Example (6). B, an individual, files an income tax return for calendar year 1980 on April 15, 1981, showing a tax due of $1,000. B pays the $1,000 on March 1, 1983. Under section 6601 (a), interest on the $1,000 underpayment is due from April 15, 1981, to March 1, 1983. Such interest is computed at the rate of 12 percent per annum, simple interest from April 15, 1981, to January 31, 1982, and at the rate of 20 percent per annum, simple interest from January 31, 1982, to December 31, 1982, and at the rate of 16 percent per annum, compounded daily, from December 31, 1982, to March 1, 1983. The total simple interest accrued but unpaid at the end of December 31, 1982, is combined with the $1,000 underpayment for purposes of determining the amount of daily compounded interest to be charged from December 31, 1982, to March 1, 1983.

§ 301.6622-1 Interest compounded daily.

(a) *General rule.* Effective for interest accruing after December 31, 1982, in computing the amount of any interest required to be paid under the Internal Revenue Code of 1954 or sections 1961(c)(1) or 2411 of Title 28, United States Code, by the Commissioner or by the taxpayer, or in computing any other amount determined by reference to such amount of interest, or by reference to the interest rate established under section 6621, such interest or such other amount shall be compounded daily by dividing such rate of interest by 365 (366 in a leap year) and compounding such daily interest rate each day.

(b) *Exception.* Paragraph (a) of this section shall not apply for purposes of determining the amount of any addition to tax under sections 6654 or 6655 (relating to failure to pay estimated income tax).

(c) *Applicability to unpaid amounts on December 31, 1982.*—(1) *In general.* The unpaid interest (or other amount) that shall be compounded daily includes the interest (or other amount) accrued but unpaid on December 31, 1982.

(2) *Illustration.* The provisions of this (c) may be illustrated by the following example.

Example. Individual A files a tax return for calendar year 1981 on April 15, 1982, showing a tax due of $10,000. A pays $10,000 on December 31, 1982, but A does not pay any interest with respect to this underpayment until March 1, 1983, on which date A paid all amounts of interest with respect to the $10,000 underpayment of tax. On December 31, 1982, A's unsatisfied interest liability was $1,424.66 ($10,000 × 20 percent × 260/365 days). Interest, compounded daily, accrues on this unsatisfied interest obligation beginning on January 1, 1983, until March 1, 1983, the date the total interest obligation is satisfied. On March 1, 1983, the total interest obligation is $1,462.62, computed as follows:

Item	Amount
Unpaid tax at December 31, 1982	0
Unpaid interest at December 31, 1982	$1,424.66
Total unsatisfied obligation at December 31, 1982	1,424.66
Interest from December 31, 1982, to March 1, 1983, at 16 percent per year compounded daily	37.96
Total due, March 1, 1983	1,462.62

Because the amendments contained in this Treasury decision relate only to procedural matters and because no additional requirements are imposed on taxpayers, it is found unnecessary to issue it first under the notice and public procedure requirements of section 553(b) of title 5 of the United States Code.

The Treasury decision is issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

Roscoe L. Egger, Jr.,

Commissioner of Internal Revenue.

Approved: August 5, 1983.

John E. Chapoton,

Assistant Secretary of the Treasury.

[FR Doc. 83-23176 Filed 8-22-83; 8:45 am]

BILLING CODE 4830-01-M

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

29 CFR Part 1601

706 Agencies

AGENCY: Equal Employment Opportunity Commission.

ACTION: Final rule; amendment.

SUMMARY: The Equal Employment Opportunity Commission amends its regulations on certified designated 706 agencies. Publication of this amendment effectuates the designation of the Florida Commission on Human Rights as a certified 706 Agency.

EFFECTIVE DATE: August 23, 1983.

FOR FURTHER INFORMATION CONTACT: Hollis Larkins, Equal Employment Opportunity Commission, Office of Program Operations, Special Services Staff, 2401 E Street, N.W., Washington, D.C. 20506, telephone 202/634-6806.

SUPPLEMENTARY INFORMATION: The Commission has determined that the Florida Commission on Human Rights meets the eligibility criteria for certification of a designated 706 agency as established in 29 CFR 1601.75(b). In accordance with 29 CFR 1601.75(c) the Commission hereby amends the list of certified designated 706 agencies to include the Florida Commission. Publication of this amendment to Section 1601.80 effectuates the designation of the following agency as a certified 706 agency: Florida Commission on Human Rights.

List of Subjects in 29 CFR Part 1601

Administrative practice and procedure, Equal employment opportunity, Integovernmental relations.

PART 1601—[AMENDED]

§ 1601.80 [Amended]

Accordingly, 29 CFR Part 1601 is amended in § 1601.80 by adding the "Florida Commission on Human Rights in alphabetical order.

(42 U.S.C. 2000e-12(a))

Signed at Washington, D.C. this 9th day of August, 1983.

For the Commission.

Clarence Thomas,

Chairman, Equal Employment Opportunity Commission.

[FR Doc. 83-22575 Filed 8-22-83; 8:45 am]

BILLING CODE 6570-06-M

29 CFR Part 1601

706 Agencies

AGENCY: Equal Employment Opportunity Commission.

ACTION: Final rule; amendment.

SUMMARY: The Equal Employment Opportunity Commission amends its regulations designating certain State and local fair employment practices agencies (706 Agencies) so that they may handle employment discrimination charges. Publication of this amendment rescinds the designation of the Augusta-Richmond County (GA) Human Relations Commission as a 706 Agency.

EFFECTIVE DATE: August 23, 1983.

FOR FURTHER INFORMATION CONTACT: Hollis Larkins, Equal Employment Opportunity Commission, Office of Program Operations, Special Services Staff, 2401 E Street, N.W., Washington, D.C. 20506, telephone 202/634-6526.

SUPPLEMENTARY INFORMATION: The Commission was notified that the ordinance establishing the Augusta-Richmond County (GA) Human Relations Commission was rescinded. Consequently the Director, Office of Program Operations, believed that the Augusta-Richmond County Commission should not be considered a 706 Agency. In accordance with 29 CFR 1601.71(c) the Director, Office of Program Operations, has given the Commission 15 days in which to respond to the preliminary findings. The Director received the minutes of the Richmond County Board of Commissioners where they repealed the ordinance establishing the Commission, and established a Richmond County Human Relations Commission. Accordingly the Director hereby makes a final determination that the Augusta-Richmond County (GA) Human Relations Commission should no longer be considered a 706 Agency. Publication of this amendment to § 1601.74 rescinds the designation of the following agency as a designated 706 Agency: Augusta-Richmond County (GA) Human Relations Commission.

List of Subjects in 29 CFR Part 1601

Administrative practice and procedure, Equal employment opportunity, Intergovernmental relations.

PART 1601—[AMENDED]

§ 1601.74 [Amended]

Accordingly, title 29 CFR Part 1601 is amended in § 1601.74(a) by removing the entry for the "Augusta-Richmond County (GA) Human Relations Commission."

Signed at Washington, D.C. this 10th day of August, 1983.

For the Commission.

John Schmelzer,

Acting Director, Office of Program Operations

(42 U.S.C. 2000e-12(a))

[FR Doc. 83-23118 Filed 8-22-83; 8:45 am]

BILLING CODE 6570-06-M

PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION

36 CFR Part 905

Post-Employment Conflict of Interest

AGENCY: Pennsylvania Avenue Development Corporation.

ACTION: Final rule.

SUMMARY: The Pennsylvania Avenue Development Corporation is promulgating regulations to govern post-employment conflicts of interest. These regulations are required by The Ethics in Government Act of 1978.

EFFECTIVE DATE: September 22, 1983.

FOR FURTHER INFORMATION CONTACT: Robert E. McCally, General Counsel, (202) 566-1078, Pennsylvania Avenue Development Corporation, 425 13th St. NW., Suite 1148, Washington, D.C. 20004.

SUPPLEMENTARY INFORMATION: The Ethics in Government Act of 1978 (Pub. L. 95-521, Oct. 26, 1978, 92 Stat. 1864) significantly revised the restrictions on activities of former Federal employees found at 18 U.S.C. 207. Pub. L. 96-28 (June 22, 1979, 93 Stat. 76) made further amendments to Section 207. Section 207 now contains four basic prohibitions, which may be summarized as follows: (1) A lifetime ban against any former employee representing anyone other than the United States before any Federal agency or court on a matter in which he or she participated personally and substantially while a Federal employee; (2) a two-year ban against any former employee representing anyone other than the United States before any Federal agency or court on any matter pending under his or her official responsibility during the last year of Federal employment; (3) a two-year ban against former "senior employees" representing or aiding in the representation of anyone other than the United States by personal presence before any Federal agency or court on any matter in which he or she participated personally and substantially while a Federal employee; and (4) a one-year ban against any former "senior employee" making any contact with his or her former agency on behalf of anyone other than the United States on any matter pending before the agency.

Paragraph (j) of 18 U.S.C. 207 requires each agency to establish procedures, in consultation with the Office of Government Ethics, for disciplinary action against a former employee who has violated the substantive provisions of that section. The Office of Personnel Management has issued regulations at 5 CFR Part 737 (45 FR 7204, Feb. 1, 1980) that consist of (1) substantive provisions implementing the prohibitions found at 18 U.S.C. 207, and (2) guidelines for the adoption of regulations by Federal departments and agencies regarding administrative enforcement procedures.

The Corporation is accordingly herein promulgating new regulations at 36 CFR 905.737-101 based on the Office of Personnel Management guidelines.

By this resolution, the Corporation is adopting Subpart F to 36 CFR Part 905. The regulations in this subpart implement the substantive provisions of Title V of the Ethics in Government Act of 1978 (18 U.S.C. 207), and the substantive and procedural provisions of the Office of Personnel Management regulations promulgated pursuant thereto (5 CFR Part 737). These provisions are incorporated in Part 905 so that they will be conveniently located with the other provisions on employee conduct and responsibility found in that Part. The designation "737" is used in the numbering of these sections to indicate that they correspond to Part 737 of the Office of Personnel Management's regulations (5 CFR Part 737). A comprehensive explanation of the regulations at 5 CFR Part 737 may be found at 44 FR 19974, April 3, 1979, and 45 FR 7402, Feb. 1, 1980, where those regulations are published. The following discussion highlights the few differences between the Office of Personnel Management's guidelines at 5 CFR Part 737 and the regulations adopted by the Corporation.

A. *Applicable provision of law.* 36 CFR 905.737-101 is designed to inform employees of the Corporation that they must abide by the restrictions on post-employment activities found at 18 U.S.C. 207 and 5 CFR Part 737, and that violation of these provisions may give rise to administrative sanctions under Section 905.737-102 and criminal sanctions under 18 U.S.C. 207.

B. *Enforcement proceedings.* The Corporation's enforcement proceedings for violations of 18 U.S.C. 207 and 5 CFR Part 737 are set forth in 36 CFR 905.737-102. These provisions follow the guidelines published by the Office of Personnel Management (45 FR 7402, Feb. 1, 1980), although several appropriate changes have been made.

1. *Information regarding possible violations.* Section 905.737-102(b)(1) identifies the Chairman of the Corporation as the contact point for both employees and outside individuals who receive information regarding possible violations of 18 U.S.C. 207 or 5 CFR Part 737. The Chairman shall promptly initiate an investigation upon receipt of such information.

2. *Privacy of a former employee.* In accordance with the suggestion that agencies adopt "procedures to protect the privacy of former employees as to allegations made prior to a determination of sufficient cause to initiate an administrative disciplinary hearing" (5 CFR 737.27(a)(ii)), the Corporation has adopted safeguards to protect an individual subject to an investigation (36 CFR 905.737-102(b)(4)). These provisions ensure that information collected pursuant to the Corporation's investigation of an alleged violation will not be accessible to anyone except those participating in the investigation or hearing. In addition, the Chairman (or a delegate) is authorized to take any steps warranted by the particular circumstances that are necessary to protect the former employee's privacy.

3. *Qualifications of an examiner.* An "examiner" is defined at 36 CFR 905.737-102(d)(1) as "the Chairman, or an individual to whom the Chairman has delegated authority to make an initial decision" in the case. The Office of Personnel Management Guidelines recommend that "appropriate

qualifications" be established for such officials (5 CFR 737.27(a)(4)(ii)). The Corporation requires that an examiner be: (1) An employee of the Corporation; (2) familiar with the relevant provisions of law; and (3) otherwise qualified to carry out an examiner's duties (36 CFR 905.737–102(d)(2)).

An examiner must be familiar with the functions of the Corporation in order to determine whether activities giving rise to a violation have occurred. The requirement that an examiner be an employee of the Corporation has been adopted to ensure that the examiner is familiar with the Corporation's functions.

An examiner will have the responsibility of deciding both questions of law and fact. It is essential, therefore, that an examiner be familiar with the provisions of 18 U.S.C. 207 and 5 CFR Part 737 as a prerequisite to serving in that capacity.

The Chairman is authorized to appoint as examiner an individual who meets the above qualifications and who is also "otherwise qualified to carry out the duties of that position." This last criterion gives the Chairman discretion to select an individual who has the character traits necessary to carry out the responsibilities of an examiner.

4. *Final decisions.* The Corporation has modified slightly the format of the Office of Personnel Management Guidelines (5 CFR 737.27) with regard to the provisions for initial and final decisions, in order to clarify when a determination is final. Section 905.737–102 provides that a final decision may be entered in four circumstances: (1) When the Chairman (or a delegate) conducts a hearing and issues a final written determination subsequent to the initial decision of an examiner; (2) when the Chairman (or a delegate) conducts a hearing and issues a final written determination in a case where the initial hearing procedure has not been used; (3) when a former employee has received the required notice of an alleged violation and fails to request a hearing; and (4) when an appeal from an adverse initial decision is not taken within the prescribed thirty-day period.

5. *Time period for appeal.* The Office of Personnel Management guidelines (5 CFR 737.27(a)(8)(ii)) authorize each agency to set a reasonable period for appeal of an initial decision by the examiner. The Corporation has adopted a thirty-day rule which is the same as the rule of 28 U.S.C. 2107 regarding appeal of a final decision of a district court and the rule of 18 U.S.C. 3731 regarding the appeal of a decision in a criminal case by the United States.

6. *Judicial review.* The provision at 36 CFR 905.737–102(j)), relating to judicial review of a determination that a violation has occurred, varies only slightly from the provision in the Office of Personnel Management guidelines (5 CFR 737.27(a)(10)) in order to make clear that judicial review lies in a United States District Court as provided at 18 U.S.C. 207(j).

The Corporation has determined that observance of the notice and comment procedures described at 5 U.S.C. 553(b) is unnecessary because this resolution concerns a matter relating to agency personnel and management and is, thus, excepted under 5 U.S.C. 553(a).

Statement of Significance

The Corporation has determined that, since it relates to agency personnel, this rule is not a major rule and does not require a regulatory impact analysis under Executive Order 12291, "Federal Regulations." [46 FR 13193, February 19, 1981.] It will not result in any of the effects described in Section 1(b) of the Executive Order. In addition, the Chairman of the Corporation's Board of Directors has determined, and hereby certifies, that this rule will not have a significant economic impact on a substantial number of small entities and does not require a regulatory flexibility analysis under the Regulatory Flexibility Act [Pub. L. 96–354, September 19, 1980, 5 U.S.C. 603, 604 and 605]

List of Subjects in 36 CFR Part 905

Standards of conduct, Ethics, Former employees, post-termination employment restrictions.

Subpart F to 36 CFR Part 905 is added to read as follows:

PART 905—STANDARDS OF CONDUCT

Subpart F—Conduct and Responsibilities of Former Employees—Enforcement

Authority: 18 U.S.C. 207(j); section 6(5), Pub. L. 92–578, 86 Stat. 1270 (40 U.S.C. 875)(5).

Subpart F—Conduct and Responsibilities of Former Employees—Enforcement

§ 905.737–101 Applicable provisions of law.

Former employees of the Corporation must abide by the provisions of 18 U.S.C. 207 and 5 CFR 737.1—737.25, which bar certain acts by former Government employees that may reasonably give the appearance of making unfair use of prior Government employment and affiliations. Violation of those provisions will give rise to Corporation enforcement proceedings as provided in § 905.737–102, and may also result in criminal sanctions, as provided in 18 U.S.C. 207.

§ 905.737–102 Enforcement proceedings.

(a) *Delegation.* The Chairman of the Corporation may delegate his or her authority under this Subpart.

(b) *Initiation of disciplinary hearing.* (1) Information regarding a possible violation of 18 U.S.C. 207 or 5 CFR Part 737 should be communicated to the Chairman. The Chairman shall promptly initiate an investigation to determine whether there is reasonable cause to believe that a violation has occurred.

(2) On receipt of information regarding a possible violation of 18 U.S.C. 207, and after determining that such information appears substantiated, the Chairman of the Corporation shall expeditiously provide such information, along with any comments or regulations of the Corporation, to the Director of the Office of Government Ethics and to the Criminal Division, Department of Justice. The Corporation shall coordinate any investigation with the Department of Justice to avoid prejudicing criminal proceedings, unless the Department of Justice communicates to the Corporation that it does not intend to initiate criminal prosecution.

(3) Whenever the Corporation has determined after appropriate review, that there is reasonable cause to believe that a former employee has violated 18 U.S.C. 207 or 5 CFR Part 737, it shall initiate a disciplinary proceeding by providing the former employee with notice as defined in paragraph (c) of this section.

(4) At each stage of any investigation or proceeding under this section, the Chairman shall take whatever steps are necessary to protect the privacy of the former employee. Only those individuals participating in an investigation or hearing shall have access to information collected by the Corporation pursuant to its investigation of the alleged violation.

(c) *Adequate notice.* (1) The Corporation shall provide the former employee with adequate notice of its intention to institute a proceeding and an opportunity for a hearing.

(2) Notice to the former employee must include:

(i) A statement of the allegations (and the basis thereof) sufficiently detailed to enable the former employee to prepare an adequate defense;

(ii) Notification of the right to a hearing;

(iii) An explanation of the method by which a hearing may be requested; and

(iv) Notification that if a hearing is not requested within thirty days of receipt of notice, the Corporation will issue a final decision finding the alleged violations to have occurred.

(3) Failure to request a hearing within thirty days of the receipt of notice will be deemed an admission of the allegations contained in the notice and will entitle the Corporation to issue a final decision finding the alleged violations to have occurred.

(d) *Presiding official.* (1) The presiding official at proceedings under this Subpart shall be the Chairman, or an individual to whom the Chairman has delegated authority to make an initial decision (hereinafter referred to as "examiner").

(2) An examiner shall be an employee of the Corporation who is familiar with the relevant provisions of law and who is otherwise qualified to carry out the duties of that position. He or she shall be impartial. No individual who has participated in any manner in the decision to initiate the proceedings may serve as an examiner.

(e) *Time, date and place.* (1) The hearing shall be conducted at a reasonable time, date, and place.

(2) On setting a hearing date, the presiding official shall give due regard to the former employee's need for:

(i) Adequate time to prepare a defense properly; and

(ii) An expeditious resolution of allegations that may be damaging to his or her reputation.

(f) *Hearing rights.* A hearing shall include the following rights:

(1) To represent oneself or to be represented by counsel;

(2) To introduce and examine witnesses and to submit physical evidence;

(3) To confront and cross-examine adverse witnesses;

(4) To present oral argument; and

(5) To receive a transcript or recording of the proceedings, on request.

(g) *Burden of proof.* In any hearing under this subpart, the Corporation has the burden of proof and must establish substantial evidence of a violation.

(h) *Hearing decision.* (1) The presiding official shall make a determination exclusively on matters of record in the proceeding, and shall set forth in the decision all findings of fact and conclusions of law relevant to the matters at issue. If the hearing is conducted by the Chairman, the resulting written determination shall be an initial decision.

(2) Within thirty days of the date of an initial decision, either party may appeal the decision to the Chairman. The Chairman shall base his or her decision on such appeal solely on the record of the proceedings on those portions thereof cited by the parties to limit the issues.

(3) If the Chairman modifies or reverses the initial decision, he or she shall specify such findings of fact and conclusions of law as are different from those of the examiner.

(4) If no appeal is taken from an initial decision within thirty days, the initial decision shall become a final decision.

(i) *Sanctions.* The Chairman shall take appropriate action in the case of any individual who is found to be in violation of 18 U.S.C. 207 or 5 CFR Part 737 after a final decision by:

(1) Prohibiting the individual from making, on behalf of any other person except the United States, any formal or informal appearance before, or, with the intent to influence, any oral or written communication to, the Corporation on any matter of business for a period not to exceed five years, which may be accomplished by directing employees of the Corporation to refuse to participate in any such appearance or to accept any such communication; or

(2) Taking other appropriate disciplinary action.

(j) *Judicial review.* Any person found by the Corporation to have participated in a violation of 18 U.S.C. 207 or 5 CFR Part 737 may seek judicial review of the determination in an appropriate United States District Court.

Dated: April 23, 1983.

Henry A. Berliner, Jr.,

Chairman.

[FR Doc. 83-23082 Filed 8-22-83; 8:45 am]

BILLING CODE 7630-01-M

POSTAL SERVICE

39 CFR Part 111

Additional Entry Application for Second-Class Publications

AGENCY: Postal Service.

ACTION: Final rule.

SUMMARY: This change amends postal regulations to require publishers to give 30 days' notice before mailing any second-class publications at an additional entry post office, so that postal officials can plan for the work load. Currently, only requester publications are required to give such advance notice.

EFFECTIVE DATE: September 22, 1983.

FOR FURTHER INFORMATION CONTACT: Kenneth H. Young (202) 245-4512.

SUPPLEMENTARY INFORMATION: On April 11, 1983, the Postal Service published for comment in the **Federal Register** a proposed amendment to section 422.1 of the Domestic Mail Manual as described above (48 FR 15492). Interested persons were invited to submit written comments concerning the proposed amendment by May 11, 1983. The Postal Service received 18 written and one telephone comment.

Three comments favored the proposal without change. They saw no problems in complying with the proposal since the requirements of the rule appeared reasonable, and since they have been providing advance notice all along on a voluntary basis. One said the rule helped to standardize and simplify expectations under postal regulations.

Ten comments favor or had no objection to the proposal if a provision would be included permitting waiver of the 30 day notice requirement in exceptional circumstances. The Postal Service has always worked with publishers on a common-sense basis to authorize entries by telephone or other short notice when necessitated by strikes, floods, etc. While the matter is not specifically addressed in the final rule, the Postal Service will continue this practice. We prefer not to codify a formal exception which might invite laxity in complying with the rule. But in emergencies, such as unexpected closing of plants, weather-related problems, and equipment failure, publishers may contact the Office of Mail Classification, Rates and Classification Department, U.S. Postal Service, 475 L'Enfant Plaza, S.W., Washington, D.C. 20260-5200, telephone (202) 245-4512, to discuss the situation. The Postal Service is interested in working with its customers to handle any emergency problems.

Six comments were not in favor of the proposal, essentially for the same reason that others wanted a waiver provision, although these felt the rule was so broad and inflexible that it represented an unnecessary regulation that benefited neither the Postal Service nor the publisher. They felt that voluntary notification on a common-sense case-by-case basis, as in the past, is preferable to a standard notice requirement which might not be needed in particular circumstances.

The Postal Service considers it essential as a general matter that local postal authorities be able to count on advance notice so that the advance planning necessary for good service can be done. Time is often necessary to contract for transportation, adjust transportation schedules, schedule work forces, and ensure that entry offices are