

on self-employment income with respect to service performed in the exercise of his ministry, he must file an application for exemption on or before the due date of his income tax return for 1969 (his second taxable year ending after 1967), or any extension thereof.

*Example (2).* M, who makes his income tax returns on a calendar year basis, was ordained as a minister in January 1966. M has net earnings of \$350 for the taxable year 1966 and has net earnings in excess of \$400 for each of his taxable years 1967 and 1968 (some part or all of which is derived from service performed in the exercise of his ministry). M has not filed an effective waiver certificate on Form 2031 (see paragraph (a) (3) of § 1.1402(e)-2A). If M desires an exemption from the tax on self-employment income with respect to service performed in the exercise of his ministry, he must file an application for exemption on or before the due date of his income tax return for 1969 (his second taxable year ending after 1967), or any extension thereof.

*Example (3).* Assume the same facts as in example (2) except that M has net earnings in excess of \$400 for each of his taxable years 1967 and 1969 (but less than \$400 in 1968). The application for exemption must be filed on or before the due date of his income tax return for 1969, or any extension thereof.

*Example (4).* M was ordained as a minister in May 1973. During each of the taxable years 1973 and 1975, M, who makes his income tax returns on a calendar year basis, derives net earnings in excess of \$400 from his activities as a minister. M has net earnings of \$350 for the taxable year 1974, \$200 of which is derived from service performed by him in the exercise of his ministry. If M desires an exemption from the tax on self-employment income with respect to service performed in the exercise of his ministry, he must file an application for exemption on or before the due date of his income tax return for 1975, or any extension thereof.

*Example (5).* M, who was ordained a minister in January 1973, is employed as a toolmaker by the XYZ Corporation for the taxable years 1973 and 1974 and also engages in activities as a minister on weekends. M makes his income tax returns on the basis of a calendar year. During each of the taxable years 1973 and 1974 M receives wages of \$14,000 from the XYZ Corporation and derives net earnings of \$400 from his activities as a minister. If M desires an exemption from the tax on self-employment income with respect to service performed in the exercise of his ministry, he must file an application for exemption on or before the due date of his income tax return for 1974, or any extension thereof. It should be noted that although by reason of section 1402 (b) (1) (G) and (H) no part of the \$400 represents "self-employment income", nevertheless the entire \$400 constitutes "net earnings from self-employment" for purposes of fulfilling the requirements of section 1402 (e) (2).

*Example (6).* M, who files his income tax returns on a calendar year basis, was ordained as a minister in March 1973. During 1973 he receives \$410 for service performed in the exercise of his ministry. In addition to his ministerial services, M is engaged during the year 1973 in a mercantile venture from which he derives net earnings from self-employment in the amount of \$4,000. The expenses incurred by him in connection with his ministerial services during 1973 and which are allowable deductions under chapter 1 of the Internal Revenue Code amount to \$410. During 1974 and 1975, M has net earnings from self-employment in amounts of \$4,600 and \$4,800, respectively, and some part of

each of these amounts is from the exercise of his ministry. The deductions allowed in each of the years 1974 and 1975 by chapter 1 which are attributable to the gross income derived by M from the exercise of his ministry in each of such years, respectively, do not equal or exceed such gross income in such year. If M desires an exemption from the tax on self-employment income with respect to service performed in the exercise of his ministry, he must file an application for exemption on or before the due date of his income tax return for 1975, or an extension thereof.

(b) *Effect of death*—The right of an individual to file an application for exemption shall cease upon his death. Thus, the surviving spouse, administrator, or executor of a decedent shall not be permitted to file an application for exemption for such decedent.

(c) *Computation of net earnings*—(1) *Taxable years ending before 1968*—For purposes of this section net earnings from self-employment for taxable years ending before 1968 shall be determined without regard to the fact that, without an election under section 1402(e) (as in effect prior to amendment by section 115 (b) (2) of the Social Security Amendments of 1967, see § 1.1402(e)-1A), the performance of services by a duly ordained, commissioned, or licensed minister of a church in the exercise of his ministry, or by a member of a religious order in the exercise of duties required by such order, or the performance of service by an individual in the exercise of his profession as a Christian Science practitioner, does not constitute a trade or business for purposes of the tax on self-employment income.

(2) *Taxable years ending after 1967.* For purposes of this section and § 1.1402 (e)-4A net earnings from self-employment for taxable years ending after 1967 shall be determined without regard to section 1402(c) (4) and (5). See § 1.1402 (c)-3(e) (2) and § 1.1402(c)-5 relating to ministers and members of religious orders, and paragraphs (a) (3) (II) and (b) of § 1.1402(c)-6 relating to Christian Science practitioners.

§ 1.1402(e)-4A Period for which exemption is effective.

(a) *In general.* If an application for exemption on Form 4361—

(1) Is filed by a minister, a member of a religious order, or a Christian Science practitioner eligible to file such an application (see particularly paragraph (a) (2) and (3) of § 1.1402(e)-2A), and

(2) Is approved (see paragraph (c) of § 1.1402(e)-2A),

the exemption from the tax on self-employment income shall be effective for the first taxable year ending after 1967 for which such minister, member, or practitioner has net earnings from self-employment of \$400 or more any part of which was derived from the performance of service in his capacity as a minister, member, or practitioner, and for all succeeding taxable years. See, however, paragraphs (b) (1) (II) and (d) (2) of § 1.1402(c)-5 relating to ministers and members of religious orders and para-

graph (b) (2) of § 1.1402(c)-6 relating to Christian Science practitioners.

(b) *Exemption irrevocable.* An exemption granted to a minister, a member of a religious order, or a Christian Science practitioner pursuant to the provisions of section 1402(e) is irrevocable.

[FR Doc.73-13260 Filed 7-2-73;8:45 am]

DEPARTMENT OF JUSTICE

Bureau of Narcotics and Dangerous Drugs  
[ 21 CFR Part 308 ]

PROPOSED TRANSFER OF NINE DERIVATIVES OF BARBITURIC ACID AND THEIR SALTS FROM SCHEDULE III TO SCHEDULE II

Extension of Comment Period and Correction

A notice was published in the FEDERAL REGISTER on May 31, 1973 (28 FR 14289) proposing the transfer of amobarbital, butobarbital, cyclobarbital, heptobarbital, pentobarbital, probarbital, secobarbital, talbutal, and vinbarbital, and their salts, from Schedule III to Schedule II of the Controlled Substances Act.

Due to a delay in publication of the notice, less than 30 days was provided during which interested persons could comment. In order to correct this situation, the Director hereby extends the time for filing comments to July 3, 1973. All comments, objections, or requests for hearings must be received no later than July 3, 1973. In the event a hearing is held, the date of the hearing will be July 24, 1973, at 10 a.m., in Room 1210, 1405 Eye Street, NW., Washington, D.C. 20537.

In addition, a typographical error appeared in the notice of May 31, 1973. As published, at line 4 of § 308.13(c) (1) (38 FR 14289), "phentobarbital" is listed as one of the substances included in the proposal. The word should be "pentobarbital", and § 308.13(c) (1) is hereby corrected accordingly.

Dated: June 22, 1973.

JOHN E. INGERSOLL,  
Director, Bureau of  
Narcotics and Dangerous Drugs.

[FR Doc.73-13450 Filed 7-2-73;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service  
[ 7 CFR Part 1046 ]

MILK IN THE LOUISVILLE-LEXINGTON-EVANSVILLE MILK ORDER

Termination of Proceeding To Suspend Certain Provision of Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), notice of proposed rulemaking was issued by the Deputy Administrator, Regulatory Programs, on June 8, 1973, with respect to a proposed suspension of a certain provision of the order regulating the handling of milk in the Louisville-Lexington-Evansville marketing area. Interested persons were invited to submit