

the decision and any additional evidence used in determining eligibility for tribal membership.

**§ 43a.8 Action by the Superintendent.**

(a) The Superintendent shall consider each application, all documentation, and the Tribal Council's decision. The Superintendent shall accept the decision of the Tribal Council unless the decision is clearly erroneous. If the Superintendent overrules the Tribal Council's decision, he shall notify the Tribal Council of his actions and the reasons therefore. The determination of the Superintendent shall only affect the applicant's eligibility to share in the distribution of the judgment funds. Upon determining an applicant's eligibility, the Superintendent shall notify the applicant or sponsor, as applicable, in writing of his decision. If the decision is favorable, the name of the applicant shall be placed on the roll. If the Superintendent decides the applicant is not eligible, he shall notify the applicant or sponsor, as applicable, in writing by certified mail, to be received by the addressee only, return receipt requested, and shall explain fully the reasons for rejection and of the right to appeal to the Secretary. If correspondence is sent out of the United States, it may be necessary to use registered mail. If an individual files applications on behalf of more than one person, one notice of eligibility or rejection may be addressed to the person who filed the applications. However, said notice must list the name of each person involved.

(b) A notice of eligibility or rejection is considered to have been made on the date (1) of delivery indicated on the return receipt, (2) of acknowledgment of receipt, (3) of personal delivery, or (4) of the return by the post office of an undelivered certified or registered letter.

(c) In all cases where an applicant is represented by an attorney, such attorney will be recognized as fully controlling the same on behalf of his client; and service of any document relating to the application shall be considered to be service on the applicant he represents. Where an applicant is represented by more than one attorney, service upon one of the attorneys shall be sufficient.

(d) To avoid hardship or gross injustice, the Superintendent may waive technical deficiencies in applications or other submissions. Failure to file by the deadline does not constitute a technical deficiency.

**§ 43a.9 Appeals.**

Appeals from rejected applications must be in writing and must be filed

pursuant to Part 42 of this subchapter, a copy of which shall be furnished with each notice of rejection.

**§ 43a.10 Decision of the Secretary on appeals.**

The decision of the Secretary on an appeal shall be final and conclusive, and written notice of the decision shall be given to the applicant or sponsor. When so directed by the Secretary, the Assistant Secretary shall cause to be entered on the roll the name of any person whose appeal has been sustained.

**§ 43a.11 Preparation of roll.**

The staff officer shall prepare a minimum of 5 copies of the roll of those persons determined to be eligible for enrollment, including those whose appeals were sustained. In addition to other information which may be shown, the complete roll shall contain for each person an identification number, name, address, sex, date of birth, date of death (if applicable), degree of tribal blood, and the authority for enrollment.

**§ 43a.12 Certification and approval of the roll.**

A certificate shall be attached to the roll by the Superintendent certifying that to the best of his knowledge and belief the roll contains only the names of those persons who were determined to meet the requirements for enrollment. The Director shall approve the roll.

**§ 43a.13 Special instructions.**

To facilitate the work of the Superintendent the Assistant Secretary may issue special instructions not inconsistent with the regulations in this part.

[FR Doc. 80-8328 Filed 3-18-80; 8:45 am]

BILLING CODE 4310-02-M

**DEPARTMENT OF THE TREASURY**

**Internal Revenue Service**

**26 CFR Parts 48 and 154**

[T.D. 7686; LR-56-79]

**Manufacturers and Retailers Excise Taxes; Uniform Maximum Period for Exemption Certificates**

**AGENCY:** Internal Revenue Service, Treasury.

**ACTION:** Final regulations.

**SUMMARY:** This document provides final regulations relating to an extension of the maximum duration period of blanket exemption certificates for purchases of various items otherwise subject to tax.

These regulations provide necessary guidance to the public for compliance with the law, and they affect all persons required to pay retailers or manufacturers excise taxes.

**DATE:** The regulations are effective for sales made after December 31, 1958.

**FOR FURTHER INFORMATION CONTACT:** Annie R. Alexander of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, Attention: CC:LR:T:LR-56-79, 202-566-3287, not a toll-free call.

**SUPPLEMENTARY INFORMATION:**

**Background**

This Treasury decision amends §§ 48.4041-9, 48.4073-3, 48.4083-1, 48.4091-3-4, 6, 48.4093-1, and 154.1-1 of the regulations to extend the maximum duration of blanket exemption certificates from 4 calendar quarters to 12 calendar quarters. The certificates are used by purchasers buying otherwise taxable items for exempt purposes and on a regular basis from a single supplier. The certificates are required before a tax-free purchase can be made. Treasury Decision 7536, 1978-1 C.B. 317, extended the maximum period from 4 to 12 calendar quarters for some, but not all, exemption certificates. These regulations will create a uniform period for all such certificates. For similar reasons, § 48.4221-6 (c) is amended to permit notification for a period not to exceed 12 calendar quarters. Because this regulation is nonsubstantive and liberalizes a procedural requirement in favor of taxpayers, it is found unnecessary to issue this Treasury decision with notice and public procedure under subsection (b) of section 553 of Title 5 of the United States Code or subject to the effective date limitation of subsection (d) of that section. For the same reasons, this regulation is not a significant regulation under paragraph 8 of the Treasury Directive appearing in the Federal Register for November 8, 1978 (43 FR 52120).

**Drafting Information**

The principal author of these regulations is Annie R. Alexander of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulation, both on matters of substance and style.

*Amendments to the Regulations*

The following amendments to 26 CFR Parts 48 and 154 are adopted:

**§ 48.4041-9 [Amended]**

Paragraph 1. Paragraph (b)(2) of § 48.4041-9 is amended by substituting "12 calendar quarters" for "4 calendar quarters" in the second sentence.

**§ 48.4073-3 [Amended]**

Par. 2. Paragraph (c)(2) of § 48.4073-3 is amended by substituting "12 calendar quarters" for "4 calendar quarters" in the second sentence.

**§ 48.4083-1 [Amended]**

Par. 3. Paragraph (a) of § 48.4083-1 is amended by substituting "twelve successive calendar quarters" for "four successive calendar quarters" in the first sentence immediately following (a)(2)(ii).

**§ 48.4091-3 [Amended]**

Par. 4. Paragraph (a)(2)(ii) of § 48.4091-3 is amended by substituting "12 calendar quarters" for "4 calendar quarters" in the second sentence.

**§ 48.4091-4 [Amended]**

Par. 5. Paragraph (a)(2)(ii) of § 48.4091-4 is amended by substituting "12 calendar quarters" for "4 calendar quarters" in the second sentence.

**§ 48.4091-6 [Amended]**

Par. 6. Paragraph (b)(2) of § 48.4091-6 is amended by substituting "12 calendar quarters" for "4 calendar quarters" in the second sentence.

**§ 48.4093-1 [Amended]**

Par. 7. Paragraph (a)(2)(i) of § 48.4093-1 is amended by substituting "12 calendar quarters" for "4 calendar quarters".

**§ 48.4221-6(c) [Amended]**

Par. 8. Section 48.4221-6(c) is amended by deleting the period at the end of the next to the last sentence and inserting in lieu thereof the following: "except that a single notification containing the information described in this paragraph may cover all sales by the seller to the purchaser made during a designated period not to exceed 12 successive calendar quarters."

**§ 154.1-1 [Amended]**

Par. 9. Paragraph (d)(4) of § 154.1-1 is amended by substituting "12 calendar quarters" for "4 calendar quarters" in the first sentence.

(This Treasury decision is issued under the authority contained in Section 7805 of the Code (68A Stat. 917, 26 U.S.C. 7805))

Jerome Kurtz,

Commissioner of Internal Revenue.

Approved: February 26, 1980.

Donald C. Lubick,

Assistant Secretary of the Treasury.

[FR Doc. 80-8378 Filed 3-18-80; 8:45 am]

BILLING CODE 4830-01-M

**DEPARTMENT OF DEFENSE****Office of the Secretary****32 CFR Part 209**

[DoD Directive 4120.18]<sup>1</sup>

**Metric System of Measurement**

**AGENCY:** Office of the Secretary of Defense.

**ACTION:** Final rule.

**SUMMARY:** This rule assigns Department of Defense responsibilities for the implementation and management of the metric system of measurement in compliance with Title 15, U.S.C. 205, "Metric Conversion Act of 1975"; and establishes the DoD Metrication Steering Group. Use of this system will promote interchangeability and interoperability of equipment and materiel with NATO and other allied nations, facilitate joint military production programs, and simplify supply operations.

**EFFECTIVE DATE:** January 28, 1980.

**FOR FURTHER INFORMATION CONTACT:** Mr. H. B. Ellsworth, Office of the Under Secretary of Defense for Research and Engineering (Specifications and Standards), The Pentagon, Washington, D.C. 20301, Telephone: 202-695-7915.

**SUPPLEMENTARY INFORMATION:** In FR Doc. 78-2571, appearing in the *Federal Register* (43 FR 4009) on January 31, 1978, the Office of the Secretary of Defense published Part 209, effective December 10, 1976, which established Department of Defense policies for the use of the metric system of measurement. This rule revises the previously published Part 209.

Accordingly, 32 CFR Chapter I, is amended by revising PART 209, reading as follows:

<sup>1</sup> Copies may be obtained, if needed, from the U.S. Naval Publications and Forms Center, 5801 Tabor Avenue, Philadelphia, PA 19120. Attention: Code 301.

**PART 209—METRIC SYSTEM OF MEASUREMENT**

Sec.

- 209.1 Reissuance and purpose.
- 209.2 Applicability.
- 209.3 Background.
- 209.4 Policy.
- 209.5 Objectives.
- 209.6 Responsibilities.

**Authority:** The provisions of this Part 209 issued under 15 U.S.C. 205a-k (Pub.L. 94-168).

**§ 209.1 Reissuance and purpose.**

This Part is reissued to reflect organizational responsibilities for the implementation and management of the metrication system of measurement within the Department of Defense, and to establish the Metrication Steering Group.

**§ 209.2 Applicability.**

The provisions of this Part apply to the Office of the Secretary of Defense, the Joint Chiefs of Staff, the Military Departments, and the Defense Agencies (hereafter referred to as "DoD Components").

**§ 209.3 Background.**

(a) The Metric Conversion Act of 1975, Title 15, U.S.C. Section 205a-k (Pub. L. 94-168) establishes a national policy of coordinating the use of the Metric System in the United States. To comply with that policy, the Department of Defense must establish guidelines and procedures to ensure that conversion from the U.S. Customary System of weights and measures (inch-pound) to the Metric System shall be accomplished with minimum cost and disruption of operations.

(b) Use of the Metric System shall promote interchangeability and interoperability of equipment and materiel with out allies, facilitate joint military production programs, and simplify supply operations.

(c) DoD Components shall keep pace with industry by using metric items when commercially available and economically and technically practicable.

**§ 209.4 Policy.**

(a) It is the policy of the Department of Defense to consider the use of the Metric System in all of its activities, consistent with operational, economical, technical, and safety requirements.

(b) The Metric System shall be used in all new designs, unless such use is not in the best interest of the Department of Defense. In the latter instance, justification shall be documented. Adoption of the Metric System shall also be considered in the acquisition of supplies and services. In general, DoD

Components shall adopt the Metric System in:

- (1) Developing materiel to be used jointly with the North Atlantic Treaty Organization (NATO) and other allied nations.
- (2) Developing military materiel that has potential for significant foreign sales or multinational joint acquisition programs.
- (3) Areas where industry has made significant progress in the design and production of metric products.
- (4) Areas where defense-industry preparedness or defense production readiness may be enhanced.
- (5) Areas that offer an economical, operational, or other advantage, or where no disadvantage is incurred.

#### § 209.5 Objectives.

(a) Physical and operational interfaces between metric items and inch-pound items shall be designed to ensure that interchangeability and interoperability shall not be adversely affected.

(b) Existing designs dimensioned in inch-pound units shall be converted to metric units only if determined to be necessary or advantageous. Unnecessary retrofit of existing systems with new metric components shall be avoided when both the metric and inch-pound components are interchangeable and interoperable. Normally, the measurement units in which a system is originally designed shall be retained for the life of the system.

(c) During the metric transition phase, use of hybrid metric and inch-pound designs may be necessary and will be acceptable. Materiel components, parts, subassemblies, and semifabricated materials that are of commercial design shall be specified in metric units when economically available and technically adequate, or when it is otherwise specifically determined to be in the best interest of the Department of Defense. Bulk materials shall be specified and accepted in metric units when expediency and economy dictates.

(d) Defense Systems Acquisition Review Council (DSARC) reviews and associated Decision Coordinating Papers (DoD Directive 5000.2<sup>1</sup> "Major System Acquisition Process," January 18, 1977) shall address the use of metric units of measurement or reasons for their nonuse.

(e) Technical reports, studies, and position papers (except those pertaining to items dimensioned in inch-pound units) shall include metric units of measurement in addition to or in place of inch-pound units. With respect to existing contracts, this requirement

applies only if such documentation can be obtained without an increase in contract costs.

(f) Programing and budgeting actions shall include resources required to support the DoD effort in converting to the use of metric units. Use of the Metric System shall be identified, justified, and planned so that costs can be included in the budget cycle on an orderly basis.

(g) The Department of Defense shall use the Metric System of the International System of Units (SI) described by the American Society for Testing and Materials, E-380, "Standard for Metric Practice, DoD Index of Specifications and Standards."

(h) To the extent that there is DoD interest, representatives shall participate in the development of national and international standards using the Metric System. NATO and other international metric standards shall be used to the maximum practical extent. However, if a U.S. standard is established with greater definition and restriction than the international standard, the U.S. standard shall be used.

(i) Emphasis shall be placed on covering or developing specifications, standards, and other general-purpose technical data to keep pace with overall metric conversion activity. When a military item has no commercial counterpart, the developing agency shall assume a leadership role in developing the applicable metric document when the need arises.

(j) When purchasing new shop and laboratory equipment, DoD Components are encouraged to specify features that will allow direct measurement of metric units or both metric and inch-pound units. Use of conversion kits is also encouraged.

(k) Training in metric practices and usage shall be provided to personnel whose duties require such knowledge.

(1) Use of dual dimensions (such as both metric and inch-pound dimensions on drawings) shall be avoided, unless it is determined in specific instances that such usage is beneficial. The use of tables on documents to translate dimensions from one system of measurement to the other is acceptable.

#### § 209.6 Responsibilities.

(a) The Under Secretary of Defense for Research and Engineering, or designee, shall:

(1) Provide direction and guidance in the application and use of the metric system of measurement.

(2) Establish the DoD Metrication Steering Group to plan and coordinate the Department of Defense's conversion to the metric system, and to advise DoD

Components on matters relating to metrication.

(b) The Heads of DoD Components shall:

(1) Appoint a person or establish an office to coordinate metric activities.

(2) Designate a primary and alternate person to represent the DoD Component on the DoD Metrication Steering Group.

(3) The Defense Logistics Agency shall provide the Executive Secretariat to the DoD Metrication Steering Group.

O. J. Williford,

Director, Correspondence and Directives,  
Washington Headquarters Services,  
Department of Defense.

March 14, 1980.

[FR Doc. 80-8379 Filed 3-18-80; 8:45 am]

BILLING CODE 3810-70-M

#### 32 CFR Part 294

[DoD Directive 5400.12]<sup>1</sup>

#### Obtaining Information From Financial Institutions: Rights to Financial Privacy Act of 1978

AGENCY: Office of the Secretary of Defense.

ACTION: Final rule.

SUMMARY: This rule permits Department of Defense Components to request financial records from a financial institution under the Right to Financial Privacy Act of 1978, and prescribes the conditions and procedures under which such requests may be made. The procedures that this rule established shall be used by authorized DoD personnel to obtain financial records.

EFFECTIVE DATE: February 6, 1980.

FOR FURTHER INFORMATION CONTACT: LTC Aurelio Nepa, Jr., USAF, Staff Director, Defense Privacy Board, Office of the Deputy Assistant Secretary of Defense, (Administration), Telephone: 202-694-3027.

SUPPLEMENTARY INFORMATION: In FR Doc. 79-11033, appearing in the Federal Register (44 FR 21304) on April 10, 1979, the Office of the Secretary of Defense published a proposed rule that would permit certain elements of DoD Components to request financial records from a financial institution in accordance with 92 Stat. 3697, et seq. 12 U.S.C. 3401, et seq. No substantive comments from the public sector were received; however, some internal DoD Components' comments and editorial changes were incorporated in the final rule.

<sup>1</sup> Copies may be obtained, if needed, from the U.S. Naval Publications and Forms Center, 5801 Tabor Avenue, Philadelphia, PA. 19120. Attention: Code 301.

<sup>1</sup> See footnote, page 1.