

(h) Notwithstanding paragraphs (e) and (g) of this section, in no event may the Director issue a National Marine Sanctuary permit under § 922.48 and § 922.153 or a Special Use permit under section 310 of the Act authorizing, or otherwise approve: The exploration for, development or production of oil, gas or minerals within the Sanctuary; the discharge of primary-treated sewage within the Sanctuary (except by certification, pursuant to § 922.47, of valid authorizations in existence on July 22, 1994 and issued by other authorities of competent jurisdiction); the disposal of dredged material within the Sanctuary other than in connection with beach nourishment projects related to harbor maintenance activities; or bombing activities within the Sanctuary. Any purported authorizations issued by other authorities after July 22, 1994 for any of these activities within the Sanctuary shall be invalid.

**§ 922.153 Permit procedures and criteria.**

(a) A person may conduct an activity prohibited by paragraphs (a) (2) through (7) of § 922.152 if conducted in accordance with the scope, purpose, terms and conditions of a permit issued under this section and § 922.48.

(b) Applications for such permits should be addressed to the Director, Office of Ocean and Coastal Resource Management; ATTN: Manager, Olympic Coast National Marine Sanctuary, 138 West First Street, Port Angeles, WA 98362.

(c) The Director, at his or her discretion, may issue a permit, subject to such terms and conditions as he or her deems appropriate, to conduct an activity prohibited by paragraphs (a) (2) through (7) of § 922.152, if the Director finds that the activity will not substantially injure Sanctuary resources and qualities and will: further research related to Sanctuary resources and qualities; further the educational, natural or historical resource value of the Sanctuary; further salvage or recovery operations in or near the Sanctuary in connection with a recent air or marine casualty; assist in managing the Sanctuary; further salvage or recovery operations in connection with an abandoned shipwreck in the Sanctuary title to which is held by the State of Washington; or promote the welfare of any Indian tribe adjacent to the Sanctuary. In deciding whether to issue a permit, the Director may consider such factors as: the professional qualifications and financial ability of the applicant as related to the proposed activity; the duration of the activity and the duration of its effects; the appropriateness of the methods and

procedures proposed by the applicant for the conduct of the activity; the extent to which the conduct of the activity may diminish or enhance Sanctuary resources and qualities; the cumulative effects of the activity; the end value of the activity; and the impacts of the activity on adjacent Indian tribes. Where the issuance or denial of a permit is requested by the governing body of an Indian tribe, the Director shall consider and protect the interests of the tribe to the fullest extent practicable in keeping with the purposes of the Sanctuary and his or her fiduciary duties to the tribe. The Director may also deny a permit application pursuant to this section, in whole or in part, if it is determined that the permittee or applicant has acted in violation of the terms or conditions of a permit or of the regulations in this subpart. In addition, the Director may consider such other factors as he or she deems appropriate.

(d) It shall be a condition of any permit issued that the permit or a copy thereof be displayed on board all vessels or aircraft used in the conduct of the activity.

(e) The Director may, *inter alia*, make it a condition of any permit issued that any data or information obtained under the permit be made available to the public.

(f) The Director may, *inter alia*, make it a condition of any permit issued that a NOAA official be allowed to observe any activity conducted under the permit and/or that the permit holder submit one or more reports on the status, progress or results of any activity authorized by the permit.

(g) The Director shall obtain the express written consent of the governing body of an Indian tribe prior to issuing a permit, if the proposed activity involves or affects resources of cultural or historical significance to the tribe.

(h) Removal, or attempted removal of any Indian cultural resource or artifact may only occur with the express written consent of the governing body of the tribe or tribes to which such resource or artifact pertains, and certification by the Director that such activities occur in a manner that minimizes damage to the biological and archeological resources. Prior to permitting entry onto a significant cultural site designated by a tribal governing body, the Director shall require the express written consent of the governing body of the tribe or tribes to which such cultural site pertains.

**§ 922.154 Consultation with the State of Washington, affected Indian tribes, and adjacent county governments.**

(a) The Director shall regularly consult with the State of Washington, the governing bodies of tribes with reservations adjacent to the Sanctuary, and adjacent county governments regarding areas of mutual concern, including Sanctuary programs, permitting, activities, development, and threats to Sanctuary resources.

(b) The Director shall, when requested by such governments, enter into a memorandum of understanding regarding such consultations.

**Appendix A to Subpart O of Part 922—Olympic Coast National Marine Sanctuary Boundary Coordinates**

[Based on North American Datum of 1983]

Point	Latitude	Longitude
1 .....	47°07'45"	124°11'02"
2 .....	47°07'45"	124°58'12"
3 .....	47°35'05"	125°00'00"
4 .....	47°40'05"	125°04'44"
5 .....	47°50'01"	125°05'42"
6 .....	47°57'13"	125°29'13"
7 .....	48°07'33"	125°38'20"
8 .....	48°15'00"	125°40'54"
9 .....	48°18'21.2"	125°30'02.9"
10 .....	48°20'15.2"	125°22'52.9"
11 .....	48°26'46.2"	125°09'16.9"
12 .....	48°27'09.2"	125°08'29.9"
13 .....	48°28'08.2"	125°05'51.9"
14 .....	48°29'43.2"	125°00'10.9"
15 .....	48°29'56.2"	124°59'19.9"
16 .....	48°30'13.2"	124°54'56.9"
17 .....	48°30'21.2"	124°50'25.9"
18 .....	48°30'10.2"	124°47'17.9"
19 .....	48°29'36.4"	124°43'38.1"
20 .....	48°28'08"	124°38'13"
21 .....	48°23'17"	124°38'13"

2. For the reasons set forth in the Preamble, and under the authority of 16 U.S.C. 1431 15 CFR Parts 924—Monitor Marine Sanctuary, 925—Olympic Coast National Marine Sanctuary, 935—Channel Islands National Marine Sanctuary Regulations, 936—The Point Reyes/Farallon Islands Marine Sanctuary Regulations, 938—The Gray's Reef National Marine Sanctuary Regulations, 941—Fagatele Bay National Marine Sanctuary Regulations, 942—Cordell Bank National Marine Sanctuary, 943—Flower Garden Banks National Marine Sanctuary, 940—Stellwagen Bank National Marine Sanctuary, and 944—Monterey Bay National Marine Sanctuary are removed. [FR Doc. 30564 Filed 12-26-95; 8:45 am]

**DEPARTMENT OF HEALTH AND HUMAN SERVICES****Food and Drug Administration****21 CFR Part 436****Tests and Methods of Assay of Antibiotic and Antibiotic-Containing Drugs***CFR Correction*

In Title 21 CFR parts 300 to 499, revised as of April 1, 1995, on pages 372 and 375, the equations following the second table in both §§ 436.105 and 436.106 were misprinted. Both denominators in each equation should read "5" instead of "—5".

BILLING CODE 1505-01-D

**DEPARTMENT OF THE TREASURY****Internal Revenue Service****26 CFR Parts 26, 301, and 602**

[TD 8644]

RIN 1545-AJ11; 1545-AL75; 1545-AO89

**Generation-Skipping Transfer Tax**

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

**ACTION:** Final and temporary regulations.

**SUMMARY:** This document contains final generation-skipping transfer (GST) tax regulations under chapter 13 of the Internal Revenue Code (Code), as added by section 1431 of the Tax Reform Act of 1986. Changes to the applicable law were made by the Tax Reform Act of 1986, the Technical and Miscellaneous Revenue Act of 1988, and the Revenue Reconciliation Act of 1989. The regulations are necessary to provide guidance to taxpayers so that they may comply with chapter 13 of the Code.

**EFFECTIVE DATE:** December 27, 1995.

**FOR FURTHER INFORMATION CONTACT:** James F. Hogan, (202) 622-3090 (not a toll free number).

**SUPPLEMENTARY INFORMATION:****Paperwork Reduction Act**

The collection of information requirements contained in these final regulations have been reviewed and approved by the Office of Management and Budget in accordance with the Paperwork Reduction Act (44 U.S.C. 3507) under control numbers 1545-0985 (relating to §§ 26.2601-1 and 26.2662-2) and 1545-1358 (relating to §§ 26.2632-1, 26.2642-1, 26.2642-2, 26.2642-3, 26.2642-4 and 26.2652-2). All of these

paperwork requirements will be consolidated under control number 1545-0985. Responses to this collection of information are required to ensure the proper collection of the generation-skipping transfer tax.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection unless the collection of information displays a valid control number.

The estimated burden per respondent is 1 hour under control number 1545-0985. The time estimates for the reporting and recordkeeping requirements under control number 1545-1358 are included in the estimates of burden applicable to Forms 706, 706NA, 706GS(T), 706GS(D), 706GS(D-1), and 709.

Comments concerning the accuracy of this burden estimate and suggestions for reducing this burden should be directed to the Internal Revenue Service, Attn: IRS Reports Clearance Officer T:FP, Washington, DC 20224, and to the Office of Management and Budget, Attn: Desk Officer for the Department of Treasury, Office of Information and Regulatory Affairs, Washington, DC 20503.

Books or records relating to this collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

**Background**

On March 15, 1988, the IRS published in the Federal Register a notice of proposed rulemaking (53 FR 8469) by cross reference to Temporary Regulations published on the same date in the Federal Register (53 FR 8441) under §§ 2601 and 2662. Subsequently, on December 24, 1992, the IRS published a second notice of proposed rulemaking (57 FR 61353) amending the prior notice. Also, on December 24, 1992, the IRS published a notice of proposed rulemaking in the Federal Register (57 FR 61356) containing proposed regulations under §§ 2611, 2612, 2613, 2632, 2641, 2642, 2652, 2653, 2654, and 2663. The IRS received written and oral comments on the proposed regulations and, on April 21, 1993, a public hearing was held. These documents adopt final regulations with respect to these notices of proposed rulemaking.

The following is a discussion of the more significant revisions that were made.

*Section 2601—Transitional Rules*

Transfers After September 25, 1985 and Before October 23, 1986

Section 26.2601-1(a)(2)(i), relating to inter vivos transfers made after September 25, 1985, and before October 23, 1986, clarifies that chapter 13 applies to inter vivos transfers that are subject to chapter 12 even though a gift tax is not actually paid because of, for example, the marital deduction or the unified credit.

Section 26.2601-1(a)(2)(ii) (which treats inter vivos transfers made after September 25, 1985, and before October 23, 1986, as if made on October 23, 1986) clarifies that the value of the transferred property for purposes of chapter 13 is determined as of the actual transfer date rather than as of the deemed transfer date of October 23, 1986.

Section 26.2601-1(a)(4) adds an example illustrating that § 26.2601-1(a)(2) does not apply to transfers made under a revocable trust that becomes irrevocable by reason of the grantor's death after September 25, 1985, but before October 23, 1986. Those transfers are not subject to chapter 13 because they are in the nature of testamentary transfers that occurred prior to October 23, 1986.

Section 26.2601-1(b)(1)(ii)(C) clarifies that incidents of ownership in an insurance policy that are relinquished before September 25, 1985, are not to be taken into account in determining whether a trust is irrevocable for purposes of § 26.2601-1(b)(1), which exempts trusts that were irrevocable on September 25, 1985, from the provisions of chapter 13.

Under § 26.2601-1(b)(1)(iii)(A), a qualified terminable interest property (QTIP) trust that is grandfathered under § 26.2601-1(b)(1) is treated as if the reverse QTIP election had been made under section 2652(a)(3). Example 1 in § 26.2601-1(b)(1)(iii)(B) has been revised to illustrate that the initial QTIP election under section 2523(f) need not be made before September 25, 1985, provided that the trust was irrevocable on that date. Further, § 26.2601-1(b)(1)(v)(C) has been revised to provide that in the case of a trust with respect to which a reverse QTIP election is deemed to have been made, the failure to exercise the right of reimbursement under section 2207A will not be treated as a constructive addition to the trust. This conforms the treatment of trusts that are irrevocable on September 25, 1985, with the rule provided in § 26.2652-1(a)(3) which applies to trusts created after September 25, 1985.