

1. The proposed purchase and sale of assets is approved and authorized, subject to the filing of opposing comments.

2. If timely opposing comments are filed, the findings made in this decision will be deemed vacated.

3. This decision will be effective on April 21, 2003, unless timely opposing comments are filed.

4. A copy of this notice will be served on: (1) The U.S. Department of Transportation, Federal Motor Carrier Safety Administration 400 7th Street, SW., Room 8214, Washington, DC 20590; (2) the U.S. Department of Justice, Antitrust Division, 10th Street & Pennsylvania Avenue, NW., Washington, DC 20530; and (3) the U.S. Department of Transportation, Office of the General Counsel, 400 7th Street, SW., Washington, DC 20590.

Decided: February 27, 2003.

By the Board, Chairman Nober, Vice Chairman Burkes, and Commissioner Morgan.

**Vernon A. Williams,**  
*Secretary.*

[FR Doc. 03-5153 Filed 3-5-03; 8:45 am]

**BILLING CODE 4915-00-P**

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## DEPARTMENT OF THE TREASURY

### Departmental Offices; Delegation of Authority to the Secretary of Homeland Security

**AGENCY:** Departmental Offices, Treasury.

**ACTION:** Notice.

**DATES:** Treasury Department Order 165-09 became effective on February 28, 2003.

**SUMMARY:** On February 28, 2003, the Secretary of the Treasury issued Treasury Department Order 165-09 to preserve the ability of the Department of Homeland Security to continue to perform the functions of the United States Customs Service pending consideration of a delegation of authority concerning the Customs revenue function retained by the Secretary of the Treasury pursuant to the Homeland Security Act of 2002. Under the Order, the Department of the Treasury retains the same authority over the Customs revenue functions it possessed prior to the transfer of the United States Customs Service to the Department of Homeland Security.

**SUPPLEMENTARY INFORMATION:** The text of Treasury Department Order 165-09 follows.

Dated: March 3, 2003.

**Richard S. Carro,**

*Senior Advisor to the General Counsel  
(Regulatory Affairs).*

### Treasury Department Order No. 165-09

Maintenance of delegation in respect to general authority over Customs revenue functions vested in the Secretary of the Treasury, as set forth and defined in the Homeland Security Act of 2002.

Treasury Department, Washington, DC,  
February 28, 2003

Whereas the Homeland Security Act of 2002 (Pub. L. 107-296) (the "Act") was enacted into law on November 25, 2002;

Whereas the Act transfers the United States Customs Service from the Treasury Department to a new Department of Homeland Security, and, under the President's Reorganization Plan submitted to the Congress, this becomes effective March 1, 2003;

Whereas the Act requires that legal authority over the Customs revenue functions vested in the Secretary of the Treasury shall be retained, but may be delegated to the Secretary of Homeland Security in whole or in part;

Whereas the Treasury Department is studying the proper allocation of these authorities and consulting with the Administration and Congress in that regard;

Whereas the pre-existing Treasury Order 165, as amended ("Treasury Order 165"), has provided the Commissioner of Customs a delegation of authority from the Secretary of the Treasury for Customs functions;

Whereas the United States Customs Service relies on delegated authority for important aspects of its functions and operations;

Now therefore, in order to preserve the ability of the Department of Homeland Security to continue to perform the functions of the Customs Service and to provide adequate time for a considered decision on any new delegation, I hereby order that, with respect to authority over Customs revenue functions, Treasury Order 165 remains in effect except that the authority previously delegated to the Commissioner of Customs as an official of the Department of Treasury is now delegated to the Secretary of Homeland Security. Treasury shall retain the same authority delineated in Treasury Order 165 that it possessed prior to the transfer of the Customs Service to the Department of Homeland Security. Consistent with past interpretation and practice, I note that the use of the term "transferred" with respect to certain authority delegated in Treasury Order 165 shall continue to be understood to effect only a delegation.

John W. Snow,  
*Secretary of the Treasury.*

[FR Doc. 03-5359 Filed 3-5-03; 8:45 am]

**BILLING CODE 4810-25-P**

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

#### Proposed Collection; Comment Request for Forms 8288 and 8288-A

**AGENCY:** Internal Revenue Service (IRS), Treasury.

**ACTION:** Notice and request for comments.

**SUMMARY:** The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Pub. L. 104-13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 8288, U.S. Withholding Tax Return for Dispositions by Foreign Persons of U.S. Real Property Interests, and Form 8288-A, Statement of Withholding on Dispositions by Foreign Persons of U.S. Real Property Interests.

**DATES:** Written comments should be received on or before May 5, 2003 to be assured of consideration.

**ADDRESSES:** Direct all written comments to Glenn P. Kirkland, Internal Revenue Service, room 6411, 1111 Constitution Avenue NW., Washington, DC 20224.

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the form and instructions should be directed to Carol Savage, (202) 622-3945, or through the internet ([CAROL.A.SAVAGE@irs.gov](mailto:CAROL.A.SAVAGE@irs.gov)), Internal Revenue Service, room 6407, 1111 Constitution Avenue NW., Washington, DC 20224.

#### SUPPLEMENTARY INFORMATION:

*Title:* U.S. Withholding Tax Return for Dispositions by Foreign Persons of U.S. Real Property Interests (Form 8288) and Statement of Withholding on Dispositions by Foreign Persons of U.S. Real Property Interests (Form 8288-A).

*OMB Number:* 1545-0902.

*Form Number:* 8288 and 8288-A.

*Abstract:* Internal Revenue Code section 1445 requires transferees to withhold tax on the amount realized from sales or other dispositions by foreign persons of U.S. real property interests. Form 8288 is used to report and transmit the amount withheld to the IRS. Form 8288-A is used by the IRS to validate the withholding, and a copy is returned to the transferor for his or her use in filing a tax return.

*Current Actions:* There are no changes being made to the forms at this time.

*Type of Review:* Extension of a currently approved collection.

*Affected Public:* Business or other for-profit organizations and individuals or households.

*Estimated Number of Respondents:* 10,000.

*Estimated Time Per Respondent:* 23 hr., 55 min.

*Estimated Total Annual Burden Hours:* 239,175.

The following paragraph applies to all of the collections of information covered by this notice:

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

*Request for Comments:* Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: February 28, 2003.

**Glenn P. Kirkland,**

*IRS Reports Clearance Officer.*

[FR Doc. 03-5341 Filed 3-5-03; 8:45 am]

BILLING CODE 4830-01-P

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

#### Internal Revenue Service Advisory Council (IRSAC) and Information Reporting Program Advisory Committee (IRPAC); Nominations

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

**ACTION:** Request for nominations.

**SUMMARY:** The Internal Revenue Service (IRS) requests nominations of individuals to be considered for selection as Internal Revenue Service Advisory Council (IRSAC) and Information Reporting Program Advisory Committee (IRPAC) members. Interested parties may nominate themselves and/or at least one other qualified person for membership. Nominations will be accepted for current vacancies and should describe and document the applicants' qualifications for membership. IRSAC is comprised of twenty-three (23) members, approximately half of these IRSAC appointments will expire in November 2003; IRPAC is comprised of twenty (20) members, approximately half of these members appointments will expire in October 2003. It is important that the IRSAC and IRPAC continue to represent a diverse taxpayer and stakeholder base. Accordingly, to maintain membership diversity, selection is based on applicant's qualifications as well as the segment or group he/she represents.

The Internal Revenue Service Advisory Council (IRSAC) provides an organized public forum for IRS officials and representatives of the public to discuss relevant tax administration issues. The Council advises the Commissioner on issues that have a substantive effect on federal tax administration. As an advisory body designed to focus on broad policy matters, the IRSAC reviews existing tax policy and/or recommends policies with respect to emerging tax administration issues. The IRSAC suggests operational improvements, offers constructive observations regarding current or proposed IRS policies, programs, and procedures, and advises the Commissioner with respect to issues having substantive effect on federal tax administration.

The Information Reporting Program Advisory Committee (IRPAC) advises the IRS on information reporting issues of mutual concern to the private sector and the federal government. The committee works with the Commissioner and other IRS executives to provide recommendations on a wide range of information reporting administration issues. Membership is balanced to include representation from the taxpaying public, the tax professional community, small and large businesses, state tax administration, and the payroll community.

**DATES:** Written nominations must be received on or before May 30, 2003.

**ADDRESSES:** Nominations should be sent to Ms. Jacqueline Tilghman, National Public Liaison, CL:NPL:PAC, Room 7563 IR, 1111 Constitution Avenue, NW., Washington, DC 20224, Attn: IRSAC Nominations; or by e-mail: \*[public\\_liaison@irs.gov](mailto:public_liaison@irs.gov). Applications may be submitted by mail to the address above or faxed to 202-927-5253. However, if submitted via a facsimile, the original application must be received by mail, as National Public Liaison cannot consider an applicant nor process his/her application prior to receipt of an original signature. Application packages are available on the Tax Professional's Page, which is located on the IRS Internet Web site at <http://www.irs.gov/taxpros/index.html>. Application packages may also be requested by telephone from National Public Liaison, 202-622-6440 (not a toll-free number).

**FOR FURTHER INFORMATION CONTACT:** Ms. Jacqueline Tilghman, 202-622-6440 (not a toll-free number).

#### SUPPLEMENTARY INFORMATION:

Authorized under the Federal Advisory Committee Act, Pub. L. No. 92-463, the first Advisory Group to the Commissioner of Internal Revenue or the Commissioner's Advisory Group (CAG)—was established in 1953 as a national policy and/or issue advisory committee and was renamed in 1998 to reflect the agency-wide scope of its focus as an advisory body.

Conveying the public's perception of IRS activities to the Commissioner, the IRSAC and IRPAC are comprised of individuals who bring substantial, disparate experience and diverse backgrounds on the Council's/Committee's activities. Membership is balanced to include representation from the taxpaying public, the tax professional community, small and large businesses, state tax administration, and the payroll community.

IRSAC and IRPAC members are appointed by the Commissioner and serve a term of three years. The Commissioner determines the size of the IRSAC and IRPAC and the organizations represented on the Council/Committee. Working groups mirror the reorganized IRS and address policies and administration issues specific to the four Operating Divisions. Members are not paid for their services. However, travel expenses for working sessions, public meetings and orientation sessions, such as airfare, per diem, and transportation to and from airports, train stations, etc., are reimbursed within prescribed federal travel limitations.