SUPPLEMENTARY INFORMATION:

History

Federal Register Document 85–30396 was published on December 26, 1985 which revised the description of the Santa Maria, California, Control Zone and Transition Area. An error was discovered in the description of the Control Zone and Transition Area, and this action corrects that error.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Control zones; Transition areas.

Adoption of the Correction

Accordingly, pursuant to the authority delegated to me, Federal Register Document 85–30396, as published in the Federal Register on December 26, 1985 (50 FR 52767) is corrected as follows:

1. The authority citation for Part 71 continues to read as follows:

Authority: 49 U.S.C. 1347(a), 1354(a), 1510; Executive Order 10854; 49 U.S.C. 106(g) (Revised Pub. L. 97–449, January 12, 1983); 14 CFR 11.69.

§ 71.171 [Revised]

2. Section 71.171 is revised as follows:

Santa Maria, CA

"Within a 5-mile radius of the Santa Maria Public Airport (lat. 34°53'56" N., long. 120°27'23" W.) beginning at lat. 34°50'15" N., long. 120°24'34" W.; clockwise via the 5-mile radius to lat. 34°52'14" N., long. 120°22'31" W.; to lat. 34°51'16" N., long. 120°21'16" W.; to lat. 34°49'32" N., long. 120°23'37" W.; to the point of beginning."

§ 71.181 [Revised]

3. Section 71.181 is revised as follows:

Santa Maria, CA

"That airspace extending upward from 700 feet above the surface beginning at lat. 34°45'08" N., long. 120°20'16" W.; to lat. 34°49'41" N., long. 120°26'12" W.; thence clockwise via the 5-mile radius of the Santa Maria Public Airport (lat. 34°53'56" N., long. 120°27'23" W.); to lat. 34°54'09" N., long. 120°32'40" W.; to lat. 35°00'50" N., long. 120°37'56" W.; to lat. 35°03'40" N., long. 120°32'36" W.; to lat. 34°58'13" N., long. 120°28'18" W.; thence clockwise via the 5-mile radius of the Santa Maria Public Airport (lat. 34°53'56" N., long. 120°27'23" W.); to lat. 34°53'41" N., long. 120°22'07" W.; to lat. 34°48'57" N., long. 120°15'57" W.; to the point of beginning."

Issued in Los Angeles, California, on February 11, 1986.

B. Keith Potts,

Acting Director, Western-Pacific Region.

[FR Doc. 86–3711 Filed 2–20–86; 8:45 am]

BILLING CODE 4910–13–M

RAILROAD RETIREMENT BOARD

20 CFR Part 237

Annuities; Lump-Sum Payments; Correction

AGENCY: Railroad Retirement Board.

ACTION: Final rule; correction.

SUMMARY: This document corrects a final rule published on January 23, 1986, by adding an instruction to the Federal Register which was inadvertently left out.

EFFECTIVE DATE: January 23, 1986.

FOR FURTHER INFORMATION CONTACT: Joseph Drantz, (312) 751–4710.

SUPPLEMENTARY INFORMATION: In FR Doc. 86–1420, published on January 23, 1986, beginning on page 3035, an instruction to remove and reserve Subpart E of Part 237 of the Railroad Retirement Board's regulations was inadvertently left out. The regulation published on January 23, 1986, updated and replaced the information previously contained in Subpart E of Part 237. The purpose of this document is to remove and reserve Subpart E of Part 237.

Accordingly, in FR Doc. 86–1420 on page 3040 in column 3 Part 237 is corrected by adding to action number 2 the following heading and paragraph C:

Subpart E—[Removed and Reserved]

C. Subpart E—Lump-Sum Death Payments consisting of §§ 237.501 through 237.504 is removed and reserved.

Dated: February 14, 1986.

Beatrice Ezerski,

Secretary to the Board.

[FR Doc. 86–3745 Filed 2–20–86; 8:45 am]

BILLING CODE 7905–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 540

Penicillin Antibiotic Drugs for Animal Use; Amoxicillin Trihydrate and Clavulanate Potassium for Oral Suspension

Correction

In FR Doc. 86–2484 beginning on page 4483 in the issue of Wednesday, February 5, 1986, make the following correction:

On page 4483, in § 540.103h(a)(1), the seventh line from the top of the third column should read "contain. Its clavulanate potassium content is satisfactory if".

BILLING CODE 1505–01–M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[T.D. 8069]

Income Taxes; Qualified Conservation Contributions

AGENCY: Internal Revenue Service, Treasury.

ACTION: Final rule; correction.

SUMMARY: This document contains a correction to Treasury Decision 8069, which was published in the Federal Register on January 14, 1986 (51 FR 1496). Treasury Decision 8069 issued final regulations relating to contributions not in trust of partial interests in property for conservation purposes.

EFFECTIVE DATE: The regulations that are the subject of this correction are effective December 18, 1980. This correction is also effective December 18, 1980.

FOR FURTHER INFORMATION CONTACT: Ada S. Rousso of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224 (Attn: CC:LR:T). Telephone 202–566–3287 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

On January 14, 1986, the Federal Register published final regulations relating to contributions not in trust of partial interests in property for conservation purposes. The provisions

set forth in those regulations reflected changes made by the Tax Reform Act of 1984 and the Temporary Tax Provisions, Extension.

Need for Correction

As published, Treasury Decision 8069 contains a typographical error in the text of § 1.170A–14(g)(2) where the subject of conservation contributions made prior to February 12, 1986, is discussed. The correct, and intended, date is February 14, 1986.

Correction of Publication

Accordingly, the publication of Treasury Decision 8069, which was the subject of FR Doc. 86–727 (51 FR 1496), is corrected as follows:

Para. 1. In § 1.170A–14(g)(2) on page 1504, first column, paragraph numbered (2), line 13, the language "February 12," is removed and the language "February 14," is added in its place.

Paul A. Francis,

Acting Director, Legislation and Regulations Division.

[FR Doc. 86–3861 Filed 2–20–86; 8:45 am]

BILLING CODE 4830–01–M

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26 CFR Part 1

[T.D. 8074]

Income Taxes; Stock Acquisitions and Target Corporation Assets; Section 338 International Aspects

AGENCY: Internal Revenue Service, Treasury.

ACTION: Final rule; correction.

SUMMARY: This document contains corrections to Treasury Decision 8074, which was published in the **Federal Register** on February 12, 1986 (51 FR 5163). Treasury Decision 8074 issued temporary regulations relating to international aspects of section 338 of the Internal Revenue Code of 1954.

EFFECTIVE DATE: The regulations that are the subject of these corrections are effective February 12, 1986. These corrections are also effective February 12, 1986.

FOR FURTHER INFORMATION CONTACT: Keith E. Stanley of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224 (Attn: CC:LR:T). Telephone 202–566–3458 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

On February 12, 1986, the **Federal Register** published temporary regulations relating to international aspects of section 338 of the Internal Revenue Code of 1954, as added by the Tax Equity and Fiscal Responsibility Act of 1982 and amended by the Technical Corrections Act of 1982 and the Tax Reform Act of 1984.

Need for Corrections

As published, Treasury Decision 8074 contains some typographical errors with respect to dates (page 5189, first column, *Examples (1)* and *(2)*(ii)) and in the text of § 1.338–4T(f)(6)(ii) Answer 1 (ii)(C) (page 5196, first column).

Correction of Publication

Accordingly, the publication of Treasury Decision 8074, which is the subject of FR Doc. 86–2951 (51 FR 5163), is corrected as follows:

Para. 1. In § 1.338–5T(j)(7)(vii) on page 5189, first column, *Example (1)*, line 13, and *Example (2)*(ii), line 6, the language "March 15, 1986," is removed and the language "February 12, 1986," is added in its place in both locations.

Para. 2. In § 1.338–4T(f)(6)(ii) Answer 1(ii)(C) on page 5196, first column, paragraph (C), captioned *Certain foreign P group members*, is amended as follows:

(1) In line 4, the language "carryover election if *(1)* it is not subject" is removed and the language "carryover election unless *(1)* it is subject" is added in its place.

(2) In line 11, the language "it does not purchase any of the stock" is removed and the language "it purchases any of the stock" is added in its place.

(3) In line 13, the language "of T or of an affected target, and *(3)* it" is removed and the language "of T or of an affected target, or *(3)* it" is added in its place.

(4) In line 14, the language "does not directly or indirectly hold stock" is removed and the language "directly or indirectly (in the manner described in section 958 (a)) holds stock" is added in its place.

Paul A. Francis,

Acting Director, Legislation and Regulations Division.

[FR Doc. 86–3863 Filed 2–20–86; 8:45 am]

BILLING CODE 4830–01–M

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26 CFR Parts 1, 20 and 25

[T.D. 8069]

Income Taxes; Qualified Conservation Contributions

Correction

In FR Doc. 86–727 beginning on page 1496 in the issue of Tuesday, January 14, 1986, make the following corrections:

1. On page 1500, second column, in § 1.170A–14(d)(4)(ii)(A) introductory text, fifth line from the bottom, remove the word "in". In § 1.170A–14(d)(4)(ii)(A)*(3)*, second line, insert the word "in" between "factor" and "an".

2. On page 1504, second column, in § 1.170A–14(g)(4)(ii)(A)*(2)*, fifth line, "of" should read "or".

3. On page 1507, first column, in § 1.170A–14(h)(4), Example (10), sixth line from the bottom, insert the following between "the" and "deduction": "taxpayer's contiguous land, the amount of the". In Example (12), second line, "two-building" should read "two-story building". In the fifteenth line, "or" should read "of". In the twenty-second line, "and" should read "an".

4. On the same page, second column, in Par. 6(c), second line, "and" should read "are". In the third column, in Par. 8(a), fifth line, "of" should read "a". In (b), fourth line, insert the word "an" between "of" and "open".

BILLING CODE 1505–01–M

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26 CFR Part 301

[T.D. 8077]

Income Tax; Procedures and Administration; Restrictions on Church Tax Inquiries and Examinations

AGENCY: Internal Revenue Service, Treasury.

ACTION: Final regulations.

SUMMARY: This document contains final regulations relating to the procedures for conducting church tax inquiries and examinations. Changes to the applicable law were made by the Tax Reform Act of 1984. The regulations provide guidance concerning the procedures described in the Act and affect church tax inquiries and examinations within the scope of section 7611 of the Internal Revenue Code of 1954 as well as certain other requests for information relating directly or indirectly to churches.

DATES: The regulations apply to all church tax inquiries and examinations beginning after December 31, 1984 and are effective after December 31, 1984. Church examinations commenced prior to January 1, 1985, will be conducted pursuant to section 7605(c) of the Internal Revenue Code of 1954.

FOR FURTHER INFORMATION CONTACT: Monice Rosenbaum of the Employee Plans and Exempt Organizations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue NW., Washington,

DC 20224 (Attention CC:EE) Telephone 202–566–3938 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

On March 11, 1985, the **Federal Register** published proposed amendments to the Procedure and Administration Regulations (26 CFR Part 301), in the form of temporary regulations, under section 7611 of the Internal Revenue Code of 1954 (50 FR 9614). The amendments were proposed to conform the regulations to changes made by the addition of section 7611 by section 1033 of the Tax Reform Act of 1984 (Pub. L. 98–369, 98 Stat. 1034–1039). The temporary regulations were accompanied by a notice of proposed rulemaking published in the **Federal Register** on March 11, 1985 (50 FR 9678) soliciting public comments.

Public comments on the proposed regulations were received. A public hearing was held on July 16, 1985. After consideration of all comments regarding the proposed amendments, those amendments are adopted as revised by this Treasury decision.

Public Comments

Commentators suggested that the language of Q and A–3, defining what is a "church" for purposes of the section 7611 procedures, was inadequate in the case of an organization which operates at multiple locations or in the case of an organization composed of various functions some of which may or may not be separately incorporated. The text of Q and A–3 is not changed in these final regulations because the application of the section 7611 procedures to any organization "claiming to be a church" is deemed sufficiently broad to cover those situations where the Internal Revenue Service contacts the organization in a manner inconsistent with the section 7611 procedures on the assumption that the entity is not a church. Any organization claiming to be a church, and thus included under the procedures of section 7611, should advise the Internal Revenue Service of its claim when contacted.

Commentators questioned whether Q and A–5, concerning the extent to which the Internal Revenue Service may use third party records, an Q and A–11, concerning circumstances in which the Internal Revenue Service may, in lieu of an examination, propose to revoke an organization's exemption, were to be applied without regard to the procedures of section 7611. Qs and As 5 and 11, that refer to these situations, each contains specific language which requires the Internal Revenue Service to provide the organization with notice and offer of a conference.

Commentators noted that Q and A–15 provides that the Internal Revenue Service may examine records of a year earlier than the year, or years, specified in the examination notice. An examination of records of an earlier year may be made if material to a determination of exempt status during the period under examination or if material to a determination of unrelated business income tax liability. An examination of records of an earlier year may be necessary, for example, in cases concerning adjustments to basis, depreciation or amortization. The number of years under examination or for which an assessment of tax may be made are limited by section 7611(d)(2); however, section 7611(b)(4) authorizes the examination of any records not specified in the examination notice to the extent necessary to determine tax liability.

Other comments received have been addressed in the Internal Revenue Manual provisions relating to church tax inquiries and examinations.

A change has been made to Q and A–9 in response to a comment suggesting that the Internal Revenue Service be required to request information during the inquiry notice stage in an effort to alleviate the concerns which gave rise to the inquiry.

A change has been made to Q and A–10 in response to a comment that the expansion of an examination should be a result of facts and circumstances which subsequently come to the attention of the Internal Revenue Service after issuance of the notice of examination.

Special Analyses

The Commissioner of Internal Revenue has determined that this final rule is not a major rule as defined in Executive Order 12291 and that a Regulatory Impact Analysis is therefore not required.

Although a notice of proposed rulemaking soliciting public comments was issued, the Internal Revenue Service concluded when the notice was issued that the regulations are interpretative and that the notice and public procedure requirements of 5 U.S.C. 553 do not apply. Accordingly, these regulations are not subject to the Regulatory Flexibility Act (5 U.S.C. Chapter 6).

Drafting Information

The principal author of these regulations is Monice Rosenbaum of the Employee Plans and Exempt Organizations 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 regulations on matters of both substance and style.

List of Subjects in 26 CFR Part 301

Administrative practice and procedure, Bankruptcy, Courts, Crime, Employment taxes, Estate taxes, Excise taxes, Gift taxes, Income taxes, Investigations, Law enforcement, Penalties, Pensions, Statistics, Taxes, Disclosure of information, Filing requirements.

Adoption of Amendments to the Regulations

Accordingly, after careful consideration of all comments received, 26 CFR Part 301 is amended as follows:

PART 301—PROCEDURE AND ADMINISTRATION

Para. 1. The authority for Part 301 continues to read in Part:

Authority: 26 U.S.C. 7805. * * *.

§ 301.7611–1T [Amended]

Para. 2. Section 301.7611–1T is amended by removing "T" from the section number and removing the word "(Temporary)" from the title.

§ 301.7611–1 [Amended]

Para. 3. The last sentence of the first paragraph of A–9 of section 301.7611–1 is amended by removing the words "may also" and adding in their place the words "will generally".

§ 301.7611–1 [Amended]

Para. 4. The last sentence of the second paragraph of A–10 of section 301.7611–1 is amended by removing the words "(see Q and A–9)". The following new sentence is added to the end of that paragraph:

Thus, the Internal Revenue Service is not precluded from expanding its inquiry beyond the concerns expressed in the examination notice (second notice) as a result of facts and circumstances which subsequently come to its attention (including, where appropriate, an expansion of an unrelated business income examination to include questions of tax-exempt status, and vice versa).

Roscoe L. Egger, Jr.,

Commissioner of Internal Revenue.

Approved: January 28, 1986.

J. Roger Mentz,

Acting Assistant Secretary of the Treasury.

[FR Doc. 86–3864 Filed 2–20–86; 8:45 am]

BILLING CODE 4830–01