nebr., ZIP 68102, Federal Office Building, 106 South 15th Street.  
 Reno, Nev., ZIP 89502, Federal Building, U.S. Courthouse, 300 Booth Street.  
 Portsmouth, N.H., ZIP 03801, Federal Building, U.S. Post Office, 80 Daniel Street.  
 Newark, N.J., ZIP 07102, Federal Building, 970 Broad Street.  
 Albuquerque, N. Mex., ZIP 87101, Federal Office Building, 517 Gold Avenue SW.  
 Albany, N.Y., ZIP 12210, Internal Revenue Service Building, 161 Washington Avenue.  
 Brooklyn, N.Y., ZIP 11201, Federal Office Building, 35 Tillary Street.  
 Buffalo, N.Y., ZIP 14202, Edwards Building, 266-294 Pearl Street.  
 New York, N.Y., ZIP 10007, 120 Church Street.  
 Greensboro, N.C., ZIP 27401, Federal Office Building, 320 South Ashe Street.  
 Fargo, N. Dak., ZIP 58102, Manchester Building, 112 North University Drive.  
 Cincinnati, Ohio, ZIP 45202, Federal Office Building, 550 Main Street.  
 Cleveland, Ohio, ZIP 44113, Federal Office Building, 1240 East Ninth Street.

Oklahoma City, Okla., ZIP 73101, Courthouse, Federal Office Building, 200 Northwest Fourth Street.  
 Portland, Ore., ZIP 97204, Multnomah Building, 319 Southwest Pine Street.  
 Philadelphia, Pa., ZIP 19108, Terminal Commerce Building, 401 North Broad Street.  
 Pittsburgh, Pa., ZIP 15222, Federal Building, 1000 Liberty Avenue.  
 Providence, R.I., ZIP 02903, 130 Broadway.  
 Columbia, S.C., ZIP 29201, Federal Office Building, 901 Sumter Street.  
 Aberdeen, S. Dak., ZIP 57401, Executive Building, 640 Ninth Avenue SW.  
 Nashville, Tenn., ZIP 37203, Federal Office Building, Eighth Avenue and Broad Street.  
 Austin, Tex., ZIP 78701, Federal Office Building, 300 East Eighth Street.  
 Dallas, Tex., ZIP 75201, 1600 Patterson Street.  
 Salt Lake City, Utah, ZIP 84110, U.S. Post Office, Courthouse Building, 350 South Main Street.  
 Burlington, Vt., ZIP 05401, Federal Building, 11 Elmwood Avenue.  
 Richmond, Va., ZIP 23240, Federal Building, 400 North Eighth Street.  
 Seattle, Wash., ZIP 98121, Sixth and Lenora Building, 2033 Sixth Avenue.  
 Parkersburg, W. Va., ZIP 26102, Federal Office Building, Juliana and Fifth Streets.  
 Milwaukee, Wis., ZIP 53202, Federal Building, 517 East Wisconsin Avenue.  
 Cheyenne, Wyo., ZIP 82001, Federal Office Building, 21st and Carey Avenue.

## APPENDIX F

## REGIONAL INSPECTORS' OFFICES

Cincinnati, Ohio, ZIP 45202, Federal Office Building, 550 Main Street.  
 Philadelphia, Pa., ZIP 19107, Bankers Securities Building, Walnut and Juniper Streets.  
 Chicago, Ill., ZIP 60601, 35 East Wacker Drive.  
 New York, N.Y., ZIP 10007, 26 Federal Plaza, 14th Floor.  
 Atlanta, Ga., ZIP 30303, Federal Office Building, 275 Peachtree NE.  
 Dallas, Tex., ZIP 75201, Fidelity Union Life Building, 1511 Bryan Street.  
 San Francisco, Calif., ZIP 94103, U.S. Post Office Building, 1076 Mission Street.

## APPENDIX G

## REGIONAL COUNSEL OFFICES

Birmingham, Ala., ZIP 35203, 2121 Eighth Avenue North.  
 Phoenix, Ariz., ZIP 85004, Security Center Building, 222 North Central Avenue.  
 Los Angeles, Calif., ZIP 90013, 3018 Federal Building, 300 North Los Angeles Street.  
 San Francisco, Calif., ZIP 94108, 447 Sutter Street.  
 Denver, Colo., ZIP 80202, 1961 Stout Street.  
 Jacksonville, Fla., ZIP 32202, Federal Building, 400 West Bay Street.  
 Miami, Fla., ZIP 33130, Federal Office Building, 51 Southwest First Avenue.  
 Atlanta, Ga., ZIP 30301, Federal Office Building, 275 Peachtree Street NE.  
 Chicago, Ill., ZIP 60601, 35 East Wacker Drive.  
 Indianapolis, Ind., ZIP 46204, 1001 Illinois Building, 17 West Market.  
 Louisville, Ky., ZIP 40202, 526 Federal Building.  
 New Orleans, La., ZIP 70130, Federal Office Building.  
 Boston, Mass., ZIP 02203, John Fitzgerald Kennedy Building, Government Center.  
 Detroit, Mich., ZIP 48226, 2300 Cadillac Tower.  
 St. Paul, Minn., ZIP 55101, 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. Courthouse and Customhouse.

Omaha, Nebr., ZIP 68101, U.S. Post Office and Courthouse, 215 North 17th Street.  
 Newark, N.J., ZIP 07102, Ninth Floor, 970 Broad Street.  
 Buffalo, N.Y., ZIP 14202, 410 U.S. Courthouse.  
 New York, N.Y., ZIP 10007, 26 Federal Plaza, 12th Floor.  
 Greensboro, N.C., ZIP 27401, 338 North Elm Street.  
 Cincinnati, Ohio, ZIP 45202, 7504 New Federal Office Building, 550 Main Street.  
 Cleveland, Ohio, ZIP 44114, 1620 Williamson Building, 215 Euclid Avenue.  
 Oklahoma City, Okla., ZIP 73101, Courthouse and Federal Office Building, 220 Northwest Fourth Street.  
 Portland, Ore., ZIP 97205, 484 Pittock Block, 921 Southwest Washington Street.  
 Philadelphia, Pa., ZIP 19102, 2 Penn Center Plaza.  
 Pittsburgh, Pa., ZIP 15230, Federal Building, Room 726.  
 Nashville, Tenn., ZIP 37202, 709 U.S. Courthouse, 801 Broadway.  
 Dallas, Tex., ZIP 75202, 1025 Elm Street.  
 Houston, Tex., ZIP 77002, 515 Rusk Avenue.  
 Richmond, Va., ZIP 23240, 2108 Federal Building, Eighth and Marshall Street.  
 Washington, D.C., ZIP 20009, Universal Building North, 1875 Connecticut Avenue NW.  
 Milwaukee, Wis., ZIP 53202, 730 East Michigan Street.  
 Seattle, Wash., ZIP 98121, 1101 Sixth and Lenora Building.

[F.R. Doc. 69-1344; Filed, Feb. 3, 1969; 8:45 a.m.]

## DEPARTMENT OF DEFENSE

## Office of the Secretary of Defense

[DoD Instruction 5120.40, Oct. 28, 1968]

## DEPUTY ASSISTANT SECRETARY OF DEFENSE FOR RESERVE AFFAIRS

## Organizational Statement

The following organizational statement has been approved by the Assistant Secretary of Defense (Manpower and Reserve Affairs):

## FUNCTIONS AND RESPONSIBILITIES OF THE DEPUTY ASSISTANT SECRETARY OF DEFENSE FOR RESERVE AFFAIRS

Reference: (a) DoD Directive 5120.27, "Assistant Secretary of Defense (Manpower and Reserve Affairs)," October 22, 1968 (34 F.R. 562)

(b) Section 136(f), title 10, United States Code

(c) Reserve Forces Bill of Rights and Vitalization Act, Public Law 90-168, December 1, 1967

I. *Purpose.* This instruction establishes policies and procedures governing the functions and responsibilities of the Office of the Deputy Assistant Secretary of Defense for Reserve Affairs in accordance with the statutory and directive provisions established in references (a), (b), and (c).

II. *Applicability and scope.* The provisions of this instruction apply to all DoD components.

III. *Policies.* In accordance with the statutory provisions of references (b) and (c), and as implemented by III. H., of reference (a), the Deputy Assistant Secretary of Defense for Reserve Affairs is

delegated and assigned sole responsibility to coordinate all matters concerning the Reserve Components. His office is the focal point in the Office of the Assistant Secretary of Defense (Manpower and Reserve Affairs) for coordination of all Reserve matters including, but not limited to, manpower, logistics, budget, program, force structure, procurement, personnel, legislation, administration, facilities, training, mobilization, readiness, liaison, and other related aspects of Reserve matters.

IV. *Responsibilities and functions.*

A. *Responsibilities.* The Deputy Assistant Secretary of Defense for Reserve Affairs is responsible for coordinating all actions pertaining to the Reserve Components in the following functional fields and other related aspects of Reserve Affairs:

1. Manpower Procurement.
2. Administration (Promotions, including General and Flag Officer Promotions, Separations, Transfers, Retirements, Morale and Welfare, Compensation and Benefits, Screening).
3. Individual Training.
4. Legislation.
5. Force Structure and Mobility.
6. Unit Training and Readiness.
7. Logistical Readiness.
8. Facilities and Construction.
9. Personnel Authorization, Strength and Manpower Requirements (Public Law 90-168).
10. Reserve Component Technicians.
11. Mobilization Requirements, Policies and Procedures.
12. Annual Reports (Public Law 90-168 and section 279, 10 U.S.C.).
13. Program and Budget.
14. ROTC (Junior and Senior Programs).
15. Staff Visits and Liaison.

B. *Functions.* Under the supervision of the Assistant Secretary of Defense (Manpower and Reserve Affairs), the Deputy Assistant Secretary of Defense for Reserve Affairs shall perform the following coordination functions in his assigned fields of responsibility for all matters concerning Reserve Affairs:

1. Advise the Assistant Secretary of Defense (Manpower and Reserve Affairs) on all matters pertaining to the Reserve Components of the Army, Navy, Air Force, Marine Corps, and Coast Guard.
2. Prepare, coordinate, and supervise plans and policies, both statutory and administrative, pertaining to Reserve Forces, ROTC programs, and Reserve mobilization procedures.
3. Evaluate Service Reserve programs to include manpower requirements, construction programs, budget estimates and financial apportionments, program changes to the 5-Year Defense Plan, mobilization requirements, plans and procedures.
4. Develop recommended average Reserve Component strengths for the annual authorization proposals.
5. Initiate, coordinate, and review legislation affecting the Reserve Components.
6. Coordinate all Reserve Affairs matters including personnel, administration, equipment, facilities, programs, budget,

force structure, procurement, manpower requirements, strength, training and mobilization readiness.

7. Promote close cooperation and mutual understanding of all Reserve matters in both public and private sectors.

8. Make staff visits to Reserve Component units, headquarters, training areas, agencies, associations, etc.

V. *Procedures.* It is desired that all matters concerning Reserve Affairs requiring coordination with the Office of the Assistant Secretary of Defense (M&RA) be addressed to the Deputy, Assistant Secretary of Defense for Reserve Affairs.

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

[F.R. Doc. 69-1401; Filed, Feb. 3, 1969;  
8:47 a.m.]

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

#### CALIFORNIA

#### Notice of Filing of California State Protraction Diagram

JANUARY 28, 1969.

Notice is hereby given that effective March 3, 1969, the following protraction diagram, approved November 12, 1968, is officially filed and of record in the Riverside District and Land Office. In accordance with Title 43, Code of Federal Regulations, this protraction will become the basic record for describing the land for all authorized purposes at and after 10 a.m. on the above effective date. Until this date and time, the diagram has been placed in the open files and is available to the public for information only.

CALIFORNIA PROTRACTION DIAGRAM No. 53

SAN BERNARDINO MERIDIAN, CALIFORNIA

T. 14 N., R. 3 E.,  
Sec. 18, NW $\frac{1}{4}$  and S $\frac{1}{2}$ ;  
Sec. 19;  
Sec. 25, NE $\frac{1}{4}$  and S $\frac{1}{2}$ ;  
Sec. 30, N $\frac{1}{2}$  and SW $\frac{1}{4}$ ;  
Sec. 36, N $\frac{1}{2}$  and SE $\frac{1}{4}$ .  
T. 14 N., R. 4 E.,  
Sec. 10, NE $\frac{1}{4}$  and S $\frac{1}{2}$ ;  
Secs. 11 to 15, inclusive;  
Sec. 16, NE $\frac{1}{4}$  and S $\frac{1}{2}$ ;  
Sec. 19, NE $\frac{1}{4}$  and S $\frac{1}{2}$ ;  
Secs. 20 to 36, inclusive.  
T. 14 N., R. 5 E.,  
Sec. 7, NW $\frac{1}{4}$  and S $\frac{1}{2}$ ;  
Secs. 18 and 19;  
Sec. 30, N $\frac{1}{2}$  and SW $\frac{1}{4}$ .  
T. 15 N., R. 3 E.,  
Sec. 1, NE $\frac{1}{4}$  and S $\frac{1}{2}$ ;  
Sec. 2, S $\frac{1}{2}$ ;  
Sec. 7, SW $\frac{1}{4}$ ;  
Sec. 10, NE $\frac{1}{4}$  and S $\frac{1}{2}$ ;  
Secs. 11 to 20, inclusive;  
Sec. 21, N $\frac{1}{2}$  and SW $\frac{1}{4}$ ;  
Sec. 29, N $\frac{1}{2}$  and SW $\frac{1}{4}$ ;  
Sec. 30;  
Sec. 31, N $\frac{1}{2}$  and SW $\frac{1}{4}$ .  
T. 15 N., R. 4 E.,  
Secs. 1 to 7, inclusive;  
Sec. 8, N $\frac{1}{2}$  and SW $\frac{1}{4}$ ;  
Sec. 9, N $\frac{1}{2}$  and SE $\frac{1}{4}$ ;  
Secs. 10 to 12, inclusive;  
Sec. 18, N $\frac{1}{2}$  and SW $\frac{1}{4}$ .

T. 15 N., R. 5 E.,  
Sec. 3, W $\frac{1}{2}$ ;  
Secs. 4 to 8, inclusive;  
Sec. 9, N $\frac{1}{2}$  and SW $\frac{1}{4}$ .

Copies of this diagram are for sale at two dollars (\$2) each by the Cadastral Engineering Office, Bureau of Land Management, Federal Office Building, 2800 Cottage Way, Room E-2820, Sacramento, Calif. 95825, and the District and Land Office, Bureau of Land Management, 1414 University Avenue, Post Office Box 723, Riverside, Calif. 92502.

WALTER F. HOLMES,  
Assistant Manager,  
Riverside Land Office.

[F.R. Doc. 69-1390; Filed, Feb. 3, 1969;  
8:46 a.m.]

#### CALIFORNIA

#### Notice of Filing of California State Protraction Diagram

JANUARY 28, 1969.

Notice is hereby given that effective March 3, 1969, the following protraction diagram, approved November 12, 1968, is officially filed and of record in the Riverside District and Land Office. In accordance with Title 43, Code of Federal Regulations, this protraction will become the basic record for describing the land for all authorized purposes at and after 10 a.m. on the above effective date. Until this date and time, the diagram has been placed in the open files and is available to the public for information only.

CALIFORNIA PROTRACTION DIAGRAM No. 54

SAN BERNARDINO MERIDIAN, CALIFORNIA

T. 16 N., R. 3 E.,  
Sec. 2, NW $\frac{1}{4}$ ;  
Sec. 3, N $\frac{1}{2}$ ;  
Sec. 4, NW $\frac{1}{4}$  and S $\frac{1}{2}$ ;  
Secs. 5 to 9, inclusive;  
Sec. 10, W $\frac{1}{2}$  and SE $\frac{1}{4}$ ;  
Sec. 11, SW $\frac{1}{4}$ ;  
Sec. 14, W $\frac{1}{2}$ ;  
Secs. 15 to 18, inclusive;  
Sec. 19, N $\frac{1}{2}$ ;  
Sec. 20, N $\frac{1}{2}$ ;  
Sec. 21, N $\frac{1}{2}$  and SE $\frac{1}{4}$ ;  
Sec. 22;  
Sec. 23, W $\frac{1}{2}$ ;  
Sec. 24, NE $\frac{1}{4}$  and S $\frac{1}{2}$ ;  
Sec. 25, N $\frac{1}{2}$  and SW $\frac{1}{4}$ ;  
Sec. 26, N $\frac{1}{2}$  and SE $\frac{1}{4}$ ;  
Sec. 27, N $\frac{1}{2}$ ;  
Sec. 28, NE $\frac{1}{4}$ ;  
Sec. 35, NE $\frac{1}{4}$ ;  
Sec. 36, N $\frac{1}{2}$ .  
T. 16 N., R. 4 E.,  
Sec. 10, S $\frac{1}{2}$ ;  
Sec. 11, S $\frac{1}{2}$ ;  
Secs. 14 and 15;  
Sec. 16, NE $\frac{1}{4}$  and S $\frac{1}{2}$ ;  
Sec. 17, SE $\frac{1}{4}$ ;  
Sec. 19, S $\frac{1}{2}$ NW $\frac{1}{4}$  and S $\frac{1}{2}$ ;  
Sec. 20, NE $\frac{1}{4}$  and SW $\frac{1}{4}$ ;  
Sec. 21, N $\frac{1}{2}$  and SE $\frac{1}{4}$ ;  
Sec. 22;  
Sec. 23, N $\frac{1}{2}$  and SW $\frac{1}{4}$ ;  
Sec. 29, NW $\frac{1}{4}$ ;  
Sec. 30, N $\frac{1}{2}$ ;  
Sec. 31;  
Sec. 32, W $\frac{1}{2}$  and SE $\frac{1}{4}$ ;  
Sec. 33, S $\frac{1}{2}$ ;  
Sec. 34, S $\frac{1}{2}$ ;  
Sec. 35, S $\frac{1}{2}$ ;  
Sec. 36, S $\frac{1}{2}$ .

T. 16 N., R. 5 E.,  
Secs. 1 to 3, inclusive;  
Sec. 4, N $\frac{1}{2}$  and SE $\frac{1}{4}$ ;  
Sec. 9, NE $\frac{1}{4}$ ;  
Sec. 10, N $\frac{1}{2}$ ;  
Sec. 11, N $\frac{1}{2}$ ;  
Sec. 12, NE $\frac{1}{4}$ ;  
Sec. 15, SW $\frac{1}{4}$ ;  
Sec. 17, N $\frac{1}{2}$ ;  
Sec. 18, NE $\frac{1}{4}$ ;  
Sec. 21, E $\frac{1}{2}$ ;  
Sec. 22, W $\frac{1}{2}$ ;  
Sec. 31, S $\frac{1}{2}$ ;  
Sec. 32, SW $\frac{1}{4}$ .

T. 17 N., R. 3 E.,  
Sec. 1, N $\frac{1}{2}$  and SE $\frac{1}{4}$ ;  
Sec. 12, E $\frac{1}{2}$ ;  
Sec. 13, NE $\frac{1}{4}$  and S $\frac{1}{2}$ ;  
Sec. 22, SE $\frac{1}{4}$ ;  
Sec. 23, SW $\frac{1}{4}$ ;  
Secs. 24 and 25;  
Sec. 26, NW $\frac{1}{4}$  and S $\frac{1}{2}$ ;  
Sec. 27, NE $\frac{1}{4}$  and S $\frac{1}{2}$ ;  
Sec. 28, SE $\frac{1}{4}$ ;  
Sec. 29, SW $\frac{1}{4}$ ;  
Sec. 30, S $\frac{1}{2}$ ;  
Sec. 31;  
Sec. 32, W $\frac{1}{2}$ ;  
Sec. 33, E $\frac{1}{2}$ ;  
Secs. 34 to 36, inclusive.  
T. 17 N., R. 4 E.,  
Secs. 1 to 36, inclusive.  
T. 17 N., R. 5 E.,  
Secs. 1 to 36, inclusive, excluding mineral surveys.

Copies of this diagram are for sale at two dollars (\$2) each by the Cadastral Engineering Office, Bureau of Land Management, Federal Office Building, 2800 Cottage Way, Room E-2820, Sacramento, Calif. 95825, and the District and Land Office, Bureau of Land Management, 1414 University Avenue, Post Office Box 723, Riverside, Calif. 92502.

WALTER F. HOLMES,  
Assistant Manager,  
Riverside Land Office.

[F.R. Doc. 69-1391; Filed, Feb. 3, 1969;  
8:46 a.m.]

#### CALIFORNIA

#### Notice of Filing of California State Protraction Diagram

JANUARY 28, 1969.

Notice is hereby given that effective March 3, 1969, the following protraction diagram, approved November 12, 1968, is officially filed and of record in the Riverside District and Land Office. In accordance with Title 43, Code of Federal Regulations, this protraction will become the basic record for describing the land for all authorized purposes at and after 10 a.m. on the above effective date. Until this date and time, the diagram has been placed in the open files and is available to the public for information only.

CALIFORNIA PROTRACTION DIAGRAM No. 62

MOUNT DIABLO MERIDIAN, CALIFORNIA

T. 14 S., R. 38 E.,  
Sec. 6, NW $\frac{1}{4}$  and S $\frac{1}{2}$ ;  
Sec. 7;  
Sec. 8, NW $\frac{1}{4}$  and S $\frac{1}{2}$ ;  
Secs. 17 to 20, inclusive;  
Sec. 21, NW $\frac{1}{4}$  and S $\frac{1}{2}$ ;  
Sec. 27, W $\frac{1}{2}$ ;  
Secs. 28 to 33, inclusive;  
Sec. 34, NW $\frac{1}{4}$  and S $\frac{1}{2}$ .

- T. 15 S., R. 38 E.,  
Secs. 1 to 36, inclusive, excluding mineral survey.
- T. 15 S., R. 39 E.,  
Sec. 16, NW $\frac{1}{4}$  and S $\frac{1}{2}$ ;  
Secs. 17 to 21, inclusive;  
Sec. 22, NW $\frac{1}{4}$  and S $\frac{1}{2}$ ;  
Sec. 25, NW $\frac{1}{4}$  and S $\frac{1}{2}$ ;  
Secs. 26 to 36, inclusive.
- T. 16 S., R. 39 E.,  
Secs. 1 to 36, inclusive, excluding mineral surveys.

Copies of this diagram are for sale at two dollars (\$2) each by the Cadastral Engineering Office, Bureau of Land Management, Federal Office Building, 2800 Cottage Way, Room E-2820, Sacramento, Calif. 95825, and the District and Land Office, Bureau of Land Management, 1414 University Avenue, Post Office Box 723, Riverside, Calif. 92502.

WALTER F. HOLMES,  
Assistant Manager,  
Riverside Land Office.

[F.R. Doc. 69-1392; Filed, Feb. 3, 1969;  
8:46 a.m.]

## CALIFORNIA

### Notice of Filing of California State Protraction Diagram

JANUARY 28, 1969.

Notice is hereby given that effective March 3, 1969, the following protraction diagram, approved November 12, 1968, is officially filed and of record in the Riverside District and Land Office. In accordance with Title 43, Code of Federal Regulations, this protraction will become the basic record for describing the land for all authorized purposes at and after 10 a.m. on the above effective date. Until this date and time, the diagram has been placed in the open files and is available to the public for information only.

CALIFORNIA PROTRACTION DIAGRAM No. 63  
MOUNT DIABLO MERIDIAN, CALIFORNIA

- T. 13 S., R. 40 E.,  
Secs. 1 to 36, inclusive.
- T. 13 S., R. 41 E.,  
Secs. 1 to 36, inclusive.
- T. 14 S., R. 40 E.,  
Secs. 1 to 36, inclusive.
- T. 14 S., R. 41 E.,  
Secs. 1 to 36, inclusive.
- T. 15 S., R. 40 E.,  
Secs. 1 to 4, inclusive;  
Sec. 9, N $\frac{1}{2}$  and SE $\frac{1}{4}$ ;  
Secs. 10 to 15, inclusive;  
Secs. 22 to 26, inclusive;  
Sec. 27, N $\frac{1}{2}$  and SE $\frac{1}{4}$ ;  
Secs. 35 and 36.
- T. 15 S., R. 41 E.,  
Secs. 1 to 36, inclusive.

Copies of this diagram are for sale at two dollars (\$2) each by the Cadastral Engineering Office, Bureau of Land Management, Federal Office Building, 2800 Cottage Way, Room E-2820, Sacramento, Calif. 95825, and the District and Land Office, Bureau of Land Management, 1414 University Avenue, Post Office Box 723, Riverside, Calif. 92502.

WALTER F. HOLMES,  
Assistant Manager,  
Riverside District and Land Office.

[F.R. Doc. 69-1393; Filed, Feb. 3, 1969;  
8:46 a.m.]

## CALIFORNIA

### Notice of Filing of California State Protraction Diagram

JANUARY 28, 1969.

Notice is hereby given that effective March 3, 1969, the following protraction diagram, approved November 12, 1968, is officially filed and of record in the Riverside District and Land Office. In accordance with Title 43, Code of Federal Regulations, this protraction will become the basic record for describing the land for all authorized purposes at and after 10 a.m. on the above effective date. Until this date and time, the diagram has been placed in the open files and is available to the public for information only.

CALIFORNIA PROTRACTION DIAGRAM No. 68  
MOUNT DIABLO MERIDIAN, CALIFORNIA

- T. 18 S., R. 42 E.,  
Sec. 1, NE $\frac{1}{4}$ ;  
Sec. 2, W $\frac{1}{2}$ ;  
Sec. 3, E $\frac{1}{2}$ ;  
Sec. 10, E $\frac{1}{2}$ ;  
Sec. 11, W $\frac{1}{2}$ .
- T. 19 S., R. 42 E.,  
Sec. 4, NW $\frac{1}{4}$  and S $\frac{1}{2}$ ;  
Secs. 5 to 9, inclusive;  
Sec. 10, W $\frac{1}{2}$ ;  
Sec. 15, W $\frac{1}{2}$ ;  
Secs. 16 to 21, inclusive;  
Sec. 22, NW $\frac{1}{4}$  and S $\frac{1}{2}$ ;  
Sec. 27, N $\frac{1}{2}$  and SW $\frac{1}{4}$ ;  
Secs. 28 to 33, inclusive, excluding mineral surveys;  
Sec. 34, W $\frac{1}{2}$ .
- T. 20 S., R. 42 E.,  
Sec. 3, W $\frac{1}{2}$ ;  
Secs. 4 to 9, inclusive, excluding mineral survey;  
Sec. 10, W $\frac{1}{2}$ ;  
Sec. 15, W $\frac{1}{2}$ ;  
Secs. 16 to 21, inclusive;  
Sec. 22, W $\frac{1}{2}$ ;  
Sec. 26, SW $\frac{1}{4}$ , excluding mineral survey;  
Sec. 27, NW $\frac{1}{4}$  and S $\frac{1}{2}$ , excluding mineral surveys;  
Secs. 28 to 34, inclusive, excluding mineral surveys;  
Sec. 35, NW $\frac{1}{4}$  and S $\frac{1}{2}$ , excluding mineral surveys.

Copies of this diagram are for sale at two dollars (\$2) each by the Cadastral Engineering Office, Bureau of Land Management, Federal Office Building, 2800 Cottage Way, Room E-2820, Sacramento, Calif. 95825, and the District and Land Office, Bureau of Land Management, 1414 University Avenue, Post Office Box 723, Riverside, Calif. 92502.

WALTER F. HOLMES,  
Assistant Manager,  
Riverside Land Office.

[F.R. Doc. 69-1394; Filed, Feb. 3, 1969;  
8:47 a.m.]

## CALIFORNIA

### Notice of Filing of California State Protraction Diagram

JANUARY 28, 1969.

Notice is hereby given that effective March 3, 1969, the following protraction diagram, approved November 12, 1968, is officially filed and of record in the Riverside District and Land Office. In accordance with Title 43, Code of Federal Regulations, this protraction will become

the basic record for describing the land for all authorized purposes at and after 10 a.m. on the above effective date. Until this date and time, the diagram has been placed in the open files and is available to the public for information only.

CALIFORNIA PROTRACTION DIAGRAM No. 69  
MOUNT DIABLO MERIDIAN, CALIFORNIA

- T. 16 $\frac{1}{2}$  S., R. 45 E.,  
Secs. 25 to 36, inclusive.
- T. 16 $\frac{1}{2}$  S., R. 46 E.,  
Secs. 25 to 36, inclusive, excluding mineral surveys.
- T. 17 S., R. 45 E.,  
Secs. 1 to 36, inclusive, excluding mineral survey.
- T. 17 S., R. 46 E.,  
Secs. 1 to 36, inclusive, excluding mineral survey.
- T. 18 S., R. 45 E.,  
Secs. 1 to 36, inclusive.
- T. 18 S., R. 46 E.,  
Secs. 1 to 36, inclusive.
- T. 18 S., R. 47 $\frac{1}{2}$  E.,  
Secs. 1, 12, 13, 24, 25, and 36.
- T. 19 S., R. 46 E.,  
Secs. 1 to 36, inclusive.

Copies of this diagram are for sale at two dollars (\$2) each by the Cadastral Engineering Office, Bureau of Land Management, Federal Office Building, 2800 Cottage Way, Room E-2820, Sacramento, Calif. 95825, and the District and Land Office, Bureau of Land Management, 1414 University Avenue, Post Office Box 723, Riverside, Calif. 92502.

WALTER F. HOLMES,  
Assistant Manager,  
Riverside Land Office.

[F.R. Doc. 69-1395; Filed, Feb. 3, 1969;  
8:47 a.m.]

[Serial No. N-1560]

## NEVADA

### Notice of Proposed Classification of Public Lands for Multiple-Use Management

JANUARY 28, 1969.

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411-18) and to the regulations in 43 CFR Parts 2410 and 2411, it is proposed to classify for multiple use management the public lands within the area described below. Publication of this notice has the effect of segregating the described lands from appropriation only under the agricultural land laws (43 U.S.C. Parts 7 and 9; 25 U.S.C. sec. 334) and the lands shall remain open to all other applicable forms of appropriation, including the mining and mineral leasing or material sale laws, with the exception contained in paragraph 3. As used herein, "public lands" means any lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the Act of June 23, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for Federal use or purpose.

2. The public lands proposed to be classified as shown on maps designated N-1560 on file in the Elko District Office, Bureau of Land Management, Elko, Nev. 89801, and the Nevada Land Office, Bureau of Land Management, Room 3104,

Federal Building, 300 Booth Street, Reno, Nev. 89502.

The overall description of the area is as follows:

**ELKO COUNTY**

**MOUNT DIABLO MERIDIAN, NEVADA**

The public lands proposed to be classified are wholly located within Elko County, Nev.

The area described aggregates approximately 6,235,600 acres of public land.

3. The public lands listed below are further segregated from all forms of appropriation under the public land laws, including the general mining laws, but not the Recreation and Public Purposes Act (44 Stat. 741, 68 Stat. 173; 43 U.S.C. 869) or the mineral leasing and material sale laws:

**MOUNT DIABLO MERIDIAN, NEVADA**

*Picnic Springs Recreation Site*

T. 28 N., R. 63 E.,  
Sec. 18, NW $\frac{1}{4}$ SE $\frac{1}{4}$ , E $\frac{1}{2}$  SE $\frac{1}{4}$ .

*Jiggs (Zumino) Reservoir Recreation Site*

T. 30 N., R. 56 E.,  
Sec. 22, S $\frac{1}{2}$ SW $\frac{1}{4}$ ;  
Sec. 27, NW $\frac{1}{4}$ .

*Spruce Mountain Recreation Site*

T. 31 N., R. 62 E.,  
Sec. 26, NW $\frac{1}{4}$ .

*Toama Recreation Site*

T. 32 N., R. 68 E.,  
Sec. 13, S $\frac{1}{2}$ SW $\frac{1}{4}$ ;  
Sec. 24, N $\frac{1}{2}$ NW $\frac{1}{4}$ .

*Independent Flat Natural Area*

T. 34 N., R. 65 E.,  
Sec. 21, all.

*Elko Mountain Communication Site*

T. 35 N., R. 56 E.,  
Sec. 28, W $\frac{1}{2}$ E $\frac{1}{2}$ NE $\frac{1}{4}$ , W $\frac{1}{2}$ NE $\frac{1}{4}$ , E $\frac{1}{2}$ E $\frac{1}{2}$  NW $\frac{1}{4}$ .

*Tobar Siding Natural Area*

T. 35 N., R. 63 E.,  
Sec. 20, N $\frac{1}{2}$ , E $\frac{1}{2}$ SW $\frac{1}{4}$ .

*Wood Hills/Moor Camp Recreation Site*

T. 37 N., R. 63 E.,  
Sec. 2, S $\frac{1}{2}$ ;  
Sec. 10, N $\frac{1}{2}$ .

*Tabor Creek Recreation Area*

T. 41 N., R. 61 E.,  
Sec. 16, SE $\frac{1}{4}$ SW $\frac{1}{4}$ , W $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
Sec. 20, SE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 21, E $\frac{1}{2}$ NW $\frac{1}{4}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$ , SW $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
Sec. 29, NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$ , SW $\frac{1}{4}$  SW $\frac{1}{4}$ , NW $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 30, S $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
Sec. 31, N $\frac{1}{2}$ NE $\frac{1}{4}$ , SW $\frac{1}{4}$ NE $\frac{1}{4}$ .

*Materials Site*

T. 43 N., R. 50 E.,  
Sec. 22, SE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 23, SW $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
Sec. 26, NW $\frac{1}{4}$ NW $\frac{1}{4}$ ;  
Sec. 27, NE $\frac{1}{4}$ NE $\frac{1}{4}$ .

*Mary's River Recreation Site*

T. 43 N., R. 59 E.,  
Sec. 31, SE $\frac{1}{4}$ NW $\frac{1}{4}$ .

*Deer Creek Recreation Site*

T. 43 N., R. 61 E.,  
Sec. 8, SW $\frac{1}{4}$ .

*Wilson Sink Reservoir Recreation Area*

T. 44 N., R. 50 E.,  
Sec. 23, S $\frac{1}{2}$ S $\frac{1}{2}$ ;  
Sec. 24, S $\frac{1}{2}$ S $\frac{1}{2}$ ;  
Sec. 25, all;  
Sec. 26, all;  
Sec. 27, all;  
Sec. 34, all;  
Sec. 35, all;  
Sec. 36, W $\frac{1}{2}$ .

*Camp Creek Recreation Site*

T. 44 N., R. 60 E.,  
Sec. 7, W $\frac{1}{2}$ SE $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ ;  
Sec. 8, S $\frac{1}{2}$ SW $\frac{1}{4}$ .

*Devils Pass Recreation Site*

T. 45 N., R. 66 E.,  
Sec. 22, NE $\frac{1}{4}$ SE $\frac{1}{4}$ .

*Jarbridge Columns Recreation Area*

T. 47 N., R. 58 E.,  
Sec. 3, lots 3 and 4, S $\frac{1}{2}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ ;  
Sec. 4, lot 1, SE $\frac{1}{4}$ NE $\frac{1}{4}$ , E $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
Sec. 9, E $\frac{1}{2}$ E $\frac{1}{2}$ ;  
Sec. 10, W $\frac{1}{2}$ ;  
Sec. 15, W $\frac{1}{2}$ W $\frac{1}{2}$ ;  
Sec. 16, E $\frac{1}{2}$ E $\frac{1}{2}$ ;  
Sec. 21, E $\frac{1}{2}$ ;  
Sec. 22, W $\frac{1}{2}$ W $\frac{1}{2}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ , E $\frac{1}{2}$ SW $\frac{1}{4}$ .

*Jackpot Recreation Site*

T. 47 N., R. 64 E.,  
Sec. 23, SW $\frac{1}{4}$ NW $\frac{1}{4}$ .

The areas described above aggregate approximately 9,738 acres of public land.

4. For a period of 60 days from the date of publication of this notice in the FEDERAL REGISTER, all persons who wish to submit comments, suggestions, or objections in connection with the proposed classification may present their views in writing to the District Manager, Bureau of Land Management, 2002 Idaho Street, Elko, Nev. 89801.

5. A public hearing on the proposed classification will be held on Thursday, March 6, 1969, at 2 p.m., in the courtroom of the Elko County Courthouse, Elko, Nev. 89801.

For the State Director.

ROLLA E. CHANDLER,  
Manager, Nevada Land Office.

[F.R. Doc. 69-1396; Filed, Feb. 3, 1969;  
8:47 a.m.]

[U-7566]

**UTAH**

**Notice of Proposed Withdrawal and Reservation of Lands**

JANUARY 28, 1969.

The U.S. Forest Service, Department of Agriculture, has filed application for the withdrawal of the lands described below, from location and entry under the mining laws, subject to existing valid rights.

The applicant desires the land for campgrounds and recreation facilities within the Uinta National Forest.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management,

Department of the Interior, Post Office Box 11505, Salt Lake City, Utah 84111.

The Department's regulations (43 CFR 2311.1-3(c)) provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the land for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

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

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

The lands involved in the application are:

**UINTA NATIONAL FOREST**

**SALT LAKE MERIDIAN**

*Lodgepole Recreation Area*

T. 6 S., R. 6 E.,  
Sec. 10, SW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ ,  
W $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ , E $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$   
SW $\frac{1}{4}$ NW $\frac{1}{4}$ , W $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ , NW $\frac{1}{4}$ SW $\frac{1}{4}$ ,  
NW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ .

*Maple Canyon Recreation Area*

T. 14 S., R. 2 E.,  
Sec. 34, NW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ , SW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ .

*Mill Hollow Recreation Area*

T. 4 S., R. 7 E.,  
Sec. 12, S $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ .

*Payson Lake Recreation Area*

179 acres, described by metes and bounds, located in unsurveyed:

T. 10 S., R. 2 $\frac{1}{2}$  E.,  
Sec. 13, SE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 24, NE $\frac{1}{4}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$ .

T. 10 S., R. 3 E.,  
Sec. 19, S $\frac{1}{2}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ .

*Wolf Creek Campground*

T. 4 S., R. 8 E.,  
Sec. 9, E $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 10, lot 7.

*Uintah Meridian*

T. 1 N., R. 10 W.,  
Sec. 16, W $\frac{1}{2}$  lot 3.

The areas described aggregate approximately 434 acres.

EDWARD J. HOFFMAN,  
Acting State Director.

[F.R. Doc. 69-1397; Filed, Feb. 3, 1969;  
8:47 a.m.]

**Fish and Wildlife Service**

[Docket No. B-448]

**ERNEST J. KAVANAGH****Notice of Loan Application**

JANUARY 29, 1969.

Ernest J. Kavanagh, 14 Berkeley Street, Rockland, Maine 04841, has applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a used 50-foot registered length wood vessel to engage in the fishery for shrimp, whiting, and groundfish.

Notice is hereby given pursuant to the provisions of Public Law 89-85 and Fisheries Loan Fund Procedures (50 CFR Part 250, as revised) that the above-entitled application is being considered by the Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, Bureau of Commercial Fisheries, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operations of the vessel will or will not cause such economic hardship or injury.

J. M. PATTON,  
Acting Director,

Bureau of Commercial Fisheries.

[F.R. Doc. 69-1209; Filed, Feb. 3, 1969;  
8:45 a.m.]

**DEPARTMENT OF AGRICULTURE****Agricultural Stabilization and Conservation Service****CIGAR BINDER (TYPES 51 AND 52) AND CIGAR FILLER AND BINDER (TYPES 42, 43, 44, 53, 54, AND 55) TOBACCO****Notice of Referendum**

Notice is hereby given that on February 24 to 27, 1969, each inclusive, referenda will be held of farmers engaged in the production of the 1968 crops of cigar binder (types 51 and 52) and cigar filler and binder (types 42, 43, 44, 53, 54, and 55) tobacco, pursuant to the provisions of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 et seq.). Notice that consideration would be given to establishing the date or period for holding the referendum and whether the referendum would be conducted at polling places rather than by mail ballot was given in 33 F.R. 18707. Views and recommendations were received and considered pursuant to such notice. It is hereby determined that the referendum will be held by mail ballot. The purpose of the referendum is to determine whether the farmers voting favor a na-

tional marketing quota for each of the 1969-70, 1970-71, and 1971-72 marketing years for these kinds of tobacco. The referendum will be conducted in accordance with the provisions of the Act and the Regulations Governing the Holding of Referenda on Marketing Quotas (28 F.R. 13249).

Signed at Washington, D.C., on January 30, 1969.

LIONEL C. HOLM,  
Acting Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 69-1413; Filed, Jan. 30, 1969;  
12:54 p.m.]

**Packers and Stockyards Administration****STUART SALES CO., INC., ET AL.****Notice of Changes in Names of Posted Stockyards**

It has been ascertained, and notice is hereby given, that the names of the live-stock markets referred to herein, which were posted on the respective dates specified below as being subject to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), have been changed as indicated below.

| <i>Original name of stockyard, location, and date of posting</i> | <i>Current name of stockyard and date of change in name</i> |
|--|---|
| <b>IOWA</b>  |   |
| Stuart Sales Co., Inc., Stuart, June 2, 1959-----                | Stuart Sales Co., Dec. 1, 1968.                             |
| <b>KENTUCKY</b>  |   |
| Murray Live Stock Company, Murray, Dec. 10, 1959.                | Murray Livestock Company, Inc., Dec. 1, 1968.               |
| <b>NEBRASKA</b>  |   |
| Corbessan, Inc., Oshkosh, June 14, 1941-----                     | Garden County Commission Co., Oct. 31, 1968.                |
| <b>TEXAS</b>   |   |
| Lufkin Livestock Exchange, Inc., Lufkin, Mar. 9, 1959.           | Lufkin Livestock Exchange, Nov. 14, 1968.                   |
| <b>UTAH</b>  |   |
| Southern Utah Auction Co., Cedar City, Oct. 26, 1959.            | Southern Utah Livestock Commission, Nov. 16, 1968.          |

Done at Washington, D.C., this 28th day of January 1969.

G. H. HOPPER,  
Chief, Registration, Bonds, and Reports  
Branch, Livestock Marketing Division.

[F.R. Doc. 69-1406; Filed, Feb. 3, 1969; 8:48 a.m.]

**DEPARTMENT OF COMMERCE****Business and Defense Services Administration****UNIVERSITY OF MIAMI ET AL.****Notice of Applications for Duty-Free Entry of Scientific Articles**

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Scientific Instrument Evaluation Division, Business and Defense Services Administration, Washington, D.C. 20230, within 20 calendar days after date on which this notice of application is published in the FEDERAL REGISTER.

Regulations issued under cited Act, published in the February 4, 1967 issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

A copy of each comment filed with the Director of the Scientific Instrument Evaluation Division must also be mailed or delivered to the applicant, or its authorized agent, if any, to whose application the comment pertains, and mailed or delivered to the applicant.

Docket No. 69-00307-46040. Applicant: University of Miami, School of Medicine, Department of Dermatology, 1600 Northwest 10th Avenue, Miami, Fla. 33136. Article: Electron microscope, EM300 and accessories. Manufacturer: Philips Electronic Instruments, The Netherlands. Intended use of article: The article will be used for the following studies:

1. The fine structure of viruses which infect the skin including those of the herpes group, the pox group, and the papova group.

2. The ultrafine structure of a variety of fungi.

3. The nature of the Klebsiella type of bacterium which causes granuloma inguinale is being investigated in biopsy of human tissues.

4. Preparation of a number of fractions of cells by the biochemical members of the laboratory for electron microscopy.

## 5. Fine structure of skin diseases.

Application received by Commissioner of Customs: November 25, 1968.

Docket No. 69-00335-65-46040. Applicant: Northeastern University, 360 Huntington Avenue, Boston, Mass. 02115. Article: Electron microscope, Model JEM-120. Manufacturer: Japan Electron Optics Laboratory Co., Ltd., Japan. Intended use of article: The article will be used in a wide range of research and teaching programs in materials science. The graduate research programs will have as their scientific objectives a detailed and quantitative understanding of the role of structure on the following phenomena: (1) Deformation characteristics of single and two-phase materials, (2) fracture at high temperature and pressure, (3) precipitation and phase transformations in alloys, (4) interaction among point defects, (5) electrical and optical properties of metallic, semiconducting, and insulating thin films. Application received by Commissioner of Customs: December 19, 1968.

Docket No. 69-00337-98-77030. Applicant: University of Illinois at Chicago Circle, 601 South Morgan Street, Chicago, Ill. 60607. Article: Nuclear magnetic resonance pulse spectrometer, pulse gated integrator, and liquid helium probe head, Model B-KR 322 S. Manufacturer: Bruker, West Germany. Intended use of article: The article will be used to produce the requisite train of pulses to insure saturation in the study of magnetic alloys at high and low temperatures. Previous studies on the magnetic alloys of rare earths with hydrogen have shown that microscopic information on magnetization distribution in the paramagnetic state can be obtained by using steady state nuclear magnetic resonance techniques. The application of pulse NMR techniques (using the hydrogen (proton) nucleus and in some cases the rare earth nucleus) can be even more fruitful. Application received by Commissioner of Customs: December 19, 1968.

Docket No. 69-00339-88-46040. Applicant: Queens College, The City University of New York, 65-30 Kissena Boulevard, Flushing, N.Y. 11367. Article: Electron microscope, Model JEM-T7. Manufacturer: Japan Electron Optics Laboratory Co., Inc. Intended use of article: The article will be used for elucidating the behavioral physiology of certain parasitic acari. Since these organisms are extremely small, they present a problem in handling, but do lend themselves to a histochemical-electron microscopic approach. Recent work has shown that profound changes occur in the epidermis of the organism when it is desiccated and these are related to changes observed in the nervous system. The nervous system is now the primary area of investigation and a cytological study is being made using both light and electron microscopic techniques. Application received by Commissioner of Customs: December 23, 1968.

Docket No. 69-00340-33-46040. Applicant: Temple University School of Medicine, 3420 North Broad Street, Philadelphia, Pa. 19140. Article: Electron micro-

scope, Model Elmiskop 1A. Manufacturer: Siemens, West Germany. Intended use of article: The article will be used to study normal and pathologic alterations in the terminal airways of both human and animal lungs. The latter will be exposed acutely and chronically to hypercapnia, hyperoxia, hypoxia, noxious fumes, drugs, and cigarette smoke. In particular the factors that control phospholipid metabolism in the large alveolar and terminal bronchiolar cells will be investigated by comparing standard electron microscopic morphologic changes with ultrastructural autoradiographic and immunohistochemical alterations. Application received by Commissioner of Customs: December 23, 1968.

Docket No. 69-00341-01-77040. Applicant: Montana State University, Department of Chemistry, Bozeman, Mont. 59715. Article: Mass spectrometer, Model Mat CH-5. Manufacturer: Varian Mat, West Germany. Intended use of article: The article will be used for research which will involve the following programs:

1. Structures of natural products and their biosynthesis
2. Structures and pharmacology of poisonous plant constituents
3. Biosynthesis of lipids or paraffin components of insects and roaches
4. Structure determination of certain virus plant killers such as wheat stripe rust, which requires the study of molecules containing sugars and other labile moieties
5. Study of certain aspects of enzyme activity requiring the investigation of peptides with labile groups and molecular weights in the 1000-2000 range
6. Identification and structural studies of moderately unstable organic metallic carbonyl compounds in relation to their photochemical activity
7. General analytical studies

Application received by Commissioner of Customs: December 22, 1968.

Docket No. 69-00342-33-46500. Applicant: University of Minnesota, 402 Morrill Hall, Minneapolis, Minn. 55455. Article: Ultramicrotome, Model LKB 8800A, Ultrotome III. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used for studying epidermal development in the mammalian skin. This tissue must be sectioned very thin with an ultramicrotome for observation under the electron microscope. It is hoped to learn the exact sequence and time relationships of the development of epidermal ultrastructures and to correlate these findings with the completion of the keratinization process. Application received by Commissioner of Customs: December 24, 1968.

Docket No. 69-00343-33-46500. Applicant: Case Western Reserve University, Medical School, 2109 Adelbert Road, Cleveland, Ohio 44106. Article: Ultramicrotome, Model LKB 8800A, Ultrotome III. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used by graduate students and established investigators on our staff to prepare ultrathin sections of develop-

ing skeletal and cardiac muscle, normal and regenerating nerves, normal and regenerating neural retina of eyes, and mitochondrial and chloroplast fractions prior to their examination in the electron microscope. Many of these projects involve high resolution microscopy and the tracing of the morphological pathways of isotopic molecules by autoradiography. Consequently, a wide range of section thicknesses are required from 50Å to 2μ. Frequently, serial sections of uniform thickness are required.

CHARLEY M. DENTON,  
Assistant Administrator for  
Industry Operations, Business  
and Defense Services Administration.

[F.R. Doc. 69-1330; Filed, Feb. 3, 1969;  
8:45 a.m.]

## UNIVERSITY OF VIRGINIA ET AL.

## Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Scientific Instrument Evaluation Division, Business and Defense Services Administration, Washington, D.C. 20230, within 20 calendar days after date on which this notice of application is published in the FEDERAL REGISTER.

Regulations issued under cited Act, published in the February 4, 1967 issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

A copy of each comment filed with the Director of the Scientific Instrument Evaluation Division must also be mailed or delivered to the applicant, or its authorized agent, if any, to whose application the comment pertains; and the comment filed with the Director must certify that such copy has been mailed or delivered to the applicant.

Docket No. 69-00348-01-42800. Applicant: University of Virginia, Charlottesville, Va. 22901. Article: MD4 cryostat, magnet support system, optical tail attachment and a superconducting coil. Manufacturer: The Oxford Instrument Co., Ltd., United Kingdom. Intended use of article: The article will be used for research work by students and postdoctoral personnel. The research work which is a part of the degree program is in the field of molecular spectroscopy. In this research work, the article will also be

used in conjunction with the Durrum-Jasco ORD/CD/UV-5 which is used to measure samples of cells with the magnetic field of the superconducting coil in the "on" position. Application received by Commissioner of Customs: December 30, 1968.

Docket No. 69-00349-00-87200. Applicant: State University of New York, Stony Brook, N.Y. 11790. Article: Tandem voltage regulator, Model TVS-11. Manufacturer: Elron Electronic Industries, Ltd., Israel. Intended use of article: The article will be used for readjusting terminal voltage of the electrostatic voltage producing machine during research and graduate study. Application received by Commissioner of Customs: December 30, 1968.

Docket No. 69-00350-33-46500. Applicant: The George Washington University, 21st and G Streets NW., Washington, D.C. 20006. Article: Ultramicrotome, Model LKB 8800A Ultratome III. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used for studies concerning ultrathin epon-embedded ocular tissue on the following projects:

- a. The relationship of morphology to transparency of the cornea;
- b. Alterations in various layers of pathologic cornea obtained from the human eye;
- c. Structural changes in ocular tissues resulting from photic and other types of injuries;
- d. The movements of ions and water through the layers of the cornea of various aquatic species.

These projects require sections in the range of 50-600 angstroms thick. Application received by Commissioner of Customs: December 30, 1968.

Docket No. 69-00351-33-46500. Applicant: Case Western Reserve University, School of Medicine, 2109 Adelbert Road, Cleveland, Ohio 44106. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used for studies concerning mitochondrial structure. The mitochondria are derived from the livers of rats made deficient in riboflavin. Under these circumstances a relatively large preparation of the mitochondria become very greatly enlarged and seem to be unable to divide. When the animals are fed riboflavin these large mitochondria appear to undergo division via the formation of septa across the mitochondrial body. We are hoping to do a time study to determine the structural changes involved during the division process and how these changes are related to the formation of cristae from the inner membrane. This involves the use of serial sections of equal thickness in the range of 50 Å to 2 microns and these can only be obtained with the LKB 8800A Ultratome III. Application received by Commissioner of Customs: December 30, 1968.

Docket No. 69-00352-33-46500. Applicant: National Institutes of Health, National Heart Institute, 9000 Rockville Pike, Bethesda, Md. 20014. Article: Ultramicrotome, Model LKB 8800, table and

knife maker combination. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used for studies concerning morphologic aspects of cardiovascular disease. Sections of heart, lungs, and blood vessels are studied by routine electron microscopy and by electron microscopic histochemistry. These tissues are sectioned very thin—from 50 angstroms to 2 microns—with the ultramicrotome for observation under the electron microscope. The ultrathin sections required for this work must be prepared in long series and must be cut in equal thickness throughout. Application received by Commissioner of Customs: December 30, 1968.

Docket No. 69-00353-33-46040. Applicant: Kansas State Teachers College of Emporia, 12th and Commercial, Emporia, Kans. 66801. Article: Electron microscope, Model HS-8. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article will be used by both faculty and advanced students engaged in investigation of various problems including the following:

1. A study of the ultrastructural changes associated with development of adipose tissues in the hamster.
2. Investigations concerning the fine structure of conidia, the fate of conidial pigment produced in species of the *Aspergillus-Penicillium* complex and the fate of the external wall structure during germination.
3. Comparative studies of the ultrastructure of cells of several species of each of the orders of the division Chlorophyta.
4. A study of the correlation between the fine and gross structure and the function of particular regions of the cockroach nervous system.
5. A study of the early phases of *vaccinia* virus infection in mammalian peritoneal macrophages which leads to the intracellular degradation or replication of the virus in these phagocytic cells.
6. Morphological studies of certain bacteriophage and the structural alterations observed at different times in the phage-host relationship.
7. A fine structure analysis of the salivary region 3C 1, 2, 3 in the x-chromosome of *Drosophila melanogaster*.

Application received by Commissioner of Customs: December 30, 1968.

Docket No. 69-00354-33-61200. Applicant: Kosair Crippled Children Hospital, 932 Eastern Parkway, Louisville, Ky. 40217. Article: Table for correction of spine deformities. Manufacturer: ets Belembert Constructeur, France. Intended use of article: The article will be used in connection with research programs on scoliosis deformities. The article has a type of traction factor as well as a derotation factor unavailable on any domestically manufactured table. These features have already been clearly pointed out in photographs to show correction of the rib hump or gibbous.

Application received by Commissioner of Customs: December 31, 1968.

Docket No. 69-00356-33-40500. Applicant: The Trustees of University of Pennsylvania, 3400 Walnut Street, Philadelphia, Pa. 19104. Article: Rapid scanning ultramicrointerferometer, Model IMI 600. Manufacturer: Incentive Research & Development AB, Sweden. Intended use of article: The article will be used for dry mass (weight) determinations of spermatozoa being analyzed in projects concerning quantitative cytochemical research. Application received by Commissioner of Customs: December 31, 1968.

Docket No. 69-00357-00-46040. Applicant: Yeshiva University, 1300 Morris Park Avenue, Bronx, N.Y. 10461. Article: 70-mm roll film camera, an accessory to a Siemens electron microscope. Manufacturer: Siemens AG, West Germany. Intended use of article: The article will be used as an accessory to an existing Elmiskop 1A electron microscope for taking series micrographs of up to 40 exposures on a roll of film with daylight loading cassette. Application received by Commissioner of Customs: January 3, 1969.

CHARLEY M. DENTON,  
Assistant Administrator for  
Industry Operations, Business  
and Defense Services Administration.

[F.R. Doc. 69-1381; Filed, Feb. 3, 1969;  
8:45 a.m.]

### Maritime Administration

[Report 24]

### LIST OF FOREIGN-FLAG VESSELS ARRIVING IN NORTH VIETNAM ON OR AFTER JANUARY 25, 1966

SECTION 1. The President has approved a policy of denying the carriage of U.S. Government-financed cargoes shipped from the United States on foreign-flag vessels which called at North Vietnam ports on or after January 25, 1966.

The Maritime Administration is making available to the appropriate U.S. Government Departments the following list of such vessels which arrived in North Vietnam ports on or after January 25, 1966, based on information received through January 24, 1969. This list does not include vessels under the registration of countries, including the Soviet Union and Communist China, which normally do not have vessels calling at U.S. ports.

#### FLAG OF REGISTRY AND NAME OF SHIP

| FLAG OF REGISTRY AND NAME OF SHIP | Gross tonnage |
|-----------------------------------|---------------|
| Total, all flags (58 ships)-----  | 399,467       |
| Polish (32 ships)-----            | 243,514       |
| Andrzej Strug-----                | 6,919         |
| Benfowski-----                    | 10,443        |
| Djakarta-----                     | 6,915         |
| Emilia Plater-----                | 6,718         |
| Energetyk-----                    | 10,876        |
| Florian Ceynowa-----              | 6,784         |
| General Sikorski-----             | 6,785         |
| Hanka Sawicka-----                | 6,944         |
| Hanoi-----                        | 6,914         |
| Hugo Kollataj-----                | 3,755         |
| Jan Matejko-----                  | 6,748         |
| Janek Krasiński-----              | 6,904         |
| Jozef Conrad-----                 | 8,730         |
| Kapitan Kosko-----                | 6,629         |
| Kochanowski-----                  | 8,231         |
| Konopnicka-----                   | 9,690         |

| FLAG OF REGISTRY AND NAME OF SHIP—Con.                                      | Gross tonnage |
|---|---------------|
| <b>Polish (32 ships)—Continued</b>  |               |
| Kraszewski  | 10,363        |
| Lelewel   | 7,817         |
| Ludwik Solski   | 6,904         |
| Marceli Nowotko   | 6,660         |
| Mickiewicz  | 4,344         |
| Moniuszko   | 9,247         |
| Norwid  | 5,512         |
| Nowowiejski   | 9,186         |
| Pawel Finder  | 4,911         |
| Phenian   | 6,923         |
| Przyjazn Narodow  | 8,876         |
| Stefan Okrzeja  | 6,620         |
| Szymanowski   | 9,203         |
| Transportowiec  | 10,854        |
| Wieniawski  | 9,190         |
| Wladyslaw Bronlewski  | 6,919         |
| <b>British (15 ships)</b>   | <b>85,647</b> |
| Court Harwell   | 7,183         |
| Dartford  | 2,739         |
| Fortune Glory   | 5,832         |
| Greenford   | 2,964         |
| Isabel Erica  | 7,105         |
| Kingford  | 2,911         |
| **Meadow Court (trip to North Vietnam under ex-name Ardrossmore—British)    | 5,820         |
| Rochford  | 3,324         |
| **Rosetta Maud (trip to North Vietnam under ex-name, Ardara—British)        | 5,795         |
| Ruthy Ann   | 7,861         |
| Shienfoon   | 7,127         |
| **Shun On (trip to North Vietnam under ex-name Pundua—British)              | 7,295         |
| Shun Wah (previous trip to North Vietnam under ex-name Vircharmlan—British) | 7,265         |
| Taipleng (tanker)   | 5,676         |
| **Tetrarch (trips to North Vietnam under ex-name Ardrowan—British)          | 7,300         |
| <b>Cypriot (6 ships)</b>  | <b>41,386</b> |
| Acme  | 7,173         |
| **Agenor (trip to North Vietnam—Greek)                                      | 7,139         |
| Amithaea  | 5,171         |
| Antonia II  | 7,303         |
| Laurel  | 7,297         |
| Marianthi   | 7,137         |
| <b>Somali (2 ships)</b>   | <b>16,082</b> |
| **Shun Tai (trip to North Vietnam—British)                                  | 7,085         |
| *Yvonne   | 8,997         |
| <b>Greek (1 ship)</b>   | <b>6,724</b>  |
| **Leonis (trip to North Vietnam under exname Shirley Christine—British)     | 6,724         |
| <b>Panamanian (1 ship)</b>  | <b>1,889</b>  |
| **Salamanca (trip to North Vietnam under ex-name, Milford—British)          | 1,889         |
| <b>Singapore (1 ship)</b>   | <b>4,225</b>  |
| *Lucky Dragon   | 4,225         |

or after January 25, 1966, have reacquired eligibility to carry U.S. Government-financed cargoes from the United States by virtue of the persons who control the vessels having given satisfactory certification and assurance:

(a) That such vessels will not, thenceforth, be employed in the North Vietnam trade so long as it remains the policy of the U.S. Government to discourage such trade and;

(b) That no other vessels under their control will thenceforth be employed in the North Vietnam trade, except as provided in paragraph (c) and;

(c) That vessels under their control which are covered by contractual obligations, including charters, entered into prior to January 25, 1966, requiring their employment in the North Vietnam trade shall be withdrawn from such trade at the earliest opportunity consistent with such contractual obligations.

#### FLAG OF REGISTRY AND NAME OF SHIP

a. Since last report: None.

b. Previous reports:

| FLAG OF REGISTRY AND NAME OF SHIP | Number of ships |
|-----------------------------------|-----------------|
| British                           | 1               |
| Italian                           | 1               |

Sec. 3. The following number of vessels have been removed from this list since they have been broken up, sunk, or wrecked.

#### FLAG OF REGISTRY

| FLAG OF REGISTRY | Broken up, Sunk, or wrecked |
|------------------|-----------------------------|
| British          | 2                           |
| Cypriot          | 3                           |
| Greek            | 1                           |
| Lebanese         | 2                           |
| Maltese          | 1                           |
| Polish           | 1                           |

Dated: January 29, 1969.

By order of the Acting Maritime Administrator.

JAMES S. DAWSON, Jr.,  
Secretary.

[F.R. Doc. 69-1429; Filed, Feb. 3, 1969; 8:49 a.m.]

## ATOMIC ENERGY COMMISSION

[Docket No. 50-133]

### PACIFIC GAS AND ELECTRIC CO.

#### Notice of Issuance of Facility Operating License

No request for a hearing or petition for leave to intervene having been filed following publication of the notice of proposed action in the FEDERAL REGISTER on July 30, 1968 (33 F.R. 10815), the Commission has issued a full-term facility operating license (No. DPR-7) to Pacific Gas and Electric Co. (PG&E) of San Francisco, Calif., for the Humboldt Bay Power Plant Unit No. 3 nuclear reactor located near Eureka, Calif.

The license was issued substantially as proposed except that section VLB.7 of the Technical Specifications has been revised to more clearly delineate the normal power sources and to establish

conditions for operation with less than the normal sources of electrical power.

Dated at Bethesda, Md., this 21st day of January 1969.

For the Atomic Energy Commission.

PETER A. MORRIS,  
Director,

Division of Reactor Licensing.

[F.R. Doc. 69-1208; Filed, Feb. 3, 1969; 8:45 a.m.]

[Docket No. 27-45]

### X-RAY INDUSTRIES, INC.

#### Notice of Proposed Issuance of Byproduct Material License

Please take notice that the Atomic Energy Commission is considering the issuance of a license, set forth below, which would authorize X-Ray Industries, Inc., 18721 John R Street, Detroit, Mich., to receive and possess packaged waste byproduct material in any State of the United States except in Agreement States, as defined in § 30.4(c), 10 CFR Part 30, to store the packages at its facility located at 18721 John R Street, Detroit, Mich., and to dispose of the packaged waste byproduct material by transfer to authorized land burial sites. Under the license, X-Ray Industries, Inc., would not possess at any one time more than 10 curies each of any byproduct material with atomic numbers 3 to 83, inclusive, except for carbon 14, gold 198, and cobalt 60, which isotopes the licensee could possess 100 curies, 100 curies and 200 curies, respectively. The license would also authorize X-Ray Industries, Inc., to possess up to 100 curies of hydrogen 3 (tritium).

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, any person whose interest may be affected by the issuance of this license may file a petition for leave to intervene. Any requests for a hearing by the applicant and petitions for leave to intervene shall be filed in accordance with the provisions of the Commission's rules of practice (10 CFR Part 2). If a request for a hearing by the applicant or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order. Petitions to intervene or requests for public hearings may be filed with the Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545.

For further details with respect to this proceeding see: (1) The application and amendments thereto and (2) the related memorandum prepared by the Division of Materials Licensing, all of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of Item 2 above may be obtained at the Commission's Public Document Room, or upon request to the Atomic Energy Commission, Washington, D.C. 20545, Attention: Director of Materials Licensing.

SEC. 2. In accordance with approved procedures, the vessels listed below which called at North Vietnam on

Dated at Bethesda, Md., January 28, 1969.

For the Atomic Energy Commission.

LYALL JOHNSON,  
*Acting Director,*  
*Division of Materials Licensing.*

BYPRODUCT MATERIAL LICENSE

[License No. 21-5472-3]

The Atomic Energy Commission having found that:

A. The applicant's equipment, facilities, and procedures are adequate to protect health and minimize danger to life or property.

B. The applicant is qualified by training and experience to conduct the proposed operations in such a manner as to protect health and minimize danger to life or property.

C. The application dated April 25, 1968, as amended June 26, 1968, September 30, 1968, and November 26, 1968, complies with the requirements of the Atomic Energy Act of 1954, as amended, Title 10, Code of Federal Regulations, Chapter I, and is for a purpose authorized by that Act.

License No. 21-5472-3 is issued to read as follows:

Pursuant to the Atomic Energy Act of 1954, as amended, and 10 CFR Part 30, "Rules of General Applicability to Licensing of Byproduct Material," a license is hereby issued to X-Ray Industries, Inc., 18721 John R Street, Detroit, Mich., to receive and possess packaged waste byproduct material in any state of the United States except in Agreement States as defined in § 30.4(c), 10 CFR Part 30, to store the packages at a facility located at 18721 John R Street, Detroit, Mich., and to dispose of the packaged waste byproduct material by transfer to authorized land burial sites.

This license shall be deemed to contain the conditions specified in section 183 of the Atomic Energy Act of 1954, as amended, and is subject to the provisions of 10 CFR Part 20, "Standards for Protection Against Radiation" and other applicable rules, regulations, and orders of the Atomic Energy Commission now or hereafter in effect, and to the following conditions:

1. The licensee shall not possess at any one time more than:

A. 100 curies of hydrogen 3.

B. 10 curies each of byproduct material with atomic numbers 3 to 83, inclusive, except for carbon 14, gold 198, and cobalt 60.

C. 100 curies of carbon 14.

D. 100 curies of gold 198.

E. 200 curies of cobalt 60.

2. Except as specifically provided otherwise by this license, the licensee shall receive, possess, store and dispose of byproduct material in accordance with the radiological safety procedures and limitations contained in the application dated April 25, 1968, as amended June 26, 1968, September 30, 1968, and November 26, 1968.

3. Activities authorized in this license shall be conducted by, or under the supervision and in the physical presence of, Norman Horwitz, Richard Dudek, or Edwin Reno.

4. The transportation of AEC-licensed material shall be subject to all applicable regulations of the Department of Transportation and other agencies of the United States having jurisdiction.

When Department of Transportation regulations in 49 CFR Parts 173-179 are not applicable to shipments by land of AEC-licensed material by reason of the fact that the transportation does not occur in interstate or foreign commerce, (1) the transportation shall be in accordance with the requirements relating to packaging of radioactive material, marking and labeling of the package, placarding of the transportation vehicle, and accident reporting set forth in the regulations of the Department of Transportation in §§ 173.389-173.399, 173.402, 173.414, 173.427, 49 CFR Part 173, "Shippers," and §§ 177.823, 177.842, 177.843, 177.861, 49 CFR Part 177, "Regulations Applying to Shipments Made by Way of Common, Contract, or Private Carriers by Public Highways," and (2) any requests for modifications or exceptions to those requirements, and any notifications referred to in those requirements shall be filed with, or made to, the Atomic Energy Commission.

5. The licensee shall store byproduct material only at its facility located at 18721 John R Street, Detroit, Mich.

6. The licensee shall not open packages containing byproduct material.

7. The licensee shall not possess any package containing radioactive waste for a period greater than 6 months from the date of receipt of the package.

This license shall be effective on the date issued and shall expire 5 years from the last day of the month in which this license is issued.

Date of issuance: January 28, 1969.

For The Atomic Energy Commission.

LYALL JOHNSON,  
*Assistant Director,*  
*Division of Materials Licensing.*

[F.R. Doc. 69-1379; Filed Feb. 3, 1969;  
8:45 a.m.]

## CIVIL AERONAUTICS BOARD

[Docket No. 20159]

### MOHAWK AIRLINES, INC.

#### Notice of Hearing

Mohawk Airlines, Inc. (Subpart M case):

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that hearing in the above-entitled matter is assigned to be held on February 25, 1969, at 10 a.m., e.s.t., in Room 805, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner Edward T. Stodola.

Dated at Washington, D.C., January 29, 1969.

[SEAL]

THOMAS L. WRENN,  
*Chief Examiner.*

[F.R. Doc. 69-1433; Filed, Feb. 3, 1969;  
8:50 a.m.]

## FEDERAL MARITIME COMMISSION

### TRANS-PACIFIC FREIGHT CONFERENCE (HONG KONG)

#### Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect agreement at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Charles F. Warren, Esq., 1100 Connecticut Avenue NW., Washington, D.C. 20036.

Agreement No. 14-27 between the parties of the Trans-Pacific Freight Conference (Hong Kong) and United States Lines, Inc. (American Pioneer Line) modifies American Pioneer Line's conference membership by (1) limiting its voting rights to those subjects which relate to or affect the Hawaiian trade; (2) providing for its contributions to the conference administrative and legal expenses to be at a rate of one-fourth of that payable by the regular members; and (3) providing for the restoration of American Pioneer Line to full conference membership with the rights and obligations attendant thereto if its vessels should operate in the trade to any U.S. Pacific Coast ports.

Dated: January 28, 1969.

By order of the Federal Maritime Commission.

THOMAS LISI,  
*Secretary.*

[F.R. Doc. 69-1402; Filed, Feb. 3, 1969;  
8:47 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-3072 etc.]

HUMBLE OIL & REFINING CO. ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates <sup>1</sup>

JANUARY 24, 1969.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before February 25, 1969.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given: *Provided, however*, That pursuant to § 2.56 of the Commission's General Policy and Interpretations, as amended, all permanent certificates of public convenience and necessity granting applications, filed after July 1, 1967, without further notice, will contain a condition precluding any filing of an increased rate at a price in excess of that designated for the particular area of production for the period prescribed therein unless at the time of filing such certificate application, or within the time fixed for filing protests or petitions to intervene, the Applicant indicates in writing that it is unwilling to accept such a condition. In the event Applicant is unwilling to accept such condition the application will be set for formal hearing.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

GORDON M. GRANT,  
Secretary.

<sup>1</sup> This notice does not provide for consolidation for hearing of the several matters covered herein.

| Docket No. and date filed         | Applicant  | Purchaser, field, and location  | Price per Mcf         | Pressure base |
|-----------------------------------|--|---|-----------------------|---------------|
| G-3072-12-23-68 <sup>i</sup>      | Humble Oil & Refining Co., Post Office Box 2180, Houston, Tex. 77001.  | Tennessee Gas Pipeline Co., a division of Tenneco Inc., acreage in Starr County, Tex.       | ( <sup>9</sup> )      | -----         |
| G-3173-D 1-2-69                   | Husky Oil Co. of Delaware, Post Office Box 380, Cody, Wyo. 82414.  | El Paso Natural Gas Co., Gallegos-Gallup Pool, San Juan County, N. Mex.                     | Uneconomical          | -----         |
| G-3575-C 12-16-68                 | Southern Petroleum Exploration, Inc., Post Office Box 192, Sistersville, W. Va. 26175.   | El Paso Natural Gas Co., Pictured Cliffs Field, Rio Arriba County, N. Mex.                  | 12.0                  | 15.025        |
| G-7160-D 1-15-69                  | Gulf Oil Corp., (Operator) et al., Post Office Box 1589, Tulsa, Okla. 74102.   | Northern Natural Gas Co., Eumont Pool, Lea County, N. Mex.                                  | ( <sup>9</sup> )      | -----         |
| G-11399-D 1-13-69                 | Nemours Corp., 1306 Petroleum Tower, Shreveport, La. 71101 (partial abandonment).  | Arkansas Louisiana Gas Co., Carthage Field, Panola County, Tex.                             | Depleted              | -----         |
| G-11809-D 1-2-69                  | Marathon Oil Co. (Operator) et al., 539 South Main St., Findlay, Ohio 45840 (partial abandonment).   | Northern Natural Gas Co., Southeast Lea County, Lea County, N. Mex.                         | Uneconomical          | -----         |
| G-14327-C 12-16-68                | Union Oil Co. of California, Union Oil Center, Los Angeles, Calif. 90017.  | Northern Natural Gas Co., Farnsworth Unit, Ochiltree County, Tex.                           | <sup>8</sup> 18.5     | 14.65         |
| G-18118-E 12-16-68                | Appalachian Exploration & Development, Inc. (successor to Cabot Corp. (G.L.C.)), Post Office Box 1473, Charleston, W. Va. 25325.   | Gas Transport, Inc., Jackson-Wirt Field, Wood and Jackson Counties, W. Va.                  | 29.7                  | 15.325        |
| G-19145-C 1-3-69                  | J. Glenn Turner, 1700 Mercantile Bank Bldg., Dallas, Tex. 75201.   | El Paso Natural Gas Co., Basin Dakota Field, San Juan County, N. Mex.                       | 13.0                  | 15.025        |
| G-19462-E 12-30-68                | Riggs Oil & Gas Corp. (successor to Devonian Gas & Oil Co.), Post Office Box 711, Farmington, N. Mex. 87401.   | El Paso Natural Gas Co., acreage in San Juan County, N. Mex.                                | 12.0                  | 15.025        |
| CI61-374-D 12-19-68               | D. H. Byrd (Operator) et al., 110 Tower Petroleum Bldg., Dallas, Tex. 75201.   | Texas Eastern Transmission Corp., North Lansing Field, Harrison County, Tex.                | Uneconomical          | -----         |
| CI61-704-C 1-13-69                | Union Oil Company of Calif.  | Lone Star Gas Co., Caddo Dome Area, Springer Field, Carter County, Okla.                    | 16.25                 | 14.65         |
| CI61-1024-D 1-3-69                | Mobil Oil Corp. (Operator) et al., Post Office Box 1774, Houston, Tex. 77001.  | Natural Gas Pipeline Co. of America, North Ouster City Field, Ouster County, Okla.          | ( <sup>9</sup> )      | -----         |
| CI61-1823-E 12-16-68              | Appalachian Exploration & Development, Inc. (successor to Cabot Corp.) (G.L.C.)  | Bailey Gas Co., Clay Lease, Balleyville, Wyoming County, W. Va.                             | 20.0                  | 15.325        |
| CI63-234-D 10-25-68               | Mobil Oil Corp. (Operator) et al.  | Arkansas Louisiana Gas Co., Red Oak Area, Latimer, Le Flore et al., Counties, Okla.         | <sup>8</sup> Assigned | -----         |
| CI63-234-D 1-3-69                 | do   | do  | <sup>8</sup> Assigned | -----         |
| CI63-318-C 1-3-69                 | Frank A. Schultz et al., 730 Fidelity Union Tower, Akard and Pacific Sts., Dallas, Tex. 75201.   | El Paso Natural Gas Co., Basin Dakota Field, San Juan County, N. Mex.                       | 13.0                  | 15.025        |
| CI64-175-C 1-15-69                | Pan American Petroleum Corp. (Operator) et al., Post Office Box 591, Tulsa, Okla. 74102.   | El Paso Natural Gas Co., Basin Dakota Field, San Juan and Rio Arriba Counties, N. Mex.      | <sup>7</sup> 14.0     | 15.025        |
| CI64-298-D 1-10-69                | Humble Oil & Refining Co.  | Tennessee Gas Pipeline Co., a division of Tenneco Inc., Labbe Field, Duval County, Tex.     | <sup>8</sup> Assigned | -----         |
| CI64-414-E 1-9-69                 | Semeo Gas, Inc. (successor to Shelton Equipment and Machine Co., Inc. (Operator) et al.), c/o Chilton, Morgan, Britain & White, Post Office Box 189, Amarillo, Tex. 79105. | Northern Natural Gas Co., West Follett (Cherokee) Field, Lipscomb County, Tex.              | 15.0                  | 14.65         |
| CI64-799-D 12-13-68               | Mobil Oil Corp.  | El Paso Natural Gas Co., Waha Plant, Pecos County, Tex.                                     | Uneconomical          | -----         |
| CI64-1506-C 1-15-69               | Pan American Petroleum Corp. (Operator) et al.   | El Paso Natural Gas Co., Gallup Field, San Juan County, N. Mex.                             | <sup>8</sup> 14.0     | 15.025        |
| CI66-836-E 12-30-68               | Robert Beamon and Pattie Ann Beamon Lundell (successor to R. E. Beamon Estate), 820 Capital National Bank Bldg., Houston, Tex. 77002.                                      | El Paso Natural Gas Co., Blanco Mesa Verde Field, San Juan County, N. Mex.                  | <sup>8</sup> 12.0     | 15.025        |
| CI66-885-E 12-30-68 <sup>ii</sup> | Brammer Engineering, Inc., agent (Operator) et al. (successor to John Franks (Operator) et al.), 1009 Petroleum Tower, Shreveport, La. 71101.                              | United Gas Pipe Line Co., Bourg Field, Terrobonne Parish, La.                               | 18.9940               | 15.025        |
| CI66-894-D 1-3-69                 | Mobil Oil Corp. (partial abandonment).   | Panhandle Eastern Pipe Line Co., Panhandle Field, Moore County, Tex.                        | Depleted              | -----         |
| CI67-66-C 1-9-69                  | Amerada Petroleum Corp., Post Office Box 2040, Tulsa, Okla. 74101.   | Panhandle Eastern Pipe Line Co., South Peek Field, Ellis County, Okla.                      | <sup>8</sup> 18.015   | 14.65         |
| CI67-81-E 12-16-68                | Appalachian Exploration & Development, Inc. (successor to Cabot Corp. (G.L.C.))  | Consolidated Gas Supply Corp., Sandy River and Big Creek Districts, McDowell County, W. Va. | 27.75                 | 15.325        |
| CI67-398-C 11-12-68               | Roger M. Wheeler, 41st St. and Sheridan Rd., Post Office Box 1526, Tulsa, Okla. 74101.   | Northern Natural Gas Co., Cleveland Sand Formation, Ochiltree County, Tex.                  | <sup>8</sup> 17.0     | 14.65         |

Filing code: A—Initial service.  
B—Abandonment.  
C—Amendment to add acreage.  
D—Amendment to delete acreage.  
E—Succession.  
F—Partial succession.

See footnotes at end of table.

| Docket No. and date filed          | Purchaser, field, and location   | Applicant   | Price per Mcf | Pres-sure base |
|------------------------------------|--|---|---------------|----------------|
| CI09-028<br>A 1-2-40               | Arkansas Louisiana Gas Co., Max-zard Prairie Field, Sebastian County, Ark.                           | Charles E. McRay, 400 First Federal Bldg., Fort Smith, Ark. 72001   | 15.0          | 14.05          |
| CI09-029<br>F 1-2-40               | Cities Service Gas Co., Aetna Field, Barber County, Kans.  | Nemaco Oil Co., Inc. (successor to Sun Oil Co.) 1041 South-east 29th St., Oklahoma City, Okla. 73126  | 14.0          | 14.05          |
| CI09-030<br>F 1-2-40               | Texas Gas Transmission Corp., Kamos Field, St. Mary Parish, La.                                      | Edwin L. Cox (Operator) et al. (successor to Gulf Oil Corp.), 3800 First National Bank Bldg., Dallas, Tex. 75202                                | 20.0          | 15.025         |
| (G-14835)                          |  | Edwin L. Cox (Operator) et al. (successor to Southwest Gas Producing Co., Inc.)   | 20.75         | 15.025         |
| (CI02-1016)                        |  | Edwin L. Cox (Operator) et al. (successor to Gulf Oil Corp.)  | 20.625        | 15.025         |
| (CI07-437) 19                      |  | Edwin L. Cox (Operator) et al. (successor to Amerada Petro-leum Corp.)  | 21.25         | 15.025         |
| CI09-031<br>(CI09-032)<br>F 1-8-40 | Tennessee Gas Pipeline Co., a division of Tennessee Inc., South Gabrysell Area, Jackson County, Tex. | William J. Dick, Jr., et al. (successor to Carr Oil), Post Office Box 18108, Serna Sta-tion, San Antonio, Tex. 78218                            | 15.0          | 14.65          |
| CI09-032<br>A 1-9-40               | Northern Natural Gas Co., Will Field, Edwards County, Kans.  | D. R. Lauek Oil Co., Inc. (Operator) et al., 301 South Broadway Wichita, Kans. 67202  | 16.0          | 14.65          |
| CI-09-033                          | United Gas Pipe Line Co., Gibson Field, Ferrisbanno Parish, La.                                      | Mobil Oil Corp.   | Depleted      |                |
| B 1-10-40                          | Gas Gathering Corp., Bayou des Glaises Field, St. Martin Parish, La.                                 | Texaco, Inc., Post Office Box 52332, Houston, Tex. 77052  | 20.0          | 15.025         |
| CI09-034<br>A 1-10-40              | Equitable Gas Co., Otter District, Braxton County, W. Va.  | Hays and Co., agent for Nor-man Slaughter, Post Office Box 500, Spencer, W. Va. 25270   | 25.0          | 15.325         |
| CI09-035<br>A 1-13-40              | Transwestern Pipeline Co., acreage in Ochiltree and Roberts Counties, Tex., and Beaver County, Okla. | Petro Dynamics, Inc. (successor to J. F. Smith (Operator) et al.), c/o Calton, Morgan, Britain & White, Post Office Box 39, Almaraz, Tex. 79104 | 17.0          | 14.65          |
| CI09-037<br>A 1-13-40              | United Gas Pipe Line Co., South-west Kinder Field, Alton Parish, La.                                 | David C. Bland, 2520 Bank of the Southwest Bldg., Houston, Tex. 77021   | 21.25         | 15.025         |

| Docket No. and date filed | Purchaser, field, and location   | Applicant   | Price per Mcf | Pres-sure base |
|---------------------------|--|---|---------------|----------------|
| CI09-030<br>A 12-20-43 13 | Michigan Wisconsin Pipe Line Co., West Lake Arthur Field, Jefferson Davis Parish, La.                    | Union Texas Petroleum, a di- vision of Allied Chemical Corp., Post Office Box 2120, Houston, Tex. 77001 | (*)           |                |
| CI09-1215<br>C 1-8-40     | El Paso Natural Gas Co., acreage in San Juan County, N. Mex.   | Continental Oil Co., Post Office Box 2187, Houston, Tex. 77001  | 13.0          | 15.025         |
| CI09-885<br>A 12-16-43    | Vision of Tennessee Co., a di- vision of Tennessee Inc., Mustang Island Field, Nueces County, Tex.       | Continental Oil Co., 643 South Olive St., Los Angeles Calif. 90014                                      | 17.24347      | 14.65          |
| CI09-004<br>A 12-30-43    | Transwestern Pipeline Co., Fossil (Lower Morrow) Field, Ochiltree County, Tex.                           | Transwestern Pipeline Co., Fossil (Lower Morrow) Field, Ochiltree County, Tex.                          | 17.0          | 14.65          |
| CI09-007<br>A 12-31-43    | Northern Natural Gas Co., Viel Field, Woodward and Dewey Counties, Okla.                                 | Transwestern Pipeline Co., Fossil (Lower Morrow) Field, Ochiltree County, Tex.                          | 18.0          | 14.65          |
| CI09-008<br>A 12-31-43    | Transcontinental Gas Pipe Line Corp., Johnson Bayou Field, Cameron Parish, La.                           | Transwestern Pipeline Co., Fossil (Lower Morrow) Field, Ochiltree County, Tex.                          | 20.625        | 15.025         |
| CI09-009<br>A 12-27-43    | Kansas-Oklahoma Natural Gas Co., Inc., Red Wing Field, Washington County, Colo.                          | Transwestern Pipeline Co., Fossil (Lower Morrow) Field, Ochiltree County, Tex.                          | 10.0          | 10.4           |
| CI09-010<br>A 12-27-43    | South Texas Natural Gas Gathering Co., South I. Gloria Field, Brooks County, Tex.                        | Transwestern Pipeline Co., Fossil (Lower Morrow) Field, Ochiltree County, Tex.                          | Depleted      |                |
| CI09-012<br>A 12-27-43    | Mountain Fuel Supply Co., Blue Gravel Field, Moffat County, Colo.  | Transwestern Pipeline Co., Fossil (Lower Morrow) Field, Ochiltree County, Tex.                          | 15.0          | 15.025         |
| CI09-013<br>A 1-20-43     | El Paso Natural Gas Co., Pictured Cliffs Field, San Juan County, N. Mex.                                 | Transwestern Pipeline Co., Fossil (Lower Morrow) Field, Ochiltree County, Tex.                          | 13.0          | 15.025         |
| CI09-014<br>A 1-2-40      | Arkansas Louisiana Gas Co., North Lausing Field, Harrison County, Tex.                                   | Transwestern Pipeline Co., Fossil (Lower Morrow) Field, Ochiltree County, Tex.                          | 13.44250      | 14.65          |
| CI09-015<br>A 1-2-40      | El Paso Natural Gas Co., Pictured Cliffs Area, San Juan County, N. Mex.                                  | Transwestern Pipeline Co., Fossil (Lower Morrow) Field, Ochiltree County, Tex.                          | 12.0          | 15.025         |
| CI09-016<br>B 1-2-40      | Montana-Dakota Utilities Co., Pen- nel-LOOKOUT Butte Fields, Fallon County, Mont.                        | Transwestern Pipeline Co., Fossil (Lower Morrow) Field, Ochiltree County, Tex.                          | Uneconomical  |                |
| CI09-017<br>A 1-3-40      | Natural Gas Pipeline Co. of Amer- ica, Camrick Field, Beaver County, Okla.                               | Transwestern Pipeline Co., Fossil (Lower Morrow) Field, Ochiltree County, Tex.                          | 17.0          | 14.65          |
| CI09-018<br>A 1-3-40      | Equitable Gas Co., Otter District, Braxton County, W. Va.  | Transwestern Pipeline Co., Fossil (Lower Morrow) Field, Ochiltree County, Tex.                          | 25.0          | 15.325         |
| CI09-019<br>B 1-9-40#     | Texas Eastern Transmission Corp., Ocker Field, Rotuligo and Aransas Counties, Tex.                       | Transwestern Pipeline Co., Fossil (Lower Morrow) Field, Ochiltree County, Tex.                          | Uneconomical  |                |
| CI09-020<br>A 12-23-43    | Equitable Gas Co., Collins Settle- ment District, Lewis County, W. Va.                                   | Transwestern Pipeline Co., Fossil (Lower Morrow) Field, Ochiltree County, Tex.                          | 25.0          | 15.325         |
| CI09-021<br>A 1-8-40      | Northern Natural Gas Co., Viel Field, Woodward County, Okla.   | Transwestern Pipeline Co., Fossil (Lower Morrow) Field, Ochiltree County, Tex.                          | 18.0          | 14.65          |
| CI09-022<br>A 1-3-40      | Tennessee Gas Pipeline Co., a divi- sion of Tennessee Inc., Seven Sisters Deep Field, Duval County, Tex. | Transwestern Pipeline Co., Fossil (Lower Morrow) Field, Ochiltree County, Tex.                          | 17.24347      | 14.65          |
| CI09-023<br>B 1-8-40      | Florida Gas Transmission Corp., Fort Allen Field, West Baton Rouge Parish, La.                           | Transwestern Pipeline Co., Fossil (Lower Morrow) Field, Ochiltree County, Tex.                          | Depleted      |                |
| CI09-024<br>B 1-8-40      | Northern Natural Gas Co., Keenan Field, Woodward County, Okla.   | Transwestern Pipeline Co., Fossil (Lower Morrow) Field, Ochiltree County, Tex.                          | Depleted      |                |
| CI09-025<br>B 1-6-40      | El Paso Natural Gas Co., Payton (Simpson) Field, Pecos County, Tex.                                      | Transwestern Pipeline Co., Fossil (Lower Morrow) Field, Ochiltree County, Tex.                          | Depleted      |                |
| CI09-026<br>A 1-6-40      | Northern Natural Gas Co., acreage in Woodward County, Okla.  | Transwestern Pipeline Co., Fossil (Lower Morrow) Field, Ochiltree County, Tex.                          | 18.0          | 14.65          |
| CI09-027<br>B 1-9-40      | United Gas Pipe Line Co., North Mcrauddin Field, Victoria County, Tex.                                   | Transwestern Pipeline Co., Fossil (Lower Morrow) Field, Ochiltree County, Tex.                          | Depleted      |                |

1 Amendment to the certificate to establish a delivery point to effect an exchange with Trunkline Gas Co. of a maximum 15,000 Mcf per day who in turn will deliver equivalent volumes to Tennessee Gas Pipeline Co.

2 Well no longer capable of producing gas into Northern's system.

3 Rate in effect subject to return in Docket No. R103-629.

4 Leases have expired or were canceled.

5 Deletions acreage assigned to Midwest Oil Corp.

6 Deletions acreage assigned to Humble Oil & Refining Co.

7 Periodic escalations of 1 cent per Mcf at 5-year intervals. Applicant receives a percentage of the value of liquid products extracted from the gas delivered to purchaser.

8 Deletions acreage assigned to M. A. Riddell.

9 Applicant will receive payment for gasoline content, and for additional liquid products if recovered on a sliding scale percentage of the value of the liquids.

10 Includes 1 cent per Mcf minimum guarantee for liquid products.

11 Amendment to the certificate to reflect change in operator.

12 Subject to upward and downward B.t.u. adjustment.

13 Amendment to the certificate to increase exchange volumes of gas from 50,000 Mcf of gas per day up to 100,000 Mcf of gas per day.

14 Contract rate is 20.625 cents per Mcf; however, Applicant states its willingness to accept a permanent certificate at an initial rate of 20.0 cents per Mcf for gas well gas and 18.5 cents per Mcf for casinghead gas, both subject to qualify standard adjustments filed in Opinion No. 846.

15 Price at time of filing: 10.0 cents per Mcf, with buyer holding 7 cents per Mcf until all necessary equipment has been amortized.

16 Only temporary authorization has been granted in Docket No. CI07-283; therefore, the application filed in Docket No. CI09-619 will be treated as an amendment to the application in Docket No. CI07-283 and Docket No. CI09-619 is cancelled.

17 Contract rate is 18.0 cents per Mcf subject to B.t.u. adjustment; however, Applicant states its willingness to accept a permanent certificate at 17.0 cents per Mcf subject to B.t.u. adjustment until a higher area rate is determined by the Commission.

18 Subject to downward B.t.u. adjustment.

19 Temporary certificate issued to predecessor.

[F.B. Doc. 69-1319; Filed, Feb. 3, 1969; 8:45 a.m.]

See footnotes at end of table.

[Docket No. RI69-487 etc.]

**UNION TEXAS PETROLEUM ET AL.**

**Order Providing for Hearings on and Suspension of Proposed Changes in Rates<sup>1</sup>**

JANUARY 24, 1969.

The Respondents named herein have filed proposed increased rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A herEOF.

The proposed changed rates and charges may be unjust, unreasonable,

<sup>1</sup> Does not consolidate for hearing or dispose of the several matters herein.

unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR 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, and thereafter until made effective as prescribed by the Natural Gas Act.

(C) Until 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.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before March 12, 1969.

By the Commission.

[SEAL]

GORDON M. GRANT,  
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 dockets Nos. |
|--------------|--|-------------------|----------------|---|---------------------------|----------------------|---------------------------------|----------------------|----------------|-------------------------|--|
|              |  |                   |                |   |                           |                      |                                 |                      | Rate in effect | Proposed increased rate |  |
| RI69-487..   | Union Texas Petroleum, a division of Allied Chemical Corp. et al., Post Office Box 2120, Houston, Tex. 77001, Attention: Mr. Elliott G. Flowers. | 13                | 17             | El [Paso Natural Gas Co. (Jack Herbert Field, Upton County, Tex.) (R.R. District No. 7-C):                                  | \$524                     | 12-27-68             | 1-27-69                         | 6-27-69              | 15.92          | 16.6584                 |  |
| .....do..... | .....do.....   | 22                | 11             | El Paso Natural Gas Co. (Langlo Mattix Field, Lea County, N. Mex.):   | 40                        | 12-27-68             | 1-27-69                         | 6-27-69              | 14.53          | 16.8805                 |  |
| .....do..... | .....do.....   | 25                | 16             | El Paso Natural Gas Co. (Spraberry Trend Area, Reagan and Glasscock Counties, Tex.) (R.R. District Nos. 7-C and 8):         | 3,219                     | 12-27-68             | 1-27-69                         | 6-27-69              | 14.50          | 18.2430                 |  |
| .....do..... | .....do.....   | 39                | 10             | El Paso Natural Gas Co. (Eumont Field, Lea County, N. Mex.):  | 4,791                     | 12-27-68             | 1-27-69                         | 6-27-69              | 14.77          | 16.8805                 |  |
| RI69-488..   | Union Texas Petroleum, a division of Allied Chemical Corp.   | 41                | 12             | El Paso Natural Gas Co. and Pecos Co. (Jack Herbert and Amacker Tippet Fields, Upton County, Tex.) (R.R. District No. 7-C): | 1,036                     | 12-27-68             | 1-27-69                         | 6-27-69              | 14.10          | 15.2025                 |  |
| .....do..... | .....do.....   | 80                | 13             | Transwestern Pipeline Co. (Atoka Field, Eddy County, N. Mex.):  | 27,636                    | 12-27-68             | 1-27-69                         | 6-27-69              | 14.75          | 21.80                   |  |
| RI69-489..   | Union Texas Petroleum, a division of Allied Chemical Corp. (Operator) et al.   | 49                | 14             | El Paso Natural Gas Co. (Crosby Devonian Field, Lea County, N. Mex.):   | 11,318                    | 12-27-68             | 1-27-69                         | 6-27-69              | 14.14          | 16.8805                 |  |
| .....do..... | .....do.....   | 52                | 11             | El Paso Natural Gas Co. (Blinbry Field, Lea County, N. Mex.):   | 397                       | 12-27-68             | 1-27-69                         | 6-27-69              | 14.99          | 16.8805                 |  |
| RI69-490..   | Mobil Oil Corp., Post Office Box 1774, Houston, Tex. 77001, Attention: Mr. H. H. Beeson.   | 395               | 2              | Natural Gas Pipeline Co. of America (Indian Basin Field, Eddy County, N. Mex.):   | 7,825                     | 1-2-69               | 2-2-69                          | 7-2-69               | 16.528         | 17.697                  |  |
| RI69-491..   | Northern Natural Gas Producing Co., Post Office Box 1774, Houston, Tex. 77001, Attention: Mr. H. H. Beeson.                                      | 34                | 2              | .....do.....  | 3,297                     | 1-2-69               | 2-2-69                          | 7-2-69               | 16.528         | 17.697                  |  |

<sup>2</sup> The stated effective date is the effective date requested by Respondent.  
<sup>3</sup> Increase from ceiling rate established by quality statement to contract rate.  
<sup>4</sup> Pressure base is 14.65 p.s.i.a.  
<sup>5</sup> Filing pertains only to old gas-well gas.

<sup>6</sup> Periodic rate increase.  
<sup>7</sup> Includes upward adjustment in price for B.t.u. above 1,000 B.t.u.'s per cubic foot. Subject gas contains 1,041 B.t.u.'s per cubic foot.  
<sup>8</sup> Initial rate.

All of the producers' proposed increased rates and charges relate to sales in the Permian Basin Area of Texas and New Mexico and exceed the just and reasonable rates established by

the Commission in Opinion No. 468, as amended, and should be suspended for 5 months as ordered herein.

[F.R. Doc. 69-1320; Filed, Feb. 3, 1969; 8:45 a.m.]

[Docket No. CP67-155]

**COLORADO INTERSTATE GAS CO.**

**Notice of Petition To Amend**

JANUARY 28, 1969.

Take notice that on January 21, 1969, Colorado Interstate Gas Co., a division of Colorado Interstate Corp. (Petitioner), Post Office Box 1087, Colorado Springs, Colo. 80901, filed in Docket No. CP67-155 a petition to amend the order of the Commission issued January 16, 1968,

which order authorized the sale of natural gas to Natural Gas Pipeline Company of America (Natural) for a period extending to January 1, 1969.

By the instant filing Petitioner seeks authorization to extend the term of the aforementioned sale to January 1, 1970.

Petitioner states that the proposed extension is necessary because Petitioner continues to have a gas supply temporarily in excess of its market requirements, and that the proposed sale will also provide a continued convenience for Nat-

ural in meeting its supply and requirement obligations.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before February 24, 1969.

GORDON M. GRANT,  
Secretary.

[F.R. Doc. 69-1382; Filed, Feb. 3, 1969; 8:45 a.m.]

[Docket No. CP69-56]

**EL PASO NATURAL GAS CO.****Notice of Petition To Amend**

JANUARY 28, 1969.

Take notice that on January 17, 1969, El Paso Natural Gas Co. (Petitioner), Post Office Box 1492, El Paso, Tex. 79999, filed in Docket No. CP69-56 a petition to amend the order of the Commission issued in said docket November 4, 1968, which order granted Petitioner "budget-type" authorization to construct, during the calendar year 1969, and operate various routine field facilities in its Southern Division System, which included, inter alia, authority to install additional compressor horsepower as might be required to compensate for declining reservoir pressures of existing gas sources.

By the instant filing, Petitioner seeks waiver of the single project cost limitation of \$500,000 and the substitution thereof a single project cost limitation of \$850,000 to permit the installation, during the calendar year 1969, of one (1) 2,700 horsepower compressor unit at Petitioner's Jal No. 3 Compressor Station.

Petitioner states that due to delays in delivery of material and equipment, construction of the said compressor could not be completed during the calendar year 1968, as required under the authorizations granted in Docket No. CP68-86.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before February 24, 1969.

GORDON M. GRANT,  
*Secretary.*

[F.R. Doc. 69-1383; Filed, Feb. 3, 1969;  
8:45 a.m.]

[Docket No. CP69-199]

**TRANSCONTINENTAL GAS PIPE  
LINE CORP.****Notice of Application**

JANUARY 28, 1969.

Take notice that on January 23, 1969, Transcontinental Gas Pipe Line Corp. (Applicant), Post Office Box 1396, Houston, Tex. 77001, filed in Docket No. CP69-199 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas for and in behalf of Consumers Power Co. (Consumers), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authority to transport, on an interruptible basis, up to 2,500 Mcf of natural gas per day for Southern Natural Gas Co. (Southern) from Applicant's existing Happytown purchase meter station located on Applicant's 8-inch Happytown transmission purchase lateral, Pointe Coupee Parish, La., to the existing points of interconnection between the systems of the two companies near Selma, Ala., and

Jonesboro, Ga. For the aforementioned service a transportation charge of 6.25 cents per Mcf is proposed.

Applicant states that the proposed service is required in order to prevent the flaring of oil-well gas in the Bayou Henry Field, Iberville Parish, La., presently taking place due to Southern's inability to take such gas into its system as a result of a line break on Southern's Bayou Bouillon-East Happytown line.

The application states that the proposed transportation service will not require the construction by Applicant of any additional facilities.

In this instance it appears that a shorter notice period is reasonable and consistent with the public interest, and therefore, protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before February 7, 1969.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,  
*Secretary.*

[F.R. Doc. 69-1384; Filed, Feb. 3, 1969;  
8:45 a.m.]

**FEDERAL RESERVE SYSTEM****AFFILIATED BANK CORP.****Notice of Application for Approval of  
Acquisition of Shares of Banks**

Notice is hereby given that application has been made to the Board of Governors of the Federal Reserve System pursuant to section 3(a) (1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a) (1)), by Affiliated Bank Corp., Madison, Wis., for prior approval of the Board of action whereby Applicant would become a bank holding company through the acquisition of 80 percent or more of the voting shares of each of the following banks: Bank of Madison, Madison, Wis., and Hilldale State Bank, Madison, Wis.

Section 3(c) of the Act, as amended, provides that the Board shall not approve (1) any acquisition or merger or

consolidation under this section which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or (2) any other proposed acquisition or merger or consolidation under this section whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless it finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Chicago.

Dated at Washington, D.C., this 28th day of January 1969.

By order of the Board of Governors.

[SEAL] ROBERT P. FORRESTAL,  
*Assistant Secretary.*

[F.R. Doc. 69-1386; Filed, Feb. 3, 1969;  
8:46 a.m.]

**BARNETT NATIONAL SECURITIES  
CORP.****Notice of Application for Approval of  
Acquisition of Shares of Bank**

Notice is hereby given that application has been made to the Board of Governors of the Federal Reserve System pursuant to section 3(a) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a) (1)), by Barnett National Securities Corp., which is a bank holding company located in Jacksonville, Fla., for the prior approval of the Board of the acquisition by Applicant of 80 percent or more of the voting shares of Citizens National Bank of St. Petersburg, St. Petersburg, Fla.

Section 3(c) of the Act provides that the Board shall not approve (1) any acquisition or merger or consolidation under this section which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or (2) any other proposed acquisition or merger or consolidation under this section

whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless it finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Atlanta.

Dated at Washington, D.C., this 28th day of January 1969.

By order of the Board of Governors.

[SEAL] ROBERT P. FORRESTAL,  
Assistant Secretary.

[F.R. Doc. 69-1387; Filed, Feb. 3, 1969;  
8:46 a.m.]

#### BARNETT NATIONAL SECURITIES CORP.

##### Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made to the Board of Governors of the Federal Reserve System pursuant to section 3(a) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842 (a)), by Barnett National Securities Corp., which is a bank holding company located in Jacksonville, Fla., for the prior approval of the Board of the acquisition by Applicant of 80 percent or more of the voting shares of Union Trust National Bank of St. Petersburg, St. Petersburg, Fla.

Section 3(c) of the Act provides that the Board shall not approve (1) any acquisition or merger or consolidation under this section which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or (2) any other proposed acquisition or merger or consolidation under this section whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless it finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the

convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Atlanta.

Dated at Washington, D.C., this 27th day of January 1969.

By order of the Board of Governors.

[SEAL] ROBERT P. FORRESTAL,  
Assistant Secretary.

[F.R. Doc. 69-1388; Filed, Feb. 3, 1969;  
8:46 a.m.]

#### FIRST AT ORLANDO CORP.

##### Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made to the Board of Governors of the Federal Reserve System pursuant to section 3(a) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)), by First at Orlando Corp., which is a bank holding company located in Orlando, Fla., for the prior approval of the Board of the acquisition by Applicant of at least 80 percent of the voting shares of St. Lucie County Bank, Fort Pierce, Fla.

Section 3(c) of the Act provides that the Board shall not approve (1) any acquisition or merger or consolidation under this section which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or (2) any other proposed acquisition or merger or consolidation under this section whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless it finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views re-

garding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Atlanta.

Dated at Washington, D.C., this 27th day of January 1969.

By order of the Board of Governors.

[SEAL] ROBERT P. FORRESTAL,  
Assistant Secretary.

[F.R. Doc. 69-1389; Filed, Feb. 3, 1969;  
8:46 a.m.]

## SECURITIES AND EXCHANGE COMMISSION

[File Nos. 7-3024-7-3028]

### CONTINENTAL CORP. ET AL.

#### Notice of Applications for Unlisted Trading Privileges and of Oppor- tunity for Hearing

JANUARY 29, 1969.

In the matter of applications of the Philadelphia - Baltimore - Washington Stock Exchange for unlisted trading privileges in certain securities.

The above-named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f) (1) (B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

|                             | File No. |
|-----------------------------|----------|
| Continental Corp.-----      | 7-3024   |
| Victoreen, Inc.-----        | 7-3025   |
| Scudder Duo-Vest, Inc.----- | 7-3026   |
| Hemisphere Fund, Inc.-----  | 7-3027   |
| Sybron Corp.-----           | 7-3028   |

Upon receipt of a request, on or before February 13, 1969, from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DuBois,  
Secretary.

[F.R. Doc. 69-1414; Filed, Feb. 3, 1969;  
8:48 a.m.]

[812-2417]

### DREYFUS FUND INC.

#### Notice of Filing of Application for Order Exempting Sale by Open-End Company of Shares at Other Than Public Offering Price

JANUARY 29, 1969.

Notice is hereby given that The Dreyfus Fund Inc. ("applicant"), 2 Broadway, New York, N.Y. 10004, a Maryland corporation registered under the Investment Company Act of 1940 ("Act") as an open-end diversified management investment company, has filed an application pursuant to section 6(c) of the Act requesting an order of the Commission exempting from the provisions of section 22(d) of the Act a transaction in which applicant's redeemable securities will be issued at a price other than the current public offering price described in the prospectus, in exchange for the assets of The Thomas Crellin Estate Co. ("Crellin").

All interested persons are referred to the application, as amended, on file with the Commission for a statement of the applicant's representations which are summarized below.

Crellin, a California corporation incorporated in 1908, is an investment company, all of the outstanding stock of which is owned of record and beneficially by 24 persons, and is exempt from registration under the Act by reason of the provisions of section 3(c)(1) thereof. Pursuant to an agreement between applicant and Crellin substantially all of the cash and securities owned by Crellin, with a value of approximately \$3,143,100 as of November 7, 1968, will be transferred to applicant in exchange for shares of its capital stock. The number of shares of applicant's stock to be issued is to be determined by dividing the aggregate market value (with certain adjustments as set forth in detail in the application) of the assets of Crellin to be transferred to applicant by the net asset value per share of the applicant, both to be determined as of valuation time, as defined in the agreement. If the valuation under the agreement had taken place on November 7, 1968, Crellin would have received 193,969 shares of applicant's stock. The exchange contemplated by the agreement would be prohibited by section 22(d) as being a sale of a redeemable security by a registered investment company at a price other than a current offering price prescribed in the prospectus, unless exempted by an order under section 6(c) of the Act.

When received by Crellin, the shares of the applicant, which are registered under the Securities Act of 1933, are to be distributed to the Crellin stockholders on the liquidation of Crellin. Applicant

has been advised by the management of Crellin that the stockholders of Crellin have no present intention of redeeming or otherwise transferring any of applicant's shares following the proposed transaction.

No affiliation exists between Crellin or its officers, directors, or stockholders and applicant, its officers or directors, and the agreement was negotiated at arm's length by the two companies. Applicant's board of directors approved the agreement as being in the best interests of its shareholders, taking all relevant considerations into account, including, among other things, the fact that securities will be obtained without the payment of brokerage commissions.

Section 22(d) of the Act provides that registered investment companies issuing redeemable securities may sell their shares only at the current public offering price as described in the prospectus. Section 6(c) permits the Commission, upon application, to exempt such a transaction if it finds that such an exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant contends that the proposed offering of its stock will comply with the provisions of the Act, other than section 22(d) and submits that the granting of the application would be in accordance with the established practice of the Commission, is necessary and appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, no later than February 17, 1969, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the

hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DuBois,  
Secretary.

[F.R. Doc. 69-1415; Filed, Feb. 3, 1969;  
8:48 a.m.]

### DUMONT CORP.

#### Order Suspending Trading

JANUARY 29, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the Class A and Class B common stock of Dumont Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period January 30, 1969, through February 8, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DuBois,  
Secretary.

[F.R. Doc. 69-1416; Filed, Feb. 3, 1969;  
8:48 a.m.]

[812-2442]

### F. EBERSTADT & CO., MANAGERS & DISTRIBUTORS, INC.

#### Notice of Filing of Application for Order Exempting Proposed Transaction

JANUARY 29, 1969.

Notice is hereby given that F. Eberstadt & Co., Managers & Distributors, Inc. ("M&D"), 65 Broadway, New York, N.Y. 10006, a Delaware corporation, has filed an application pursuant to section 6(c) of the Investment Company Act of 1940 ("Act") for an order of exemption from the provisions of section 15 of the Act to the extent that section 15 may, because of a proposed change in the form of organization of F. Eberstadt & Co., the owner of all M&D's stock, from a partnership to a corporation, prevent M&D from serving as investment advisor to The Eberstadt Fund, Inc., a Maryland corporation registered under the Act ("Eberstadt Fund"), and Chemical Fund, Inc., a Delaware corporation registered under the Act ("Chemical Fund"), from February 28, 1969, to the dates of the 1969 annual meetings of Eberstadt Fund and Chemical Fund in December 1969, and March 1969, respectively. All interested persons are referred to the application on file with the Commission for a statement of the representations therein, which are summarized below.

F. Eberstadt & Co. (the "Partnership") a limited partnership organized under the laws of the State of New York, is

engaged in various aspects of the securities business. The Partnership owns, beneficially and of record, 100 percent of the common stock of M&D. It is proposed that, effective February 28, 1969, a newly organized Delaware corporation, F. Eberstadt & Co., Inc. (the "Corporation"), will acquire the business and operating assets of the Partnership, including all of the stock of M&D, subject to existing commitments and liabilities. The application states that upon the transfer of the operating assets of the Partnership to the Corporation, all of the operations of the Partnership will be continued by the Corporation without significant change. Substantially the same personnel, located at the same office, will perform substantially the activities which they are now performing.

Each member of the Partnership except Mr. F. Eberstadt is to be either a director and officer, or officer only, of the Corporation. Mr. F. Eberstadt will, at the time of incorporation, enter into a consulting agreement with the Corporation under the terms of which he will render consulting and other services for the Corporation as requested by the Corporation from time to time. It is expected that such services will largely correspond to those he now performs for the Partnership. No compensation shall be payable to Mr. F. Eberstadt under this Agreement. All of the proposed directors and officers of the Corporation are members of the Partnership except for the lowest ranking officers, who are employees of the Partnership.

Mr. F. Eberstadt will receive no voting stock in the Corporation, but will receive junior debentures, in an amount equal to his capital account in the Partnership. These debentures will be convertible at any time into a class of common stock reserved for such conversion and this class of stock will have the right to elect 51 percent of the Board of Directors. The name and goodwill of the Partnership, which are the property of Mr. F. Eberstadt, will be distributed to Mr. F. Eberstadt and licensed by him to the Corporation for an annual fee. The voting stock of the Corporation will be distributed to the other general partners of the Partnership in proportion to their existing rights inter se to share in the Partnership earnings. Nonvoting 7 percent preferred stock will be issued to the general partners, other than Mr. F. Eberstadt, in proportion to their interests inter se in the capital accounts. Senior subordinated debentures will be distributed to the four trusts who constitute the limited partners of the Partnership in proportion to their respective capital balances.

The proposed transaction does not involve any change in the directors, officers, or business of M&D. Mr. F. Eberstadt will remain as a director of M&D and as a director and chairman of the board of both Chemical Fund and Eberstadt Fund.

Section 15 of the Act provides, among other things, that it shall be unlawful for any person to act as investment advisor of a registered investment company

except pursuant to a written contract which has been approved by a majority of the voting securities of such registered company and provides, in substance, for its automatic termination in the event of its assignment by the investment advisor. "Assignment" is defined in section 2(a)(4) of the Act as including the direct or indirect transfer of a contract or of a controlling block of the assignor's voting securities by a security holder of the assignor. Section 6(c) of the Act permits the Commission to exempt any transaction from any of the provisions of the Act if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Absent an exemption from section 15, if the proposed transaction took place and the transaction was deemed an "assignment" of the management agreements, M&D could not act thereunder until new agreements were approved by shareholders.

M&D represents that the transfer of control of M&D from the Partnership to the Corporation is merely a technical one enabling the transferor to change the form of its organization. It asserts, therefore, that the exemption requested is appropriate in the public interest, is consistent with the protection of the investors of Chemical Fund and Eberstadt Fund and is consistent with the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than February 17, 1969, at 5:30 p.m. submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon M&D at the address stated above. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,  
Secretary.

[F.R. Doc. 69-1417; Filed, Feb. 3, 1969;  
8:48 a.m.]

### MAJESTIC CAPITAL CORP.

#### Order Suspending Trading

JANUARY 29, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Majestic Capital Corp., Encino, Calif., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c) (5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period January 30, 1969, through February 8, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,  
Secretary.

[F.R. Doc. 69-1418; Filed, Feb. 3, 1969;  
8:48 a.m.]

[File No. 7-3029]

### NATIONAL GENERAL CORP.

#### Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

JANUARY 29, 1969.

In the matter of application of the Philadelphia - Baltimore - Washington Stock Exchange for unlisted trading privileges in a certain security.

The above-named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the warrants to purchase common stock of the following company, which security is listed and registered on one or more other national securities exchanges:

National General Corp., New Warrants (Expiring 1978), File No. 7-3029.

Upon receipt of a request, on or before February 13, 1969, from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified.

If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,  
Secretary.

[F.R. Doc. 69-1419; Filed, Feb. 3, 1969;  
8:48 a.m.]

## VETERANS ADMINISTRATION

### SECRETARY OF HEALTH, EDUCATION, AND WELFARE

#### Delegation of Compliance Responsibilities

Notice is hereby given that certain new and amended delegations of title VI (Civil Rights Act of 1964) compliance responsibilities have been agreed to by the Veterans Administration and the Department of Health, Education, and Welfare.

These delegations are contained in three letters of January 3, 1969, from the Administrator of Veterans Affairs to the Secretary of Health, Education, and Welfare, copies of which are set forth below. The assignment of March 1, 1966, with respect to hospitals and other health facilities, which was published in the FEDERAL REGISTER of February 15, 1967 (32 F.R. 2916) is revised as set forth.

Dated: January 29, 1969.

By direction of the Administrator.

[SEAL] A. W. STRATTON,  
Deputy Administrator.

VETERANS ADMINISTRATION  
OFFICE OF THE ADMINISTRATOR OF  
VETERANS AFFAIRS

WASHINGTON, D.C. 20420,  
January 3, 1969.

The Honorable WILBUR J. COHEN,  
Secretary of Health,  
Education and Welfare,  
Washington, D.C. 20203.

DEAR MR. SECRETARY: Pursuant to the authority of section 18.12(c) of Title 38, Code of Federal Regulations, I hereby delegate to you the responsibilities listed below of the Veterans Administration and of the responsible Veterans Administration official under title VI of the Civil Rights Act of 1964, and the Veterans Administration regulations issued thereunder (Title 38, Code of Federal Regulations, Part 18), with respect to hospitals and other health facilities, including, but not limited to, their activities in connection with providing, or seeking to provide, vocational rehabilitation to eligible persons under the provisions of chapter 31 of title 38, United States Code, or education or training to eligible persons under chapters 34, 35, or 36 of title 38, United States Code:

1. Soliciting, receiving, and determining the adequacy of assurances of compliance under section 18.4 of Title 38, Code of Federal Regulations;

2. Mailing, receiving, and evaluating compliance reports under section 18.6(b) of Title 38, Code of Federal Regulations; and

3. All other actions related to securing voluntary compliance, or related to investigations, compliance reviews, complaints, determinations of apparent failure to comply, and resolutions of matters by informal means.

The Veterans Administration specifically reserves to itself the responsibilities for the effectuation of compliance under sections 18.8, 18.9, and 18.10 of Title 38, Code of Federal Regulations.

The Veterans Administration also retains the right to exercise these responsibilities itself in special cases with the agreement of the appropriate official in your Department.

The responsibilities so delegated to you are to be exercised in accordance with the Plan for Coordinated Enforcement Procedures for Medical Facilities, dated February 1966, and, where appropriate, in accordance with the coordinated educational plans, developed by the interested governmental agencies and approved by the Department of Justice, and may be redelegated by you to other officials of your Department.

If you consent to this delegation, please indicate your acceptance by signing in the space provided below. When so accepted, this assignment replaces the assignment of March 1, 1966, published in the FEDERAL REGISTER for February 15, 1967.

Sincerely,

W. J. DRIVER,  
Administrator.

Accepted: January 17, 1969.

WILBUR J. COHEN,  
Secretary of Health,  
Education, and Welfare.

VETERANS ADMINISTRATION

OFFICE OF THE ADMINISTRATOR OF VETERANS  
AFFAIRS

WASHINGTON, D.C. 20420.

January 3, 1969.

The Honorable WILBUR J. COHEN,  
Secretary of Health,  
Education, and Welfare,  
Washington, D.C. 20203.

DEAR MR. SECRETARY: Pursuant to the authority of section 18.12(c) of Title 38, Code of Federal Regulations, I hereby delegate to you the responsibilities listed below of the Veterans Administration and of the responsible Veterans Administration official under title VI of the Civil Rights Act of 1964, and the Veterans Administration regulations issued thereunder (Title 38, Code of Federal Regulations, Part 18), with respect to institutions of higher education offering courses leading, or creditable, towards at least a bachelor's degree, or its equivalent, either providing, or seeking approval to provide, vocational rehabilitation to eligible persons under the provisions of chapter 31 of title 38, United States Code, or education or training to eligible persons under chapters 34, 35, or 36 of title 38, United States Code:

1. Soliciting, receiving, and determining the adequacy of assurances of compliance under section 18.4 of Title 38, Code of Federal Regulations;

2. Mailing, receiving, and evaluating compliance reports under section 18.6(b) of Title 38, Code of Federal Regulations; and

3. All other actions related to securing voluntary compliance, or related to investigations, compliance reviews, complaints, determinations of apparent failure to comply, and resolutions of matters by informal means.

The Veterans Administration specifically reserves to itself the responsibilities for the effectuation of compliance under sections

18.8, 18.9, and 18.10 of Title 38, Code of Federal Regulations.

Not included in this delegation, and specifically reserved to the Veterans Administration, is the exercise of compliance responsibilities with respect to—

Postsecondary schools which do not offer a program or courses leading, or creditable, towards the granting of at least a bachelor's degree, or its equivalent; and

Those institutions of higher learning which, as of the date of this delegation, have already been subjected to formal noncompliance proceedings by the Department of Health, Education, and Welfare and have had their right to receive Federal financial assistance from that agency terminated for noncompliance with title VI of the Civil Rights Act of 1964.

The Veterans Administration also retains the right to exercise these responsibilities itself in special cases with the agreement of the appropriate official in your Department.

The responsibilities so delegated to you are to be exercised in accordance with the Plan for Coordinated Enforcement Procedures of Higher Education, dated February 1966, developed by the interested governmental agencies and approved by the Department of Justice, and may be redelegated by you to other officials of your Department.

The Veterans Administration will endeavor to keep the Department of Health, Education, and Welfare fully informed of any compliance action undertaken with those institutions as to which compliance responsibilities have been reserved, in order that such action will be consistent, insofar as possible, with the compliance actions that have already been, or may in the future be, taken by that Department.

If you consent to this delegation, please indicate your acceptance by signing in the space provided below.

Sincerely,

W. J. DRIVER,  
Administrator.

Accepted: January 17, 1969.

WILBUR J. COHEN,  
Secretary of Health,  
Education, and Welfare.

VETERANS ADMINISTRATION

OFFICE OF THE ADMINISTRATOR OF VETERANS  
AFFAIRS

WASHINGTON, D.C. 20420,

January 3, 1969.

The Honorable WILBUR J. COHEN,  
Secretary of Health, Education, and Welfare,  
Washington, D.C. 20203.

DEAR MR. SECRETARY: Pursuant to the authority of section 18.12(c) of Title 38, Code of Federal Regulations, I hereby delegate to you the responsibilities listed below of the Veterans Administration and of the responsible Veterans Administration official under title VI of the Civil Rights Act of 1964, and the Veterans Administration regulations issued thereunder (Title 38, Code of Federal Regulations, Part 18), with respect to elementary and secondary schools and school systems either providing, or seeking approval to provide, vocational rehabilitation to eligible persons under the provisions of chapter 31 of title 38, United States Code, or education and training to eligible persons under chapters 34, 35, or 36 of Title 38, United States Code:

1. Soliciting, receiving, and determining the adequacy of assurances of compliance under section 18.4 of Title 38, Code of Federal Regulations;

2. Mailing, receiving, and evaluating compliance reports under section 18.6(b) of Title 38, Code of Federal Regulations; and

3. All other actions related to securing voluntary compliance, or related to investigations, compliance reviews, complaints, determinations of apparent failure to comply, and resolutions of matters by informal means.

The Veterans Administration specifically reserves to itself the responsibilities for the effectuation of compliance under sections 18.3, 18.9, and 18.10 of Title 38, Code of Federal Regulations.

Not included in this delegation, and specifically reserved to the Veterans Administration, is the exercise of compliance responsibilities with respect to—

Privately owned and operated proprietary technical, vocational, and the other proprietary private schools at the elementary or secondary level; and

Those elementary and secondary schools and school systems which, as of the date of this delegation, have already been subjected to formal noncompliance proceedings by the Department of Health, Education, and Welfare and have had their right to receive Federal financial assistance from that agency terminated for noncompliance with title VI of the Civil Rights Act of 1964.

The Veterans Administration also retains the right to exercise these responsibilities itself in special cases with the agreement of the appropriate official in your Department.

The responsibilities so delegated to you are to be exercised in accordance with the Plan for Coordinated Enforcement Procedures for Elementary and Secondary Schools and School Systems, dated May 1966, developed by the interested governmental agencies and approved by the Department of Justice, and may be redelegated by you to other officials of your Department.

The Veterans Administration will endeavor to keep the Department of Health, Education, and Welfare fully informed of any compliance action undertaken with those schools or school systems with respect to which compliance responsibilities have been reserved, in order that such action will be consistent, insofar as possible, with the compliance actions that have already been, or may in the future be, taken by that Department.

If you consent to this delegation, please indicate your acceptance by signing in the space provided below.

Sincerely,

W. J. DRIVER,  
Administrator.

Accepted: January 17, 1969.

WILBUR J. COHEN,  
Secretary of Health,  
Education, and Welfare.

[F.R. Doc. 69-1420; Filed, Feb. 3, 1969;  
8:49 a.m.]

## INTERSTATE COMMERCE COMMISSION

[Section 5a Application No. 14, Amdt. 1]

### LAKE COAL DEMURRAGE COMMITTEE

#### Petition for Approval of Amendments to Agreement

JANUARY 30, 1969.

The Commission is in receipt of a petition in the above-entitled proceeding for approval of amendments to the agreement therein approved.

Filed March 31, 1968, as amended December 20, 1968, by C. C. Rettberg, Jr. General Attorney, The Chesapeake and Ohio Railway Co., Cleveland, Ohio 44101.

The amendments involve: Changes in the agreement so as to (1) clarify the manner and extend for filing public notice of the initiation and disposition of collective action proposals; (2) require proponent of an independent action to also notify the Chairman in addition to the other members of the committee of such intended action; (3) provide for public notice of independent action to comply with Ex Parte No. 253, 332 I.C.C. 22; and (4) show the carriers presently signatory to the agreement.

The petition is docketed and may be inspected at the office of the Commission, in Washington, D.C.

Any interested person desiring to protest and participate in this proceeding shall notify the Commission in writing within 20 days from the date of this notice. As provided by the general rules of practice of the Commission, persons other than applicants should fully disclose their interests, and the position they intend to take with respect to the petition. Otherwise, the Commission, in its discretion, may proceed to investigate and determine the matters involved without public hearing.

[SEAL] H. NEIL GARSON,  
Secretary.

[F.R. Doc. 69-1422; Filed, Feb. 3, 1969;  
8:49 a.m.]

[Section 5a Application 95]

### UNITED TARIFF BUREAU, INC.

#### Application for Approval of Agreement

JANUARY 30, 1969.

Pursuant to a recommended report and order of an examiner, served October 31, 1967, in the above-entitled proceeding, the Commission is in receipt of a supplemental application, as amended, submitting a revised agreement for approval governing three separate specialized motor common carrier groups, members of United Tariff Bureau, Inc., relating to the joint consideration, initiation, or establishment of rates, rules, regulations, and practices governing the transportation, in interstate or foreign commerce, of (1) household goods, between points in 18 States and the District of Columbia; (2) heavy hauling, between points in 17 States and the District of Columbia; and (3) livestock, other than ordinary, between points in 33 States and the District of Columbia.

Filed March 28, 1968, as amended, September 11, 1968, and January 15, 1969, by Arthur Liberstein, Zelby & Burstein, 160 Broadway, New York, N.Y. 10038.

The revised agreement, as amended, is docketed and may be inspected at the office of the Commission, in Washington, D.C.

Any interested person desiring to protest the approval of the revised agreement, as amended, shall file with the Commission, within 20 days from the date of this notice, original and six copies, and serve upon the applicant a verified statement of facts and argument

setting forth in detail the precise objections thereto, and 10 days thereafter a reply by applicant may be filed in the same manner.

The Commission will then proceed to further investigate the supplemental application, as amended.

[SEAL] H. NEIL GARSON,  
Secretary.

[F.R. Doc. 69-1423; Filed, Feb. 3, 1969;  
8:49 a.m.]

### FOURTH SECTION APPLICATION FOR RELIEF

JANUARY 30, 1969.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

#### AGGREGATE-OF-INTERMEDIATES

FSA No. 41553—*Increased passenger fares—Penn Central Co., et al.* Filed by A. J. Winkler, agent (No. A-15), for interested rail carriers. This is in relation to transportation of passengers between points on the lines of applicant carriers and between such points on the one hand, and other points in the United States, on the other.

Grounds for relief—Establishment of increased fares by applicant carriers and maintenance of present fares by connecting carriers.

Tariffs to be filed—Agent A. J. Winkler joint Passenger Tariff ICC No. 289 and five other tariffs named in the application.

By the Commission.

[SEAL] H. NEIL GARSON,  
Secretary.

[F.R. Doc. 69-1424; Filed, Feb. 3, 1969;  
8:49 a.m.]

[Notice 769]

### MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JANUARY 29, 1969.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 340), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

#### MOTOR CARRIERS OF PROPERTY

No. MC 3252 (Sub-No. 54 TA), filed January 21, 1969. Applicant: PAUL E. MERRILL, doing business as MERRILL TRANSPORT CO., 1037 Forest Avenue, Portland, Maine 04103. Applicant's representative: Francis E. Barrett, Jr., 536 Granite Street, Braintree, Mass. 02184. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Portsmouth, N.H., to points in Washington, Chittenden, Essex, Bennington, Caledonia, Franklin, Addison, Rutland, Orleans, and Lamoille Counties, Vt., for 150 days. Supporting shipper: G. H. Sprague & Son Co., 125 High Street, Boston, Mass. 02110. Send protests to: Donald G. Weller, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 307, 76 Pearl Street, Portland, Maine 04112.

No. MC 107496 (Sub-No. 701 TA), filed January 21, 1969. Applicant: RUAN TRANSPORT CORPORATION, Keosauqua at Third, Des Moines, Iowa 50309, Post Office Box 855 (50304). Applicant's representative: H. L. Fabritz (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sulphur trioxide*, in bulk, from East St. Louis, Ill., to Denver, Colo., for 150 days. Supporting shipper: Allied Chemical Corp., 40 Rector Street, New York, N.Y. 10006. Send protests to: Ellis L. Annett, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 107541 (Sub-No. 24 TA), filed January 22, 1969. Applicant: MAGEE TRUCK SERVICE, INC., 18101 Southeast McLoughlin Boulevard, Milwaukie, Oreg. 97222. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, to include boards and sheets, sawdust or ground wood with added resin binder*, from points in Del Norte, Humboldt, Mendocino, Sonoma, Contra Costa, and Alameda Counties in California, to points in Oregon, Washington, and Idaho, for 180 days. Supporting shipper: Pein Box & Lumber Co., 1002 Southeast Ninth Avenue, Portland, Oreg. 97214. Send protests to: A. E. Odoms, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 450 Multnomah Building, Portland, Oreg. 97204.

No. MC 108435 (Sub-No. 23 TA), filed January 21, 1969. Applicant: OSCAR C. RADKE TRANSIT, 730 South 17th Avenue, Wausau, Wis. 54401. Applicant's representative: Nancy J. Johnson, 111 South Fairchild Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, trans-

porting: *Snow plows, snow plow attachments and sanders*, on flatbed equipment from Clayton, N.Y., to points in Illinois, Iowa, Wisconsin, Minnesota, North Dakota, South Dakota, Montana, and Michigan, for 150 days. Supporting shipper: Fink Sno-Plows, Inc., Clayton, N.Y. Send protests to: Barney L. Hardin, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 444 West Main Street, Room 11, Madison, Wis. 53703.

No. MC 118904 (Sub-No. 4 TA), filed January 21, 1969. Applicant: LONNIE WOOD TRUCKAWAY, LTD., 1915 F Avenue, Lawton, Okla. 73501. Applicant's representative: David D. Brunson, Post Office Box 671, Oklahoma City, Okla. 73102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles in initial movements from Lawton, Okla., to Texas, Kansas, Colorado, Missouri, Arkansas, Louisiana, New Mexico, Arizona, Wyoming, Iowa, and Mississippi, for 180 days. Supporting shipper: Town & County Mobile Homes, Inc., Lawton, Okla. Send protests to: Billy R. Reid, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 9A27 Federal Building, 819 Taylor Street, Fort Worth, Tex. 76102.

No. MC 118989 (Sub-No. 23 TA), filed January 21, 1969. Applicant: CONTAINER TRANSIT, INC., 5223 South Ninth Street, Milwaukee, Wis. 53221. Applicant's representative: Robert Blaze-wick (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers and caps, covers, tops or stoppers* moving with glass containers and fiberboard boxes moving with glass containers, from the plantsite containers and fiberboard boxes moving with glass containers, from the plantsite of Midland Glass Co. at Shakopee, Minn.; to Sheboygan, Oconto, Pulaski, and Bonduel, Wis., and to Clear Lake and Belmont, Iowa, for 180 days. Supporting shipper: Midland Glass Co., Inc., Post Office Box 557, Cliffwood, N.J. (A. V. Loreto, Traffic Manager). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 127705 (Sub-No. 21 TA), filed January 21, 1969. Applicant: KREVDA BROS. EXPRESS, INC., Post Office Box 68, Gas City, Ind. 46933. Applicant's representative: Donald W. Smith, 900 Circle Tower Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers and closures therefor*, from the plantsite of Glass Container Corp. at Indianapolis, Ind., to Bellwood, Chicago, Cicero, Elk Grove, Lake Bluff, Lincolnwood, Maywood, Niles, North Chicago, Pekin, Rockford, Union, and Wheeling, Ill., for 180 days. Supporting shipper: Glass Container Corp., 1301 Keystone Avenue, Indianapolis, Ind. 46203. Send protests to: District Supervisor J. H.

Gray, Interstate Commerce Commission, Bureau of Operations, Room 204, 345 West Wayne Street, Fort Wayne, Ind. 46802.

No. MC 127834 (Sub-No. 25 TA) (Correction), filed January 9, 1969, published in the FEDERAL REGISTER issue of January 23, 1969, and republished in part, as corrected, this issue. Applicant: CHER-OKEE HAULING & RIGGING, INC., 540-42 Merritt Avenue, Nashville, Tenn. 37203. Applicant's representative Bryan Stanley (same address as above). NOTE: The purpose of this partial republication is to reflect the name of *Raymar, Inc.*, 2650 Nova Drive, Post Office Box 20499, Dallas, Tex. 75220, as an additional supporting shipper which was inadvertently omitted in the previous publication. The rest of the application remains as previously published.

No. MC 129135 (Sub-No. 7 TA), filed January 21, 1969. Applicant: KATUIN BROS. INC., 102 Terminal Street, Dubuque, Iowa 52001. Applicant's representative: Allan Katuin (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Ice*, frozen, in blocks and in bags, from Dubuque, Iowa, to points in Illinois, Minnesota, and Wisconsin, for 180 days. Supporting shipper: Mulgrew Oil Co., 197 Jones Street, Dubuque, Iowa 52001. Send protests to: Chas. C. Biggers, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 332 Federal Building, Davenport, Iowa 52801.

No. MC 133410 TA, filed January 17, 1969. Applicant: BRADFORD HAGEN BRIAN, doing business as BRIAN DELIVERY SERVICE, 4820 Laurel Street, Baton Rouge, La. 70806. Applicant's representative: Gilbert L. Dozier (Dozier & Thompson), Suite 601 Roumain Building, Baton Rouge, La. 70801. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Avon products*, from Baton Rouge, La., to Lafayette, Lake Charles, Alexandria, and Hammond, La.; and all points between Baton Rouge and those previously described points, for 180 days. Supporting shipper: Avon Products, Inc., 1240 Spring Street NW., Atlanta, Ga. 30302. Send protests to: W. R. Atkins, District Supervisor, Bureau of Operations, Interstate Commerce Commission, T-4009 Federal Building, 701 Loyola Avenue, New Orleans, La. 70113.

No. MC 133412 TA, filed January 17, 1969. Applicant: DON FRIDAY, doing business as CLINTON TRUCKING COMPANY, 258 21st Place, Clinton, Iowa 52732. Applicant's representative: George W. Phillers, Jr., 200 Joyce Building, Clinton, Iowa 52732. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dead farm animals and mixed scraps, bones and parts thereof* not fit for human consumption, between points in Illinois and Clinton, Iowa, for 180 days. Supporting shipper: National By-Products, Inc., Post Office Box 670, Clinton, Iowa 52732. Send protests to: Chas. C. Biggers, District Supervisor, Interstate

Commerce Commission, Bureau of Operations, 332 Federal Building, Davenport, Iowa 52801.

By the Commission.

[SEAL] H. NEIL GARSON,  
Secretary.

[F.R. Doc. 69-1425; Filed, Feb. 3, 1969;  
8:49 a.m.]

[Notice 770]

### MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JANUARY 30, 1969.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 340), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

#### MOTOR CARRIERS OF PROPERTY

No. MC 35072 (Sub-No. 1 TA), filed January 22, 1969. Applicant: EDWIN L. ELLOR & SON, INC., Mountain Boulevard, Warren, N.J. 07060. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier* by motor vehicle, over irregular routes, transporting: *Hydrants, valves, tapping machines, and commodities, used in the installation thereof*, between East Orange, N.J., on the one hand, and, on the other, points in Massachusetts, Connecticut, Rhode Island, Cleveland, and Cincinnati, Ohio, Richmond and Norfolk, Va.; under continuing contract with Valve & Hydrant, Division of United States Pipe and Foundry Co., East Orange, N.J., for 150 days. Supporting shipper: United States Pipe and Foundry Co., Burlington, N.J. Send protests to: District Supervisor Joel Morrows, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, N.J. 07102.

No. MC 52861 (Sub-No. 14 TA), filed January 21, 1969. Applicant: HAROLD W. STEWART, INC., 2535 Center Street, Cleveland, Ohio (44113). Applicant's representative: Paul W. Wills (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over

irregular routes, transporting: *Calcium chloride*, in bulk, in dump-type vehicles, from Lorain, Ohio, to points located on and west of U.S. Highway 220 beginning at the Pennsylvania-New York State line to junction of U.S. Highway 220 and Pennsylvania Highway 147; thence south to and including Harrisburg on Pennsylvania Highway 147; thence south on Interstate Highway 83 to the Pennsylvania-Maryland State line including all points on and west of designated highways, for 180 days. Supporting shipper: The Dow Chemical Co., 2030 Abbott Road Center, Midland, Mich. 48640. Send protests to: G. J. Baccei, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 181 Federal Office Building, 1240 East Ninth Street, Cleveland, Ohio 44199.

No. MC 107839 (Sub-No. 132 TA), filed January 21, 1969. Applicant: DENVER-ALBUQUERQUE MOTOR TRANSPORT, INC., 4985 York Street, Post Office Box 16021, Denver, Colo. 80216. Applicant's representative: Rodger Spahr (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carcass meats*, suspended from hooks, *fresh meats and fresh meats frozen in packages*, from the plantsite of Swift & Co. at Clovis, N. Mex., to points in the States of Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina and Tennessee, for 180 days. Supporting shipper: Swift & Co., 115 West Jackson Boulevard, Chicago, Ill. 60604. Send protests to: District Supervisor Herbert C. Ruoff, Interstate Commerce Commission, Bureau of Operations, 2022 Federal Building, Denver, Colo. 80202.

No. MC 126791 (Sub-No. 3 TA), filed January 21, 1969. Applicant: BEAR VAN LINES, 1855 East Avenue, Sand City, Calif. 93955. Applicant's representative: Alan F. Wohlstetter, 1 Farragut Square South, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in Alameda, Contra Costa, San Francisco, Marin, San Mateo, Santa Clara, Napa, Sonoma, Solano, Stanislaus, Yolo, San Joaquin, and Sacramento Counties, Calif., restricted to the transportation of traffic having a prior or subsequent movement, in containers, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating, and decontainerization of such traffic, for 180 days. Supporting shippers: Astron Forwarding Co., Post Office Box 161, Oakland, Calif. 94604; Davidson Forwarding Co., 3180 V Street NE., Washington, D.C. 20018; Imperial Household, Shipping, Co., Inc., Post Office Box 20124, 9675 Fourth Street North, St. Petersburg, Fla.; Door to Door International, Inc., 308 Northeast 72d Street, Seattle, Wash. 98115; International Export, Packers, Inc., 5360, Wheeler Avenue, Alexandria, Va. 22304. Send protests to: District Supervisor Claud W. Reeves, Interstate Commerce Commission, Bureau

of Operations, 450 Golden Gate Avenue, Box 36004, San Francisco, Calif. 94102.

No. MC 127684 (Sub-No. 4 TA), filed January 23, 1969. Applicant: SAMARDICK OF OMAHA, INC., 410 South 18th Street, Omaha, Nebr. 68102. Applicant's representative: Service, Inc., Post Office Box 854, Downtown Station, Omaha, Nebr. 68101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Currency, coin, negotiable securities, and other valuables*, between Omaha, Nebr., and points in Iowa, located on and west of U.S. Highway No. 65, for 150 days. Supporting shippers: Federal Reserve Bank of Chicago, 230 South La Salle Street, Chicago, Ill.; First National Bank of Omaha, 16th and Farnam Streets, Omaha, Nebr.; The U.S. National Bank of Omaha, 17th and Farnam Streets, Omaha, Nebr.; The Omaha National Bank, 16th and Douglas Streets, Omaha, Nebr. Send protests to: Keith P. Kohrs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 705 Federal Office Building, Omaha, Nebr. 68102.

No. MC 129086 (Sub-No. 5 TA), filed January 21, 1969. Applicant: SPENCER TRUCKING CORPORATION, Route 1, Box 223, Keyser, W. Va. 26726. Applicant's representative: Charles E. Creager, 1506 Lochwood Road, Baltimore, Md. 21218. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime*, from Strasburg, Va., to Keyser, W. Va., and Luke, Md.; (2) from Keyser, W. Va., to Luke, Md.; and *Limestone* (1) from Strasburg, Va., to Keyser and Beryl, W. Va.; (2) from Keyser, W. Va., to Beryl, W. Va., over interstate routes, for 180 days. Supporting shipper: West Virginia Pulp and Paper, 299 Park Avenue, New York, N.Y. 10017. Send protests to: Joseph A. Niggemyer, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 531 Hawley Building, Wheeling, W. Va. 26003.

No. MC 133416 TA, filed January 22, 1969. Applicant: JACK M. ROTH COMPANY, 6987 Los Tilos Road, Los Angeles, Calif. 90028. Applicant's representative: Berol, Loughran, and Geernaert, 100 Bush Street, 21st Floor, San Francisco, Calif. 94104. Authority sought to operate as a *contract carrier*, by motor vehicle over irregular routes, transporting: *Corrugated fiberboard boxes*, for the account of Salinas Valley Wax Paper Co., from the plantsites of Crown Zellerbach Corp., Gaylord Container Division, at Antioch and Gilroy, Calif., to points in Cochise, Maricopa, and Yuma Counties, Ariz., for 180 days. Supporting shipper: Salinas Valley Wax Paper Co., Post Office Box 68, Salinas, Calif. 93901. Send protests to: Robert G. Harrison, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 7708, Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

#### MOTOR CARRIER OF PASSENGERS

No. MC 133411 TA, filed January 17, 1969. Applicant: CAYETANO SIMON CABELLO, 7208 Benson, El Paso, Tex. 79915. Applicant's representative:

Mitchell Esper, Suite 815, El Paso National Bank Building, El Paso, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers*, from El Paso, Tex., to port of entry on the international boundary line, between the United States and Mexico at or near El Paso and return, for 180 days. Supporting shipper: There are no supporting shippers. Send protests to: Haskell E. Ballard, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 918 Tyler Street, Amarillo, Tex. 79101.

By the Commission.

[SEAL]

H. NEIL GARSON,  
*Secretary.*

[F.R. Doc. 69-1426; Filed, Feb. 3, 1969;  
8:49 a.m.]

[Notice 286]

### MOTOR CARRIER TRANSFER PROCEEDINGS

JANUARY 30, 1969.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. 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-70905. By order of January 27, 1969, the Motor Carrier Board approved the transfer to Noble Van & Storage Co., Inc., Garth and Gray Rock Roads, Scarsdale, N.Y. 10583, of the operating rights in certificate Nos. MC-93855 and MC-93855 (Sub-No. 2) issued November 26, 1956, and April 25, 1950, respectively, to James C. Noble, doing business as Noble Van & Storage Co., Gray Rock Roads, Scarsdale, N.Y. 10583, authorizing the transportation, over irregular routes, of household goods between points in Westchester County, N.Y., on the one hand, and, on the other, points in Rhode Island, Delaware, Maryland, the District of Columbia, Massachusetts, Connecticut (other than those in Fairfield County), New York, New Jersey, Pennsylvania; Maine, Vermont, New Hampshire, Ohio, and Virginia, and between points in Fairfield County, Conn., on the one hand, and, on the other, New York, N.Y., and points in Westchester County, N.Y.

No. MC-FC-70944. By order of January 23, 1969, the Motor Carrier Board approved the transfer to James Calder, doing business as Calder's Van Co., Chicago, Ill., of certificate No. MC-54444, issued March 23, 1943, to Main Express & Storage Co., a corporation, Milwaukee, Wis., authorizing the transportation of: Household goods, as defined in Practices of Motor Common Carriers of Household Goods, 17 M.C.C. 467, between points and

places in Milwaukee County, Wis., on the one hand, and, on the other, points and places in Illinois, Indiana, Iowa, Minnesota, and Ohio. Rolfe E. Hanson, 121 West Doty Street, Madison, Wis. 53703, attorney for applicants.

No. MC-FC-71003. By order of January 29, 1969, the Motor Carrier Board approved the transfer to Wheeling Rapid Transit, Inc., Wheeling, W. Va., of certificate No. MC-125339 (Sub-No. 1), issued September 7, 1965, to Wheeling Public Service Co., a corporation, Wheeling, W. Va.; authorizing the transportation of: Passengers and their baggage, and express in the same vehicle with passengers, between Wheeling, W. Va., and Avella, Pa., and serving other specified points in Ohio, Pennsylvania, and West Virginia, in the Wheeling, W. Va., area. Frederick P. Stamp, Jr., 816 Central Union Building, Wheeling, W. Va. 26003, attorney for applicants.

No. MC-FC-71021. By order of January 23, 1969, the Motor Carrier Board approved the transfer to Klipsch Hauling Co., a corporation, St. Louis, Mo., of the operating rights in certificate No. MC-50799 issued July 11, 1968, to Apex Leasing Co., Inc., St. Louis, Mo., authorizing the transportation of general commodities, between points in the St. Louis, Mo., East St. Louis, Ill., commercial zone, as defined by the Commission. Ernest A. Brooks II, 1301 Ambassador Building, St. Louis, Mo. 63101, attorney for applicants.

[SEAL]

H. NEIL GARSON,  
*Secretary.*

[F.R. Doc. 69-1427; Filed, Feb. 3, 1969;  
8:49 a.m.]

## CUMULATIVE LIST OF PARTS AFFECTED—FEBRUARY

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