and/or credit disability insurance. Monthly payments which do reflect credit life insurance and/or credit disability insurance may be quoted only if:

(1) Monthly payments without insurance premiums are also quoted; and

(2) Respondents explain clearly that credit life insurance and/or disability insurance are optional and that insurance coverage is not considered in respondents' approval of the consumer's credit, using the following language, or language of similar import and meaning approved by the Commission.

"Family Loan, Inc., of Springfield, Missouri [or other business extending consumer credit] does not require you to obtain credit life insurance or credit disability insurance in connection with the extension of credit you seek, and your decision regarding such insurance is not considered in the approval of your credit."

(b) To inform the consumer any time respondents describe, discuss, or comment on credit life and/or credit disability insurance, whether in response to a question from a consumer, or as part of respondents' employees' presentation, that credit life and/or credit disability insurance are not required in connection with the extension of credit and are not considered in respondents' approval of the consumer's credit, using the following language, or language of similar import and meaning approved by the Commission:

Family Loan, Inc., of Springfield, Missouri, [or other business extending consumer credit] does not require you to obtain credit life insurance and/or credit disability insurance in connection with the extension of credit you seek, and your decision regarding such insurance is not considered in the approval of your credit.

(c) To provide the following disclosure to every customer for every credit transaction:

TO BE READ BY RESPONDENTS' EMPLOYEE

I understand that Family Loan, Inc., of Springfield, Missouri [or other business extending consumer credit] does not require me to obtain credit life insurance or credit disability insurance in connection with this loan, and that my decision regarding such insurance is not considered in the approval of my credit. I have voluntarily decided to take ------ credit life insurance for $----, ---- credit disability insurance for $------.

I have read this statement (*customer's name*)

Loan Closer's Signature----------

Dated ----------

I ACKNOWLEDGE THAT THIS STATEMENT WAS READ TO ME.

Customer's Signature----------

Dated ----------

Such disclosure shall be made on a separate document which contains no other printed or written material and shall be read to the customer by respondents and executed prior to respondents making any other cost of credit disclosures. Respondents shall maintain in the original of the statement for two (2) years following its execution and provide the customer with a copy thereof.

2. In any consumer credit transaction in which the charges for credit life insurance and/or credit disability insurance are not included in the Finance Charge:

(a) Dating and/or placing an "X" or other mark on the signature line of that portion of the loan disclosure statement intended to serve as the consumer's affirmative written indication of his desire to obtain credit life insurance and/or credit disability insurance.

(b) Misrepresenting, orally or otherwise, directly or by implication, that credit life and/or credit disability insurance are required as a condition of obtaining credit from respondent, or discouraging, directly or by implication, the declination of credit life or credit disability insurance.

Failing to explain orally to every customer the purpose of each signature requested by respondents on any document directly related to the consummation of the credit transaction.

4. Failing to compute and disclose accurately the Finance Charge, as required by §§ 226.4 and 226.8 of Regulation Z.

5. Failing to compute and disclose accurately the Annual Percentage Rate to the nearest quarter of one percent, as required by §§ 226.5 and 226.8 of Regulation Z.

6. Failing to identify the property to which any security interest relates, as required by § 226.8(b)(5) of Regulation Z.

7. Failing in any consumer credit transaction or advertisement, to make all disclosures, determined in accordance with §§ 226.4 and 226.5 of Regulation Z, in the manner, form and amount required by §§ 226.6, 226.8, 226.9, and 226.10 of Regulation Z.

It is further ordered, That respondents deliver a copy of this order to cease and desist to all present and future personnel of respondents at their general offices in Oklahoma City, Oklahoma, and Springfield, Missouri, and in each of their subsidiary corporations who are engaged in the extension of consumer credit or in any aspect of preparation, creation, or placing of advertising, and that respondents secure a signed statement acknowledging receipt of said copy of this order from each such person.

It is further ordered, That respondents notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondents such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of this order.

It is further ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

Issued: December 19, 1973.

By the Commission.[1]

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.74-1430 Filed 1-16-74;8:45 am]

[1] Commissioner Hanford not participating.

Title 17—Commodity and Securities Exchanges

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Release Nos. 33-5449, 34-10580, AS-151]

PART 211—INTERPRETATIVE RELEASES RELATING TO ACCOUNTING MATTERS (ACCOUNTING SERIES RELEASES)

PART 231—INTERPRETATIVE RELEASES RELATING TO THE SECURITIES ACT OF 1933 AND GENERAL RULES AND REGULATIONS THEREUNDER

PART 241—INTERPRETATIVE RELEASES RELATING TO THE SECURITIES EXCHANGE ACT OF 1934 AND GENERAL RULES AND REGULATIONS THEREUNDER

Disclosure of Inventory Profits Reflected in Income in Periods of Rising Prices

The year 1973 was a period of rapidly increasing prices in the United States when compared to historical economic norms for this country. During the year consumer prices rose by about 8 percent, wholesale prices by about 16 percent and the crude industrial materials component of the wholesale price index by about 30 percent. There were wide fluctuations in the prices of individual items.

Under such conditions the usefulness of the traditional accounting measurement model based upon historical cost is significantly reduced. The process of matching costs against revenues is less likely to produce meaningful economic information if the costs were incurred at a time when the price level associated with such goods and services differed significantly from that at the time when revenues were realized.

While a continuation or acceleration of the rate of price-level change might require a fundamental change in the basic accounting measurement model used in preparing financial statements, it would be premature for the Commission to suggest such a change at this time. Careful consideration of the many implications of such a major step would be necessary both by the Financial Accounting Standards Board and by the Commission. At the same time, it does not seem appropriate that registrants and accountants should simply ignore the impact of rapidly changing prices on financial statements.

The most significant and immediate impact of price fluctuations on financial statements is normally felt in cost of goods sold in the income statement. In periods of rising prices, historical cost methods result in the inclusion of "inventory profits" in reported earnings. "Inventory profit" results from holding inventories during a period of rising inventory costs and is measured by the difference between the historical cost of an item and its replacement cost at the time it is sold. Different methods of accounting for inventories can affect the degree to which "inventory profits" are included and identifiable in current income, but no method based upon historical cost eliminates or discloses this "profit" explicitly. Such "profits" do not reflect an increase in the economic earning power of a business and they are not normally repeatable in the absence of

continued price-level increase. Accordingly, where such "profits" are material in income statements presented, disclosure of their impact on reported earnings and the trend of reported earnings is important information for investors assessing the quality of earnings.

In recognition of the need for additional disclosure in regard to inventories and cost of goods sold, the Commission recently proposed amendments to Regulations S–X [17 CFR Part 210] (Securities Act Release No. 5427, October 4, 1973 [38 FR 28948]) which would require registrants to indicate "the effect on net income, if significant, of using current replacement cost [for valuing inventories] in the computation of cost of sales." To date the Commission has received a large number of comments on this proposed disclosure and the effectiveness of that requirement in eliciting information about "inventory profits." The comments also indicated that problems of implementation existed. The Commission has given careful consideration to these comments and has concluded that it would not be desirable to adopt final requirements in this area which would be effective for 1973 financial statements. At the same time, the Commission recognizes that the impact of "inventory profits" on currently reported earnings appears to be significant in many cases and that failure to make appropriate disclosure may result in investors being inadequately informed as to the source and replicability of earnings.

The Commission therefore believes that it would be in the best interest of both statement preparers and users to disclose the extent to which reported earnings are comprised of potentially unrepeatable and usually unsegregated "inventory profits." Accordingly, the Commission urges registrants to make disclosure of such amounts prior to the adoption of final requirements by the Commission. Such disclosure may be made in the financial statements, the notes thereto or in textural material accompanying financial statements.

The Commission recognizes that registrants usually do not compute cost of goods sold on both an historical cost and current value basis so that computation of such amounts may often require estimation by the registrant. It is also recognized that computational methods or bases of valuation other than current replacement cost for each item sold might be used in developing useful information about such "profits." For example, computing the cost of goods sold for each month using a price-level adjusted inventory amount might produce a reasonable and useful estimate of such "profits" in some cases. Until final requirements are established, registrants are encouraged to use any method or basis deemed appropriate by management in exhibiting the impact of such "profits" along with a statement of the method or basis used and the reasons for adopting it.

The determination of cost of sales on a current replacement cost basis, however, provides only partial information regarding the effects of inflation on a company's operations. A second factor is the responsiveness of a company's selling prices to changes in costs. If a company is able to raise selling prices immediately upon realizing cost increases (or in anticipation of cost increases), its net income in dollar terms benefits from inflation. On the other hand, as price increases lag behind cost increases the benefit of inventory "profits" is offset and the net inflation effect on income may be negative. Because of various regulatory restraints on prices, many companies may have experienced significant pricing lags in the current year.

The impact of price-level changes does not fall equally among companies. Some firms operate in sectors of the economy where prices of goods purchased are more volatile than selling prices. Accordingly, the Commission urges registrants to discuss the relationship of costs and prices experienced in the current year in connection with disclosing inventory profits.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

JANUARY 3, 1974.

[FR Doc.74–1402 Filed 1–16–74;8:45 am]

Title 19—Customs Duties

CHAPTER I—UNITED STATES CUSTOMS SERVICE

[T.D. 74–34]

PART 153—ANTIDUMPING

Antidumping—Calcium Pantothenate From Japan

JANUARY 14, 1974.

The Secretary of the Treasury makes public a finding of dumping with respect to calcium pantothenate from Japan. Section 153.43, Customs Regulations, amended.

Section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), gives the Secretary of the Treasury responsibility for determination of sales at less than fair value. Pursuant to this authority the Secretary of the Treasury has determined that calcium pantothenate from Japan is being, or is likely to be, sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)). (Published in the FEDERAL REGISTER of September 10, 1973 (38 FR 24669).) Imports of calcium pantothenate produced and sold by Fuji Chemical Industries, Ltd., were excluded from this determination.

Section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), gives the United States Tariff Commission responsibility for determination of injury or likelihood of injury. The United States Tariff Commission has determined, and on December 7, 1973, it notified the Secretary of the Treasury that an industry in the United States is being injured by reason of the importation of calcium pantothenate from Japan sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended. (Published in the FEDERAL REGISTER of December 13, 1973 (38 FR 34370).)

On behalf of the Secretary of the Treasury, I hereby make public these determinations, which constitute a finding of dumping with respect to calcium pantothenate from Japan, except importations of calcium pantothenate produced and sold by Fuji Chemical Industries, Ltd.

Section 153.43 of the Customs Regulations is amended by adding the following to the list of findings of dumping currently in effect:

Merchandise	Country	T.D.
Calcium pantothenate, except shipments produced and sold by Fuji Chemical Industries, Ltd.	Japan	74-34

(Secs. 201, 407, Stat. 11, as amended, 18; 19 U.S.C. 160, 173.)

[SEAL] EDWARD L. MORGAN, *Assistant Secretary of the Treasury.*

[FR Doc.74–1485 Filed 1–16–74;8:45 am]

Title 21—Food and Drugs

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

SUBCHAPTER C—DRUGS

PART 135—NEW ANIMAL DRUGS

Subpart C—Sponsors of Approved Applications

PART 135e—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

Tylosin and Sulfamethazine

The Commissioner of Food and Drugs has evaluated a new animal drug application (94–402V) filed by Hubbard Milling Co., 424 North Front St., Mankato, MN 56001, proposing the safe and effective use of a premix containing 10 grams of tylosin (as tylosin phosphate) and 10 grams of sulfamethazine per pound of premix for use in the manufacture of swine feeds. The application is approved.

To facilitate referencing, the firm is being assigned a code number and placed in the list of firms in § 135.501 (21 CFR 135.501).

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), Parts 135 and 135e are amended as follows:

1. Section 135.501 is amended in paragraph (c) by adding a new code No. 101 as follows:

§ 135.501 **Names, addresses, and code numbers of sponsors of approved applications.**

* * * * *

(c) * * *

Code No.	*Firm name and address*
* * *	* * *
101	Hubbard Milling Co., 424 North Front St., Mankato, MN 56001.

* * * * *

2. Part 135e is amended in § 135e.36 by revising paragraph (b) to read as follows:

§ 135e.36 **Tylosin and sulfamethazine.**

* * * * *

(b) *Approvals.* (1) Premix levels of 10 grams of tylosin per pound and 2.2 percent of sulfamethazine and 40 grams of tylosin per pound and 8.8 percent of sulfamethazine have been granted to Code No. 014 in § 135.501(c) of this chapter.

(2) Premix level, a combination of 10 grams of tylosin per pound (as tylosin phosphate) as furnished by Code No. 014 in § 135.501(c) of this chapter and 10 grams of sulfamethazine per pound as furnished by Code No. 031 in § 135.501(c) of this chapter has been granted to Code No. 101 in § 135.501(c) of this chapter.

* * * * *

Effective date. This order shall be effective January 17, 1974.

(Sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i).)

Dated: January 9, 1974.

C. D. VAN HOUWELING,
Director, Bureau of Veterinary Medicine.

[FR Doc.74-1458 Filed 1-16-74;8:45 am]

PART 135c—NEW ANIMAL DRUGS IN ORAL DOSAGE FORMS

Amprolium

Correction

In FR Doc. 73-26948 appearing at page 34996 in the issue of Friday, December 21, 1973, in Table 1 of § 135c.3(d), in the first line of the third entry under the heading "Limitations", after the word "each", insert "100 gallons of drinking water; at the usual rate of water".

CERTIFICATION OF THE ANTIBIOTIC DRUG MITOMYCIN

Miscellaneous Amendments

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

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

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357) and under authority delegated to the Commissioner (21 CFR 2.120), Parts 141 and 145 are amended, and a new Part 151j is established to provide for certification of the antibiotic drug mitomycin, as follows:

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

1. Part 141 amended:

a. In § 141.5(b) by alphabetically inserting a new item in the table and by adding footnote 3, as follows:

§ 141.5 **Safety test.**

* * * * *

(b) * * *

Antibiotic drug	Diluent (diluent number as listed in § 141.3)	Test dose: Concentration in units or milligrams of activity per milliliter	Test dose: Volume in milliliters to be administered to each mouse	Route of administration as described in paragraph (c) of this section
* * *	*	*	*	*
Mitomycin [3]	3	0.2 mg	0.5	Intravenous.
* * *	*	*	*	*

[3] Use the observation period specified in the individual section of the antibiotic drug regulations in this chapter for the antibiotic to be tested in lieu of the 48-hour-observation period specified in paragraph (d) of this section.

* * * * * * *

b. In § 141.7(c) by alphabetically inserting a new item in the table, as follows:

§ 141.7 **Histamine test.**

* * * * * * *

(c) * * *

Antibiotic	Diluent (diluent number as listed in § 141.3(b))	Concentration of test solution (milligrams of activity per milliliter)	Volume of test solution to be injected (milliliters per kilogram of body weight)
* * *	*	*	*
Mitomycin	4	0.050	1.0
* * *	*	*	*

* * * * * * *

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

§ 141.110 **Microbiological agar diffusion assay.**

* * * * * * *

(a) * * *

Antibiotic	Media to be used (as listed by medium number in § 141.103(b)): Base layer	Media to be used (as listed by medium number in § 141.103(b)): Seed layer	Milliliters of media to be used in the base and seed layers: Base layer	Milliliters of media to be used in the base and seed layers: Seed layer	Test organism	Suggested volume of standardized inoculum to be added to each 100 milliliters of seed agar	Incubation temperature for the plates
						Milliliters	*Degrees C.*
* * *	*	*	*	*	*	*	*
Mitomycin	8	8	10	4	H	0.5	37
* * *	*	*	*	*	*	*	*

* * * * * * *

(b) * * *

Antibiotic	Working standard stock solutions: Drying conditions (method number as listed in § 141.501)	Initial solvent	Diluent (solution number as listed in § 141.102(a))	Final concentration units or milligrams per milliliter	Storage time under refrigeration	Standard response line concentrations: Diluent	Final concentrations, units or micrograms of antibiotic activity per milliliter
* *	*	*	*	*	*	*	*
Mitomycin	Not dried		1	1 mg	14 days	1	0.50, 0.71, 1.0, 1.41, 2.0μg.
* *	*	*		*	*		*

* * * * *

d. In Subpart D by adding a new section, as follows:

§ 141.556 Thin layer chromatography identity test for mitomycin.

(a) *Equipment*—(1) *Chromatography tank.* A rectangular tank, approximately 9 x 9 x 3.5 inches, lined with filter paper and with a solvent trough on the bottom.

(2) *Plates.* Use 20 by 20 centimeter thin layer chromatography plates coated with Silica Gel G or equivalent, to a thickness of 250 microns.

(b) *Reagents*—(1) *Developing solvent.* Mix *n*-butanol, glacial acetic acid, and water in volumetric proportions of 4:2:1, respectively.

(2) *Spray solution.* Prepare a one-percent solution of ninhydrin in ethanol.

(c) *Preparation of spotting solutions.* Prepare solutions of the sample and working standard, each containing 1 milligram of mitomycin per milliliter, in water.

(d) *Procedure.* Pour developing solvent into the bottom of the chromatography tank. Cover and seal the tank. Allow it to equilibrate for 30 minutes. Prepare a plate as follows: Apply spotting solutions on a line 2.5 centimeters from the base of the silica gel plate and at points 2.0 centimeters apart. Apply approximately 2 microliters of the working standard solution to points 1 and 3. When these spots are dry, apply approximately 2 microliters of sample solution to points 2 and 3. After all spots are thoroughly dry, place the silica gel plate into the trough in the chromatography tank. Cover and seal the tank tightly. Allow the solvent front to travel about 10 centimeters from the starting line. Remove the plate and allow it to air dry. After the plate is dry, spray lightly with the spray solution. Heat the plate in an oven at 110° C. for 10–15 minutes. Mitomycin appears as a pink spot.

(e) *Evaluation.* The sample and standard should have spots of corresponding R_f value (approximately 0.51), and standard and sample combined should appear as a single spot of corresponding R_f value.

PART 145—ANTIBIOTIC DRUGS; DEFINITIONS AND INTERPRETATIVE REGULATIONS

2. Part 145 is amended:

a. In § 145.2(a) by adding a new subparagraph, as follows:

§ 145.2 Definitions of antibiotic substances.

(a) * * *

(39) *Mitomycin.* Mitomycin is the antibiotic substance produced by the growth of *Streptomyces caespitosus,* and each of the same substances produced by any other means is a kind of mitomycin.

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

§ 145.3 Definitions of master and working standards.

(a) * * *

(52) *Mitomycin.* The term "mitomycin master standard" means a specific lot of crystalline mitomycin that is designated by the Commissioner as the standard of comparison in determining the potency of the mitomycin working standard.

(b) * * *

(52) *Mitomycin.* The term "mitomycin *working standard*" means a specific lot of a homogeneous preparation of mitomycin.

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

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

* * * * *

(b) * * *

(55) *Mitomycin.* The term "microgram" applied to mitomycin means the mitomycin activity (potency) contained in 1.0416 micrograms of the mitomycin master standard.

PART 151j—MITOMYCIN

3. A new Part 151j is established to read as follows:

Sec.
151j.1 *Mitomycin.*
151j.2–151j.10 [*Reserved*]
151j.11 *Mitomycin for injection.*

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

§ 151j.1 Mitomycin.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Mitomycin is 7-amino-9a-methoxymitosane. It is a blue-violet compound that is soluble in water, methanol, acetone, butyl acetate, and cyclohexanone. It is so purified and dried that:

(i) Its potency is not less than 900 micrograms per milligram.

(ii) It passes the safety test.

(iii) Its moisture content is not more than 5 percent.

(iv) Its pH in a solution containing 5 milligrams per milliliter is not less than 6.0 and not more than 8.0.

(v) When calculated on the anhydrous basis, its absorptivity at 357 nanometers is not less than 95 percent and not more than 105 percent of that of the mitomycin working standard similarly treated.

(vi) It gives a positive identity test for mitomycin.

(vii) It is crystalline.

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

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

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

(ii) Samples required: Five packages, each containing approxmiately 100 milligrams.

(b) *Tests and methods of assay*—(1) *Potency.* Proceeded as directed in § 141.110 of this chapter, preparing the sample for assay as follows: Dissolve an accurately weighed sample in sufficient 1 percent potassium phosphate buffer, pH 6.0 (solution 1), to obtain a stock solution of concenient concentration. Further dilute an aliquot of the stock solution with solution 1 to the reference concentration of 1.0 microgram of mitomycin per milliliter (estimated).

(2) *Safety.* Proceed as directed in §141.5 of this chapter, except observe the mice for 7 days in lieu of 48 hours, noting mortality every 24 hours. Repeat the test as described in §141.5(d) of this chapter if one or more animals die within 7 days.

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

(4) *pH.* Proceed as directed in § 141.503 of this chapter, using a solution containing 5 milligrams per milliliter.

(5) *Absorptivity.* Determine the absorbance of the sample and standard solution in the following manner: Place an accurately weighed portion of approximately 25 milligrams of mitomycin into a 50-milliliter volumetric flask. Dissolve and dilute to volume with absolute methanol. Further dilute an aliquot with absolute methanol to 0.005 milligram of mitomycin per milliliter. Using a suitable

spectrophotometer equipped with a 1-centimeter quartz cell and absolute methanol as the blank, determine the absorbance of the sample and standard solutions at 357 nanometers. Calculate the percent relative absorptivity as follows:

$$\text{Percent relative absorptivity} = \frac{\text{Absorbance of sample} \times \text{weight of standard in milligrams} \times \text{percent mitomycin content of standard} \times 100}{\text{Absorbance of standard} \times \text{weight of sample in milligrams} \times (100-m)}$$

where:
m = percent moisture in the sample.

(6) *Identity.* Proceed as directed in § 141.521 of this chapter, using the sample preparation method described in paragraph (b)(2) of that section.

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

§ 151j.11 Mitomycin for injection.

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality, and purity.* Mitomycin for injection is a dry mixture of mitomycin and mannitol. Its potency is satisfactory if it contains not less than 90 percent and not more than 120 percent of the number of milligrams of mitomycin that it is represented to contain. It is sterile. It is nonpyrogenic. It passes the safety test. It contains no histamine nor histamine-like substances. Its moisture content is not more than 5 percent. Its pH, when reconstituted as directed in the labeling, is not less than 6.0 and not more than 8.0. It passes the identity test for mitomycin. The mitomycin used conforms to the standards prescribed by § 151j.1(a)(1).

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

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

(i) Results of tests and assays on:

(*a*) The mitomycin used in making the batch for potency, moisture, pH, absorptivity, identity, and crystallinity.

(*b*) The batch for potency, sterility, pyrogens, safety, histamine, moisture, pH, and identity.

(ii) Samples required:

(*a*) The mitomycin used in making the batch: Five packages, each containing approximately 100 milligrams.

(*b*) The batch:

(*1*) For all tests except sterility: A minimum of 25 immediate containers.

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

(b) *Tests and methods of assay—*(1) *Potency.* Proceed as directed in § 141.110 of this chapter, preparing the sample for assay as follows: Reconstitute as directed in the labeling. Using a suitable hypodermic needle and syringe, remove all of the withdrawable contents from each container if it is represented as a single dose container; or if the labeling specifies the amount of potency in a given volume of the resultant preparation, remove an accurately measured representative portion from each container. Dilute the solution thus obtained with sufficient 1 percent potassium phosphate buffer, pH 6.0 (solution 1), to give a stock solution of convenient concentration. Further dilute the stock solution with solution 1 to the reference concentration of 1 microgram of mitomycin per milliliter (estimated).

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

(3) *Pyrogens.* Proceed as directed in § 141.4(a) of this chapter, using a solution containing 0.5 milligram of mitomycin per milliliter.

(4) *Safety.* Proceed as directed in § 141.5 of this chapter, except observe the mice for 7 days in lieu of 48 hours, noting mortality every 24 hours. Repeat the test as described in § 141.5(d) of this chapter if one or more animals die within 7 days.

(5) *Histamine.* Proceed as directed in § 141.7 of this chapter.

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

(7) *pH.* Proceed as directed in § 141.503 of this chapter using the drug reconstituted as directed in the labeling.

(8) *Identity.* Proceed as directed in § 141.556 of this chapter.

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

Effective date. This order shall be effective January 16, 1974.

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

Dated: January 10, 1974.

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

[FR Doc.74-1294 Filed 1-16-74;8:45 am]

PART 167—IN VITRO DIAGNOSTIC PRODUCTS FOR HUMAN USE

Labeling of Blood Grouping Serum; Stay of Effective Date

On March 15, 1973, the Commissioner of Food and Drugs published in the FEDERAL REGISTER (38 FR 7096) a final order establishing labeling requirements and procedures for the development of standards for all in vitro diagnostic products for human use. The final order was effective upon publication in the FEDERAL REGISTER, except that § 167.2(a), (b), and (d) would become effective on March 15, 1974 and § 167.2(c) would become effective on September 17, 1973.

Subsequently, on November 13, 1973, a notice of proposed rulemaking concerning additional standards for blood grouping serum was published in the FEDERAL REGISTER (38 FR 31312). In that November 13, 1973 notice, the Commissioner proposed that the effective date for compliance with the proposed labeling requirements for these products would be one year following the date of publication of the final order in the FEDERAL REGISTER.

Since blood grouping serum is an in vitro diagnostic product, serum manufacturers are required to revise product labeling prior to March 15, 1974 to comply with the provisions of § 167.2 and shortly thereafter will again be required to revise product labeling to conform to the labeling requirements under the additional standards for blood grouping serum when they become effective.

The Commissioner finds that the necessity to comply with two successive labeling changes in a relatively short period of time imposes undue hardship on serum manufacturers. He concludes that compliance with § 167.2(a) and (b) as applied to licensed blood grouping serums shall be stayed pending final action on the proposed additional standards for blood grouping serum as published in the FEDERAL REGISTER of November 13, 1973 (38 FR 31312).

This action, which will provide for orderly transition in the preparation, manufacture, and use of new labeling, involves no hazard to the public health since licensed blood grouping serum is currently subject to existing labeling regulations pursuant to 21 CFR Part 610 (formerly §§ 273.600 through 273.870, recodified in the FEDERAL REGISTER of November 20, 1973 (38 FR 32048)).

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201, 501, 502, 505, 508, 510, 701, 52 Stat. 1040 as amended, 1049–1053 as amended, 1055–1056 as amended, 76 Stat. 789 and 794 as amended; 21 U.S.C. 321, 351, 352, 355, 358, 360, 371), the Public Health Service Act (sec. 351, 58 Stat. 702 as amended; 42 U.S.C. 262), and under authority delegated to the Commissioner (21 CFR 2.120) the provisions of § 167.2 (a) and (b) as they apply to licensed blood grouping serum are hereby stayed.

Pursuant to the Administrative Procedure Act (5 U.S.C. 553(d)), the Commissioner concludes that notice, publication procedures and delayed effective date are unnecessary to promulgation of this order since it does not impose a duty but rather recognizes an exemption.

Effective date. This order is effective on January 17, 1974.

Dated: January 8, 1974.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.74-1459 Filed 1-16-74;8:45 am]

Title 26—Internal Revenue

CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

SUBCHAPTER B—ESTATE AND GIFT TAXES

[T.D. 7296]

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

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

Correction

In FR Doc. 73-26313, appearing at page 34190 in the issue for Wednesday, December 12, 1973, in § 20.2014-2(a), in the example, the equation appearing above the table of "Inheritance tax of surviving spouse" should be transferred below the sentence reading "The 'first limitation' on the credit for foreign death taxes is:" which immediately follows the table.

Title 27—Alcohol, Tobacco Products and Firearms

CHAPTER I—BUREAU OF ALCOHOL, TOBACCO AND FIREARMS, DEPARTMENT OF THE TREASURY

SUBCHAPTER F—PROCEDURES AND PRACTICES

PART 71—STATEMENT OF PROCEDURAL RULES

Scope, Meaning of Terms, Rules for Disclosure of Information, and Formulation and Publication of Rules, Regulations, and Forms

This document amends 27 CFR Part 71 by revising § 71.1, § 71.11, and paragraphs (b)(3)(ii) and (iii), (c)(5), (6), (8), (9), (10), (d)(1) and (6) of § 71.22, by adding a new paragraph (d)(7) to § 71.22, and by adding a new Subpart D.

As revised by this document, § 71.1 expands the scope of procedural rules contained in Part 71; § 71.11 provides a definition for a regional office of the Bureau, § 71.22(b)(3)(ii) provides the geographical area of each region of the Bureau; § 71.22(b)(3)(iii) and § 71.22(c)(5) reduce the fee for photocopying from 25 cents to 10 cents per copy. A further change in § 71.22(c)(5) clearly exempts other Federal, State and local agencies from the fee requirements. Sections 71.22(c)(6), 71.22(c)(8), and 71.22(c)(9) are revised to provide more detailed information for the benefit of persons requesting identifiable records including the denial of an application and appeal procedures to be followed; and § 71.22(c)(10) is revised to correct the address of the Chief Counsel.

Section 71.22(d)(1) deletes requirement to make accepted offers in compromise available in offices of district directors of internal revenue, and § 71.22(d)(6) provides in regulations authority for special agents and other employees to testify in State criminal cases. As added by this document paragraph (d)(7) of § 71.22 provides a specialized procedure for requesting inspection, or copies, of comments received in response to a notice of proposed rulemaking.

As added by this document Subpart D supersedes Subpart F of 26 CFR Part 601 to the extent that it applied to alcohol, tobacco, firearms, and explosives rules, regulations and forms, formerly administered by the Internal Revenue Service and transferred to the Bureau of Alcohol, Tobacco and Firearms.

This part (27 CFR Part 71) was filed with the FEDERAL REGISTER on July 7, 1972, effective July 13, 1972.

The amendments in this document are effective February 16, 1974. Comments in response to notices of proposed rulemaking published in the FEDERAL REGISTER before February 16, 1974 are governed by the provisions of 26 CFR Part 601. However, the provisions of § 71.22(d)(7) shall apply in the case of requests for the inspection of, or copies of, comments received after February 15, 1974, regardless of when the related notice of proposed rulemaking was published.

The following amendments are made to 27 CFR Part 71:

PARAGRAPH 1. Section 71.1 is revised to read as follows:

§ 71.1 General.

This part sets forth the procedural rules of the Bureau of Alcohol, Tobacco and Firearms, The Department of the Treasury, respecting matters of official record in the Bureau, including the procedures for disclosure of information to the public and the formulation and publication of rules, regulations, and forms by the Bureau.

PAR. 2. Section 71.11 is amended by adding, in alphabetical order, a definition of "regional office" to read as follows:

§ 71.11 Meaning of terms.

* * * * *

Regional office. The principal office of each of the seven geographical regions of the Bureau of Alcohol, Tobacco and Firearms.

* * * * *

PAR. 3. In § 71.22, paragraphs (b)(3)(ii) and (iii), (c)(5), (6), (8), (9), (c)(10), and (d)(6) are revised; and paragraph (d)(7) is added. The revised and added provisions read as follows:

§ 71.22 Publication and public inspection.

* * * * *

(b) * * *

(3) * * *

(ii) *Addresses where information may be obtained.* A listing of the seven regional offices, their geographical areas, and the addresses of the Bureau Headquarters and regional offices from which information may be obtained (or with which documents shall be filed) are as follows:

BUREAU HEADQUARTERS

Mail address: Director, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue N.W., Washington, D.C. 20026.
Location: Same as mail address.

NORTH-ATLANTIC REGION

Connecticut, Maine, Massachusetts, New Hampshire, New York, Rhode Island, Vermont, Puerto Rico, Virgin Islands.
Mail address: Regional Director, Bureau of Alcohol, Tobacco and Firearms, 90 Church Street, New York, NY 10007.
Location: Same as mail address.

MID-ATLANTIC REGION

Delaware, District of Columbia, Maryland, New Jersey, Pennsylvania, Virginia.
Mail address: Regional Director, Bureau of Alcohol, Tobacco and Firearms, 2 Penn Center Plaza, Philadelphia, PA 19102.
Location: Same as mail address.

SOUTHEAST REGION

Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, Tennessee.
Mail address: Regional Director, Bureau of Alcohol, Tobacco and Firearms, 275 Peachtree Street NE, Atlanta, GA 30303.
Location: Same as mail address.

MIDWEST REGION

Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, Wisconsin.
Mail address: Regional Director, Bureau of Alcohol, Tobacco and Firearms, 35 East Wacker Drive, Chicago, IL 60601.
Location: Same as mail address.

CENTRAL REGION

Indiana, Kentucky, Michigan, Ohio, West Virginia.
Mail address: Regional Director, Bureau of Alcohol, Tobacco and Firearms, Federal Office Building, 550 Main Street, Cincinnati, OH 45202.
Location: Same as mail address.

SOUTHWEST REGION

Arkansas, Colorado, Louisiana, New Mexico, Oklahoma, Texas, Wyoming.
Mail address: Regional Director, Bureau of Alcohol, Tobacco and Firearms, 1114 Commerce Street, Dallas, TX 75202.
Location: Same as mail address.

WESTERN REGION

Alaska, Arizona, California, Hawaii, Idaho, Montana, Nevada, Oregon, Utah, Washington.
Mail address: Regional Director, Bureau of Alcohol, Tobacco and Firearms, 870 Market Street, San Francisco, CA 94102.
Location: Same as mail address:

(iii) *Copying facilities.* The Bureau Headquarters and each regional office will provide facilities whereby a person may obtain copies of material made available as provided in this paragraph. Certification services with respect to copies will also be provided. The fees in respect of such material are as follows:

Photocopies; each page	$0.10
Certification of photocopies by appropriate official; each certification	1.00
Sale of unpriced printed material; each 25 pages or fraction thereof	.25
Minimum charge applicable when one or more of the above charges is assessed	1.00

While certain relevant publications which are available for sale through the Government Printing Office will be made available for inspection in the offices identified in subparagraph (3) of this paragraph, such publications will not be available for sale in those offices. Persons desiring to purchase such publications, for example, publications covering Bureau regulations, should contact the Superintendent of Documents, U.S. Government Printing Office, Washington,

D.C. 20402. However, copies of pages of such publications may be obtained in accordance with the schedule of fees set forth in this subdivision.

* * * * *

(c) * * *

(5) *Fees.* A schedule of fees for the services and costs required of the Bureau in locating, making available, copying, and certifying records pursuant to this paragraph is as follows:

Records search; each hour or fraction thereof	$3.50
Photocopies; each page	.10
Certification of photocopies by appropriate official; each certification	1.00
Minimum charge with respect to photocopies	1.00

Such fees are intended to make any services performed with respect to the request self-sustaining to the extent possible. See title V, Act of August 31, 1951 (65 Stat. 290, 31 U.S.C. (Supp. II) 483a). If the Bureau estimates that the total fees for costs incurred in complying with the request will amount to $50 or more, the person making the request may be required to enter into a contract for the payment of actual fees with respect to the request before the Bureau will undertake actions necessary to comply with the request. No charge shall be made for providing information to other Federal, State or local governmental agencies or officers thereof submitting requests in their official capacities.

(6) *Processing a request*—(i) *In general.* The Bureau will grant or deny the request in writing within ten working days of receipt of the request, except under conditions identified in paragraph (c)(6)(iv) of this section. If the request does not sufficiently identify a record, the person making the request will be promptly advised of such fact and notified that a more detailed description of the record is required by the Bureau in order to proceed with the request.

(ii) *Determination by Bureau headquarters.* Except in a case described in subdivision (iii) of this subparagraph, a request sufficiently identifying records will be immediately transmitted to the Assistant to the Director for Public Affairs for prompt consideration who will notify the requester in writing of his determination with respect to the request.

(iii) *Determination by a field office.* Where disclosure authorization with respect to the requested records has been delegated to an officer or employee of the Bureau other than the Assistant to the Director for Public Affairs, such other officer or employee will make the determination as to whether the request for records should be granted or denied and will notify the requester in writing of his determination with respect to the request.

(iv) *Acknowledgement of requests.* The Bureau will acknowledge a request within ten working days of receipt if:

(*a*) The requested records are stored in whole or part at other locations than the office in receipt of the request;

(*b*) The request requires the collection of a substantial number of specified records;

(*c*) The request is couched in categorical terms and requires an extensive search of the records responsive to it;

(*d*) The requested records have not been located in the course of a routine search and additional efforts are being made to locate them;

(*e*) The requested records require examination and evaluation to determine if they are exempt from disclosure; or

(*f*) The requested records or some of them involve the responsibility of another agency or another bureau or office of the Department whose assistance or views are being sought in processing the request.

When additional time is required for one or more of the above reasons, the written acknowledgement shall include a notation of the reason for the delay and as definite an indication as possible of the time required for a decisive response. If action on the request will be delayed because of reason (*f*), a copy of the request is to be forwarded immediately to the other agency or office concerned.

* * * * *

(8) *Denial of request.* If it is determined that the request for records should be denied, the person making the request will be notified of such determination by mail. The letter of notification will specify the city or other location where the requested records are situated, contain a brief statement of the grounds for denial, including a reference to the specific exemption or exemptions under 5 U.S.C. 552 authorizing the withholding of the record or part thereof and a brief explanation of how the exemption applies to the record withheld. The letter of notification will also advise the requester of his right to appeal to the Director in accordance with subparagraph (9) of this paragraph and in the event of denial upon appeal, to seek judicial review in the U.S. district court in the district in which the complainant resides, or has a principal place of business, or in which the agency records are situated.

(9) *Administrative appeal.* At any time within 30 days after the date of the letter of notification described in subparagraph (8) of this paragraph, the person making the request may file an appeal to the Director. The appeal must be in the form of a statement signed by the appellant and mailed to the Director, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue NW., Washington, D.C., 20226. The statement must contain the following information:

(i) The appellant's name and address,

(ii) The identification of the records requested,

(iii) The date of the request and the date of the letter denying the request, and

(iv) A request that the Director consider the denial. The appeal will be considered by the Director and the request either granted or denied by him within 20 working days from the date of filing: *Provided,* That under unusual circumstances, the appellant will be advised within the 20-day period of the reason for delay and will be advised of the date by which a decision may be expected to be made. The appellant will be notified of the determination by mail, and such determination shall be final. In case of a denial the notification shall set forth the exemption relied on, how it applies to the record withheld, and the reasons for asserting it.

(10) *Judicial review.* If the request is denied upon appeal pursuant to paragraph (c)(9) of this section, or if no determination is made on the appeal within 30 days after filing, the appellant may commence an action in a U.S. district court pursuant to 5 U.S.C. 522(a)(3). The statute authorizes an action only against the agency. With respect to records of the Bureau, the agency is the Bureau, not an officer or employee thereof. Service of process in such an action shall be in accordance with the Federal Rules of Civil Procedure (28 U.S.C. App.) applicable to actions against an agency of the United States. Where provided in such rules, delivery of process upon the Bureau must be directed to the Director, Bureau of Alcohol, Tobacco and Firearms: Attention: Chief Counsel, 1200 Pennsylvania Avenue NW., Washington, D.C., 20226. The district court will determine the matter de novo, and the burden will be upon the Bureau to sustain its action in not making the requested records available.

(d) *Rules for disclosure of certain specified matters*—(1) *Accepted offers in compromise.* For each offer in compromise submitted and accepted pursuant to 26 U.S.C. 7122, in any case arising under subtitle E of Title 26 of the United States Code (relating to alcohol, tobacco, and certain other excise taxes); pursuant to section 7 of the Federal Alcohol Administration Act (27 U.S.C. 207) in any case arising under that Act; or in connection with property seized under title I of the Gun Control Act of 1968 (18 U.S.C., chapter 44), and title XI of the Organized Crime Control Act of 1970 (18 U.S.C. chapter 40), a copy of the abstract and statement relating to the offer will be available for public inspection, for a period of 1 year from the date of acceptance, in the office of the Regional Director who received the offer. Information will not be disclosed, however, concerning any trade secrets, processes, operations, style of work, or apparatus, or confidential data or any other matter within the prohibition of 18 U.S.C. 1905.

* * * * *

(6) *State cases.* Regional Directors may, in the interest of Federal and State law enforcement, upon receipt of demands or requests of State authorities, and at the expense of the State, authorize special agents and other employees under their supervision to attend trials

and administrative hearings in liquor, tobacco, firearms, and explosives cases, or in any criminal case, in which the State is a party, produce records, and testify as to facts coming to their knowledge in their official capacities: *Provided*, That in cases where a defendant in a criminal matter requests or demands testimony, authorization from the Director will be required: *Provided further*, That such production or testimony will not divulge information contrary to 26 U.S.C. 7213, nor divulge information subject to the restrictions in 26 U.S.C. 5848. See also 26 CFR 301.9000–1(f) and 18 U.S.C. 1905.

(7) *Comments received in response to a notice of proposed rulemaking.* Written comments received in response to a notice of proposed rulemaking may be inspected by any person upon compliance with the provision of this subparagraph (7) unless such comments are exempt from disclosure under law. Comments which may be inspected are located in the Office of the Regulations and Procedures Division, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue NW., Washington, D.C. 20226. The request to inspect comments must be in writing and signed by the person making the request and should be addressed to the Director, Bureau of Alcohol, Tobacco and Firearms, Attention: R:R, Washington, D.C. 20226. Upon delivery of such a written request to the place where the comments are located during the regular business hours of that office, the person making the request may inspect those comments (or positions thereof) which are not exempt from disclosure. Copies of comments (or portions thereof) which are not exempt from disclosure may be obtained by a written request addressed to the Director, Bureau of Alcohol, Tobacco and Firearms, Attention: R:R, Washington, D.C. 20226. The person making the request for copies should allow a reasonable time for processing the request. The provisions of paragraph (c)(5) of this section, relating to fees, shall apply with respect to requests made in accordance with this subparagraph. The provisions of this subparagraph shall apply in the case of requests for the inspection of, or copies of, comments that are made after February 15, 1974, regardless of when the comments were submitted or regardless of when the related notice of proposed rulemaking was published in the FEDERAL REGISTER.

* * * * *

PAR. 4. A new Subpart D is added, immediately following § 71.22, to read as follows:

Subpart D—Rules, Regulations and Forms

Sec.
71.31 Rules and regulations.
71.32 Forms and instructions.

AUTHORITY: 26 U.S.C. 7805, 68A Stat. 917.

Subpart D—Rules, Regulations and Forms

§ 71.31 Rules and regulations.

(a) *Formulation.* (1) Alcohol, tobacco, explosives, and certain firearms rules take various forms. The most important rules are issued as regulations and Treasury decisions, prescribed by the Director, and approved by the Secretary or his delegate. Other rules may be issued over the signature of the Director or the signature of any other official to whom authority has been delegated. The channeling of rules varies with the circumstances. Regulations and Treasury decisions are prepared in the Office of the Regulations and Procedures Division and reviewed in the Office of Chief Counsel, Bureau of Alcohol, Tobacco and Firearms. After approval by the Director, regulations and Treasury decisions are forwarded to the Secretary or his delegate for further consideration and final approval.

(2) Where required by 5 U.S.C. 553 and in such other instances as may be desirable, the Director publishes in the FEDERAL REGISTER general notice of proposed rules (unless all persons subject thereto are named and either personally served or otherwise have actual notice thereof in accordance with law). This notice includes (i) a statement of the time, place, and nature of public rulemaking proceedings; (ii) reference to the authority under which the rule is proposed; and (iii) either the terms or substance of the proposed rule or a description of the subjects and issues involved.

(3) (i) This subparagraph shall apply where the rules of this subparagraph are incorporated by reference in a notice of hearing with respect to a notice of proposed rulemaking.

(ii) A person wishing to make oral comments at a public hearing to which this subparagraph applies shall file his written comments within the time prescribed by the notice of proposed rulemaking (including any extensions thereof) and submit the outline referred to in paragraph (a)(3)(iii) of this section within the time prescribed by the notice of hearing. In lieu of the reading of a prepared statement at the hearing, such person's oral comments shall ordinarily be limited to a discussion of matters relating to such written comments and to questions and answers in connection therewith. However, the oral comments shall not be merely a restatement of matters the person has submitted in writing. Persons making oral comments should be prepared to answer questions not only on the topics listed in his outline but also in connection with the matters relating to his written comments. Except as provided in paragraph (b) of this section, in order to be assured of the availability of copies of such written comments or suggestions, or outline, on or before the beginning of such hearing, any person who desires such copies should make such a request within the time prescribed in the notice of hearing and shall agree to pay reasonable costs for copying. Persons who make such a request after the time prescribed in the notice of hearing will be furnished copies as soon as they are available, but it may not be possible to furnish the copies on or before the beginning of the hearing. Except as provided in the preceding sentences, copies of written comments regarding the rules proposed shall not be made available at the hearing.

(iii) A person who wishes to be assured of being heard shall submit, within the time prescribed in the notice of hearing, an outline of the topics he wishes to discuss, and the time he wishes to devote to each topic. An agenda will then be prepared containing the order of presentation of oral comments and the time allotted to such presentation. Ordinarily, a period of 10 minutes will be the time allotted to each person for making his oral comments.

(iv) At the conclusion of the presentation of comments of persons listed in the agenda, to the extent time permits, other comments will be received.

(v) In the case of unusual circumstances or for good cause shown, the application of rules contained in this subparagraph may be waived.

(vi) To the extent resources permit, the public hearings to which this subparagraph applies may be transcribed.

(b) *Comments on proposed rules.* Interested persons are privileged to submit any data, views, or arguments with respect to a notice of proposed rulemaking published pursuant to 5 U.S.C. 553. Any person submitting comments in response to a notice of proposed rulemaking shall specifically designate in writing that portion (if any) of his comments which, in his opinion, contains material which is exempt from disclosure under law and shall state in writing the reasons for such exemption. Any portion of a comment which is designated as exempt from disclosure, and the reasons for such exemption, shall be set forth on pages separate from the balance of the comment. Any comments or any portion thereof not specifically designated as exempt from disclosure in accordance with this paragraph (b) will be made available pursuant to paragraph (d)(7) of § 71.22. The name of any person submitting comments (whether or not exempt from disclosure in whole or in part) or requesting a public hearing, the issues which may be discussed at the hearing, and outlines relating to the hearing are not exempt from disclosure. (See paragraph (a)(3) of this § 71.31 for rules relating to hearing outlines.) The disclosure by the Bureau of

(1) Any name,

(2) Any comments, or any portion therefore not specifically designated as exempt from disclosure by the person submitting the comment,

(3) Any comments, or any portion thereof which is designated as exempt from disclosure by the person submitting the comments but which is not so exempt under law, or

(4) The issues which will be discussed at a public hearing and related outlines, will be a disclosure authorized by law within the meaning of any statute governing the disclosure of information.

(c) *Petition to change rules.* Interested persons are privileged to petition for the issuance, amendment, or repeal of a rule. A petition for the issuance of a rule should identify the section or sec-

tions of law involved; and a petition for the amendment or repeal of a rule should set forth the section or sections of the regulations involved. The petition shall also set forth the reasons for the requested action. Such petitions will be given careful consideration and the petitioner will be advised of the action taken thereon. Petitions should be addressed to the Director, Bureau of Alcohol, Tobacco and Firearms, Attention: RR, Washington, D.C. 20226.

(d) *Publication of rules and regulations.*—(1) *General.* All Bureau of Alcohol, Tobacco and Firearms Treasury decisions (including new and reissued regulations) are published in the FEDERAL REGISTER and in the Code of Federal Regulations. The Treasury decisions which amend existing regulations are also published in the monthly Alcohol, Tobacco and Firearms Bulletin. The Alcohol, Tobacco and Firearms Bulletin is the authoritative instrument of the Director for announcing official rulings and procedures of the Bureau and for publishing amendatory Treasury decisions, legislation, administrative matters, and other items of general interest. The Bulletin incorporates, into one publication, all matters of the Bureau which are of public record. It is the policy of the Bureau to publish in the Bulletin all substantive rulings necessary to promote a uniform application of all laws administered by the Bureau as well as rulings that supersede, revoke, modify, or amend any of those previously published in the Bulletin (including those published prior to July 1, 1972, in the Internal Revenue Bulletin). Procedures relating solely to matters of internal management are not published; however, industry regulations appearing in internal management documents and statements of internal practices and procedures that affect the rights and duties of the public are published. Rulings and procedures reported in the Bulletin do not have the force and effect of Treasury Department Regulations, but they may be used as precedents. In applying published rulings and procedures, the effect of subsequent legislation, regulations, court decisions, rulings, and procedures must be considered. Concerned parties are cautioned against reaching the same conclusion in other cases unless the facts and circumstances are substantially the same. The Bulletin is published monthly and may be obtained from the Superintendent of Documents on a subscription basis. Bulletin contents of a permanent nature are consolidated each calendar year into cumulative issues, which are sold on a single-copy basis.

(2) *Objectives and standards for publication of ATF Rulings and ATF Procedures in the Alcohol, Tobacco and Firearms Bulletin.* (i) (*a*) An "ATF Ruling" is an official interpretation by the Bureau that has been published in the Bulletin for the information and guidance of taxpayers, Bureau officials, and others concerned. ATF Rulings represent the conclusions of the Bureau on the application of the law to the entire state of facts involved. In those that are based on positions taken in rulings to industry members or technical advice to Bureau field offices, identifying details and confidential information are deleted to prevent unwarranted invasions of privacy and to comply with statutory requirements concerning disclosure of information obtained from the public.

(*b*) An "ATF Procedure" is a statement of procedure that affects the rights or duties of taxpayers or other members of the public under law and regulations administered by the Bureau or information that, although not necessarily affecting the rights and duties of the public, should be a matter of public knowledge. ATF Procedures establish methods for performing operations in compliance with the requirements of law and regulations. It is Bureau practice to publish as much of the internal management document or communication as is necessary for an understanding of the procedure. ATF Procedures may also be based on internal management documents which should be a matter of public knowledge even though not necessarily affecting the rights or duties of the public. When publication of the substance of an ATF Procedure in the FEDERAL REGISTER is required pursuant to 5 U.S.C. 552, it will usually be accomplished by an amendment of the Statement of Procedural Rules (27 CFR Part 71.)

(ii) It is the policy of the Bureau to publish in the Bulletin all rulings and other communications to members of the public or to Bureau field offices involving substantive law, procedures affecting taxpayers' rights or duties, or industry regulations, except those involving—

(*a*) Issues specifically and clearly covered by statute or regulations;

(*b*) Issues specifically covered by rulings, procedures, opinions, or court decisions previously published in the Bulletin;

(*c*) Issues not likely to arise again because of unique or specific facts;

(*d*) Determinations of fact rather than interpretations of law;

(*e*) Acceptability under the law and regulations of containers, labels, and advertising involving alcoholic beverages or tobacco products;

(*f*) Tobacco operations, such as the disposition of abandoned, seized, or condemned tobacco products;

(*g*) Informers and informers' rewards; or

(*h*) Disclosure of secret formulas, processes, business practices, and other similar information.

(iii) (*a*) It will be the practice of the Bureau to publish as much of the ruling or communication as is necessary for an understanding of the position stated. However, in order to prevent unwarranted invasions of personal privacy and to comply with statutory provisions, such as 18 U.S.C. 1905 and 26 U.S.C. 7213, dealing with disclosure of information obtained from members of the public, identifying details, including the names and addresses of persons involved, and information of a confidential nature are deleted from the ruling.

(*b*) ATF Rulings published in the Bulletin do not have the force and effect of Treasury Department Regulations (including amendatory Treasury decisions) but are published to provide precedents to be used in the disposition of other cases, and may be cited and relied upon for that purpose. No unpublished ruling or decision will be relied on, used, or cited, by any officer or employee of the Bureau as a precedent in the disposition of other cases.

(*c*) Concerned persons generally may rely upon ATF Rulings published in the Bulletin in determining the Bureau treatment of their own transactions and need not request specific rulings applying the principles of a published ATF Ruling to the facts of their particular cases. However, since each ATF Ruling represents the conclusion of the Bureau as to the application of the law to the entire state of facts involved, taxpayers, Bureau personnel, and others concerned are cautioned against reaching the same conclusion in other cases unless the facts and circumstances are subtantially the same. They should consider the effect of subsequent legislation, regulations, court decisions, and ATF Rulings.

(*d*) Comments and suggestions from taxpayers or other concerned persons on ATF Rulings being prepared for publication in the Bulletin may be solicited, if justified by special circumstances. Conferences on ATF Rulings being prepared for publication will not be granted except where the Bureau determines that such action is justified by special circumstances.

(iv) (*a*) The Assistant Director (Scientific and Technical Services) is responsible for administering the program for the publication of ATF Rulings and ATF Procedures in the Bulletin, including the standards for style and format.

(*b*) In accordance with the standards set forth in subdivision (ii) of this subparagraph, each Assistant Director is responsible for the preparation and appropriate referral for publication of ATF Rulings reflecting interpretations of substantive law made by his office and communicated in writing to members of the public or field offices. In this connection, the Chief Counsel is responsible for the referral to the appropriate Assistant Director, for consideration for publication as ATF Rulings, of interpretations of substantive law made by his office.

(*c*) In accordance with the standards set forth in subdivision (ii) of this subparagraph, each Assistant Director and the Chief Counsel is responsible for determining whether procedures established by any office under his jurisdiction should be published as ATF Procedures and for the initiation, content, and appropriate referral for publication of such ATF Procedures.

§ 71.32 Forms and instructions.

(a) *Tax return forms and instructions.* Tax forms and instructions are developed by the Bureau to explain the requirements of chapters 51, 52, and 53 of Title 26 of the United States Code and of regulations issued thereunder, and are issued for the assistance to taxpayers in exercising their rights and discharging

their duties under such laws and regulations. The tax return forms are the instruments through which taxes are collected.

(b) *Other forms and instructions.* The Bureau provides other necessary or appropriate forms for assisting the public in complying with the technical requirements of the laws and regulations administered by the Bureau. The material contained in the forms and instructions, and the arrangement thereof, is carefully considered and is designed to lead the preparer step-by-step through an orderly accumulation of data to an accurate report of the information required.

(c) *Procurement of forms and instructions.* (1) Requests for ATF Forms (except for those originating within Central Region) should be directed to:

Bureau of Alcohol, Tobacco and Firearms
P.O. Box 75
Benjamin Franklin Station
Washington, D.C. 20044

(2) Requests for ATF Forms from the Central Region (the States of Ohio, Kentucky, Indiana, Michigan, and West Virginia) should be directed to:

Bureau of Alcohol, Tobacco and Firearms
Room 864
Federal Office Building
600 Federal Place
Louisville, Kentucky 40202

(3) Descriptions of many of the forms and publications of the Bureau for public use are contained in Publication No. 480, Alcohol, Tobacco and Firearms Public Use Forms. Publication No. 480 may be purchased from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

This document is exempt from the notice and effective date provisions of 5 U.S.C. 553(b) and (d), respectively. Therefor this document will become effective on February 16, 1974.

(26 U.S.C. 7805 (68A Stat. 917))

[SEAL] REX D. DAVIS,
Director, Bureau of Alcohol, Tobacco and Firearms.

[FR Doc.74-1403 Filed 1-16-74;8:45 am]

Title 33—Navigation and Navigable Waters

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 74-11R]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Shellbank Basin, N.Y.

This amendment revokes the regulations for the drawbridge across Shellbank Basin at Nolins Avenue, Jamaica Bay, New York, because this bridge has been removed.

Accordingly, Part 117 of Title 33 of the Code of Federal Regulations is amended by revoking paragraph (b) of § 117.175.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(e)(4).)

Effective date. This revocation shall become effective on January 18, 1974.

Dated: January 11, 1974.

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

[FR Doc.74-1439 Filed 1-16-74;8:45 am]

[CGD 74-10R]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Lake Champlain, Vt.

This amendment revokes the regulations for the Vermont Department of Highways bridge across Alburg Passage between Alburg Tongue and North Hero Island, at South Alburg, Vermont, because this bridge has been removed.

Accordingly, Part 117 of Title 33 of the Code of Federal Regulations is amended by revoking subparagraph (11) of paragraph (f) of § 117.190.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 38 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(c)(4)).

Effective date. This revocation shall become effective on January 18, 1974.

Dated: January 11, 1974.

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

[FR Doc.74-1440 Filed 1-16-74;8:45 am]

Title 38—Pensions, Bonuses, and Veterans' Relief

CHAPTER I—VETERANS ADMINISTRATION

PART 14—LEGAL SERVICES, GENERAL COUNSEL

Request for Legal Opinions

A change to § 14.501(b) is being made in order to clarify administrative processing of submissions of opinions from Chief Attorneys for the approval or advice of the General Counsel, and will provide for direct channeling of these opinions.

Compliance with the provisions of § 1.12 of this chapter, as to notice of proposed regulatory development and delayed effective date, is unnecessary in this instance and would serve no useful purpose because the amendment to § 14.501 (b) is editorial in nature.

In § 14.501, paragraph (b) is amended to read as follows:

§ 14.501 Request for legal opinions.

* * * * *

(b) *Submissions from the field.* Requests from administrative officials in the field for legal opinions or advice will be addressed to the appropriate Chief Attorney, who will prepare and release opinion, or refer the matter to the General Counsel for approval or advice. The views or opinions of the General Counsel will be forwarded directly to the Chief Attorney, with a copy to the interested staff office or department.

This VA Regulation is effective January 11, 1974.

Approved: January 11, 1974.

By direction of the Administrator.

[SEAL] RUFUS H. WILSON,
Associate Deputy Administrator.

[FR Doc.74-1432 Filed 1-16-74;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 3—DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 3-16—PROCUREMENT FORMS

Subpart 3-16.50—Forms for Negotiated Procurement

MISCELLANEOUS AMENDMENTS

Chapter 3, Title 41, Code of Federal Regulations is amended as set forth below. The purpose of this amendment is to delete a paragraph which is no longer required because of the addition of the section relative to the standardized request for proposal format and checklist for solicitation document.

It is the general policy of the Department of Health, Education, and Welfare to allow time for interested parties to take part in this rulemaking process. However, the amendment herein involves an administrative matter. Therefore, the public rulemaking process is deemed unnecessary in this instance.

Paragraph (b)(3) of § 3-16.5000, *Scope of subpart,* is hereby revoked.

(5 U.S.C. 301; 40 U.S.C. 486(c)).

Effective date. This regulation is effective on January 17, 1974.

Dated: January 9, 1974.

S. H. CLARKE,
Deputy Assistant Secretary for Administration and Management.

[FR Doc.74-1471 Filed 1-16-74;8:45 am]

CHAPTER 60—OFFICE OF FEDERAL CONTRACT COMPLIANCE, EQUAL EMPLOYMENT OPPORTUNITY, DEPARTMENT OF LABOR

PART 60-3—EMPLOYEE TESTING AND OTHER SELECTION PROCEDURES

Guidelines for Reporting Criterion Related and Content Validity

On February 14, 1973, notice of proposed rulemaking was published in the FEDERAL REGISTER (38 FR 4413) with regard to amending § 60-3.15 of Title 41, Code of Federal Regulations for the purpose of clarifying Federal contractors' existing obligations to report the validity of tests and other selection methods as required by 41 CFR Part 60-3. Interested persons were given thirty (30) days in which to submit written comments, suggestions, or objections regarding the proposed amendments.

Having considered all relevant materials submitted, I have determined that