rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 7—Agriculture

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Lime Regulation 27, Amendment 31]

PART 911—LIMES GROWN IN FLORIDA

Container Regulation

This amendment to the current container regulation reduces the number of currently authorized containers for the handling of fresh Florida limes during the period May 30 through July 24, 1976. The amendment continues the use of six containers with minimum content requirements of 20 pounds and 38 pounds net weight of limes and eliminates the use, during the eight-week period, of two containers with minimum requirements of 10 pounds net weight of limes.

On April 15, 1976, notice of rulemaking was published in the FEDERAL REGISTER (41 FR 15859) regarding a proposed amendment of the current container regulation (7 CFR 911.329; 38 FR 12323; 15726; 41 FR 15685) in effect pursuant to the marketing agreement, as amended, and Order No. 911, as amended (7 CFR Part 911; 40 FR 52603), regulating the handling of limes grown in Florida. The proposal was submitted by the Florida Lime Administrative Committee (established pursuant to said amended marketing agreement and order). This is a marketing order program issued pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). No exception to said notice was filed.

The amendment reflects the Department's appraisal of present and prospective marketing conditions for limes. Production estimates indicate that during the eight-week period beginning May 30, there will be greater supplies of limes available than normally would be needed to supply demand in fresh market outlets, unless the demand for fresh limes, particularly in retail markets, can be expanded. Data indicate that the larger 20- and 38-pound containers are relatively less costly and that handling and unloading charges are lower when the same volume of limes is marketed in the larger containers.

Suspension of the handling of limes in the higher cost 10-pound containers should encourage the handling of larger volumes of limes at lower prices and expand the market for fresh limes during the period when supplies are abundant. Hence, the action would contribute to orderly marketing of limes and be in the public interest.

It is hereby further found that it is impracticable and contrary to the public interest to give further notice and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553), and good cause exists for making the provisions hereof effective as hereinafter set forth in that (1) shipments of the current crop of limes began on April 1, 1976, and seasonally heavy shipments of limes are expected on or about the effective date hereof, and this regulation should be applicable, insofar as practicable, to all such shipments in order to effectuate the declared policy of the act; (2) the recommendations upon which this regulation is based were developed by the committee at an open meeting on March 17, 1976, after due notice thereof, and all interested persons present were given an opportunity to express their views; (3) a notice of proposed amendment of the container regulation for Florida limes was published in the FEDERAL REGISTER (41 FR 15859); and (4) the amended container regulation herein specified is the same as the proposed regulation.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the recommendations and information submitted by the committee, and other available information, it is hereby found that the amendment hereinafter set forth is in accordance with the provisions of said amended marketing agreement and order; and such amendment will tend to effectuate the declared policy of the act with respect to effectuating orderly marketing in the public interest.

Order. The provisions of paragraph (a)(2) of § 911.329 (Lime Regulation 27; 38 FR 12323; 15726; 41 FR 15685) are hereby amended to read as follows:

§ 911.329 Lime Regulation 27.

(a) * * *

(2) During the period May 30, 1976, through July 24, 1976, no handler shall handle any variety of limes, grown in the production area, in containers having inside dimensions of 12 x 9⅝ x 3¾ inches and 12 x 9⅝ x 5 inches: *Provided,* That during such period and thereafter no handler shall handle between the production area and any point outside thereof any variety of limes, grown in the production area, in individual bags having a capacity of more than 4 pounds net weight of limes.

* * * * *

Effective: May 30, 1976.

Dated: May 6, 1976.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.76-13753 Filed 5-11-76;8:45 am]

Title 12—Banks and Banking

CHAPTER IV—EXPORT-IMPORT BANK OF THE UNITED STATES

PART 405—PRIVACY ACT RULES

Adoption of Final Regulations

MAY 6, 1976.

Notice by the Export-Import Bank of the United States (Eximbank) that it had under consideration the establishment of a new Part 405 implementing the provisions of the Privacy Act of 1974 (Pub. L. 93-579) was published herein on August 27, 1975. Notice of "Proposed Rules Amendment" to said Part was published herein on March 18, 1976. No comments were received with respect to either notice. Consequently, the Rules, as amended, are adopted by Eximbank at its office in Washington, D.C., as set forth below:

Sec.

405.1 Purpose and scope.
405.2 Procedures for notification of existence of records pertaining to individuals.
405.3 Procedures for requests for access to or disclosure of records pertaining to individuals.
405.4 Corrections of records pertaining to individuals.
405.5 Disclosure of records pertaining to individuals to agencies or to individuals other than the individual to whom such records pertain.

AUTHORITY: 5 USC 552a(f).

§ 405.1 Purpose and scope.

This Part sets forth the Eximbank procedures under the Privacy Act of 1974, as required by 5 USC 552a(f), whereby individuals may safeguard their privacy by obtaining access to and requesting corrections of those records under the control of Eximbank which contain information about them.

§ 405.2 Procedures for notification of existence of records pertaining to individuals.

(a) The systems of records, as defined in the Privacy Act of 1974, maintained by Eximbank are listed annually in the FEDERAL REGISTER as required by that Act. Any individual who wishes to know whether any of these systems of records contains a record pertaining to him or her may either appear in person at Room 1031, 811 Vermont Avenue, NW., Washington, D.C. 20571, on work days between the hours of 8:45 a.m. and 5:00 p.m. or may write to the Vice President—Administration, Export-Import Bank of the United States, 811 Vermont Avenue, N.W., Room 1031, Washington, D.C. 20571. It is recommended that requests be made in writing, as it will not always be possible to determine the existence of a record on the same day that the request

is made. Verification of the identity of the requester will be in accordance with the requirements of § 405.3(a) and (b), of this section.

(b) Requests for notification of the existence of a record should specifically identify the system of records involved, and should state, if the requester is other than the individual to whom the record pertains, the relationship of the requester to that individual. (Note that requests pursuant to the Privacy Act will not be honored by Eximbank unless made (1) by the individual to whom the record pertains, or (2) by such individual's parent, if the individual is a minor, or (3) by such individual's legal guardian, if the individual has been declared to be incompetent due to physical or mental incapacity or age by a court of competent jurisdiction). If an individual is unable to specifically identify the system of records in which that individual is interested, as above required, he or she may so inform Eximbank in writing, stating the reason for the inability, with as full a description of said system of records or the record itself as possible. Eximbank will thereupon use its best efforts to specifically identify the desired system of records.

(c) Eximbank will attempt to respond in writing to a request as to whether a record exists or for assistance in identifying the relevant system of records within 10 days from the time it receives the request or from the time any required identification is established, whichever is later.

§ 405.3 Procedures for requests for access to or disclosure of records pertaining to individuals.

(a) Verification of the identity of individuals making written requests to the Vice President—Administration for access to or disclosure of records pertaining to him or her ordinarily will not be required. The signature upon such requests shall be deemed to be a certification by the individual signing that he or she is the individual to whom the record pertains or the parent of a minor or the duly appointed legal guardian of the individual to whom the record pertains. The Vice President—Administration may, however, require additional verification of identity as specified by him in any instance in which he deems it advisable.

(b) In the case of individuals making requests by appearing at Eximbank, the amount of personal identification required will of necessity vary with the sensitivity of the record involved. Reasonable identification such as employment identification cards, drivers licenses, or credit cards will normally be accepted as sufficient evidence of identity in the absence of any indications to the contrary.

(c) Any individual (subject to the requirements of § 405.2(b) of this section) may request access to or disclosure of records pertaining to him or her by either appearing at Eximbank or by writing to Eximbank (all as provided in of § 405.2 (a) of this section). The request should specifically identify the system of records involved and the nature of the information therein which is desired. Eximbank will attempt to provide individuals who appear at Eximbank with access to their records (providing that all of the other relevant rules hereof are properly met) on the same day as their appearance, if such occurs before 11:00 a.m. Eximbank will attempt to answer written requests by making the record available within 10 working days of the request or by informing the requester of the need for additional identification or the tendering of fees (as specified in Paragraph (d) below) within said time period. If the record is to be made available, Eximbank will so notify the requester, which notice will state when the requested disclosure will be sent or when and where the records will be available for personal inspection, and, if a copy of a record has been requested, the number of pages Eximbank will copy to comply with the individual's request and that the copy will be mailed to the individual or held at Eximbank for the individual upon receipt of a check or money order payable to Eximbank for the sum due for copying these documents. In the case of an adverse determination with respect to a request, the Vice President—Administration shall so notify the individual in writing, shall specify the reasons therefor and shall advise of the procedure for appealing such adverse determination to an Executive Vice President, as specified in § 405.4(d) of this section.

(d) Charges for copies of records will be at the rate of $0.10 per photocopy of each page. Where records are not susceptible to photo-copying, e.g. punch cards, magnetic tapes or oversize materials, the amount charged will be actual cost, as determined on a case-by-case basis. Only one copy of each record requested will be supplied. No charge will be made unless the charge as computed above would exceed $3 for each request or related series of requests. If a fee in excess of $25 would be required, the requester shall be notified and the fee must be tendered before the records will be copied.

(e) If Eximbank refuses to comply with an individual's request for access, as above provided, that individual may, among other things, bring a civil action for relief against Eximbank in a district court of the United States.

(f) Any individual may also request (in accordance with the procedures above set forth) a copy of the "accounting" kept of each disclosure made by Eximbank to another person or agency (except for certain specified disclosures) of the record pertaining to that individual.

§ 405.4 Correction of records pertaining to individuals.

(a) Any individual (subject to the requirements of § 405.2(b) of this section) is entitled to request amendment of records pertaining to him or her pursuant to 5 USC 552a(d)(2). Such a request shall be made in writing and addressed to the Vice President—Administration, Export-Import Bank of the United States, 811 Vermont Avenue, NW., Room 1031, Washington, D.C. 20571.

(b) The request should specify the record and systems of records involved, and should specify the exact correction desired and state that the request is made pursuant to the Privacy Act. An edited copy of the record showing the desired correction should be submitted, if possible. Within 10 working days of the receipt of a properly addressed request (or within 10 working days of the time the Vice President—Administration becomes aware that a particular communication not addressed as prescribed above is a request for correction of a record under the Privacy Act), the Vice President—Administration shall acknowledge receipt of the request.

(c) The Vice President—Administration upon the receipt of such a request shall promptly confer with the officer responsible for the record. In the event it is felt that correction is not warranted in whole or in part, the matter shall be brought to the attention of the General Counsel of Eximbank. If, after review by the General Counsel and discussion with the requester, if deemed helpful, it is determined that correction as requested is not warranted, a letter shall be sent by the Vice President—Administration to the requester denying his or her request and/or explaining what correction might be made if agreeable to the requester. This letter shall set forth the reasons for the refusal to honor the request for correction. It shall also inform him or her of his or her right to appeal this decision, and include a description of the appeals procedure set for in paragraph (d) of this section.

(d) An appeal may be taken from an adverse determination under paragraph (c) of this section to an Executive Vice President. Such appeal must be made in writing and should clearly indicate that it is an appeal. The basis for the appeal should be set forth in the letter, and it should be mailed to the same address as listed in paragraph (a) of this section. A hearing at Eximbank may be requested. Such hearing will be informal, and shall be before an Executive Vice President or his designee. Where no hearing is requested, an Executive Vice President shall render his decision within thirty working days after receipt of the written appeal at Eximbank, unless the Chairman of Eximbank, for good cause shown, extends the 30-day period, and the appellant is advised in writing of such extension. If a hearing is requested, then Eximbank will attempt to contact the appellant within five working days and arrange a suitable time for the hearing. In such cases the decision of an Executive Vice President shall be made within 30 working days after the hearing, unless the time is extended, as above provided, and the appellant is advised in writing of such extension.

(e) The final decision of an Executive Vice President in an appeal shall be in writing and the appellant shall be informed of the decision; if it is adverse to the appellant, the appellant shall be informed of the reasons for the refusal to amend the record and advised of his or her right to appeal the decision under 5 USC 552a(g)(1). The individual shall

also be notified that he or she has the right to file with Eximbank a concise statement setting forth the reasons for his or her disagreement with the refusal of Eximbank to amend his or her record. Eximbank shall promptly inform any person or other agency about the correction of any record previously disclosed to that person or other agency (provided that an accounting of said disclosures was made). Eximbank shall, with respect to all prior disclosures and in any disclosure of a record made after the filing of a disagreement statement by the requesting individual, clearly note any portion of the record which is disputed and provide said recipient with copies of said statement, plus, at the agency's discretion, copies of a concise statement of the reasons for its decision not to make any corrections.

(f) Assistance in preparing a request to amend a record or in appealing an adverse determination on such a request may be obtained from the Office of the General Counsel of Eximbank.

§ 405.5 Disclosure of records pertaining to individuals to agencies or to individuals other than the individual to whom said records pertain.

Records subject to the Privacy Act that are requested by any individual other than the individual to whom they pertain (or as provided by § 405.2(b) of this section) will not be made available except under the following circumstances:

(a) Records required to be made available by the Freedom of Information Act will be released in response to a request formulated in accordance with regulations found at 12 CFR Part 404.

(b) Records not required by the Freedom of Information Act to be released, may be released, at the discretion of Eximbank, if the written consent of the individual to whom they pertain has been obtained or if such release would be authorized under 5 USCa (b) (1) or (3)-(11).

(c) If an individual elects to inspect a record in person and desires to be accompanied by another person, the individual shall present to the Vice President—Administration a signed statement addressed to the Vice President—Administration by that individual authorizing his or her record to be disclosed to him or her in the presence of the accompanying named person.

FRANCIS P. COLLINS,
Vice President—Administration.

[FR Doc.76-13747 Filed 5-11-76;8:45 am]

Title 15—Commerce and Foreign Trade

CHAPTER III—DOMESTIC AND INTERNATIONAL BUSINESS ADMINISTRATION, DEPARTMENT OF COMMERCE

PART 389—APPEALS

Correction of Erroneous Notice Regarding Revision of Appeals Procedure

Correction

In FR Doc. 76-11126, appearing at page 16161 in the issue of Friday, April 16, 1976, on page 16162, second column, fourteenth line down in § 389.2(b) the word, "the" should be corrected to read, "be".

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket 8908-o]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Encyclopaedia Britannica, Inc., et al.; Correction

In FR Doc. 76-12400 appearing at page 17884 of issue for Thursday, April 29, 1976, the following correction is made:

1. On page 17885, left column, following the fourth paragraph: "The final order to cease and desist, including further order requiring report of compliance therewith, is as follows:" Insert the following:

FINAL ORDER

This matter having been heard by the Commission upon the cross-appeals of complaint counsel and respondent's counsel from the initial decision and upon briefs and oral argument in support thereof and opposition thereto, and the Commission, for the reasons stated in the accompanying Opinion, having granted the appeals in part:

It is ordered, That pages 1-117 of the initial decision of the administrative law judge be, and they hereby are, adopted as the Findings of Fact and Conclusions of Law of the Commission, with the following exceptions: those portions of pages 103-110 ("The Remedy") which are inconsistent with the opinion of the Commission herein.

Other Findings of Fact and Conclusions of Law of the Commission are contained in the accompanying Opinion.

* * * * *

CHARLES A. TOBIN,
Secretary.

[FR Doc.76-13772 Filed 5-11-76;8:45 am]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER E—ANIMAL FEEDS, DRUGS, AND RELATED PRODUCTS

[FRL 538-4; FAP5H5057/T13]

PART 561—TOLERANCES FOR PESTICIDES IN ANIMAL FEEDS ADMINISTERED BY THE ENVIRONMENTAL PROTECTION AGENCY

Procyazine

On November 12, 1974, the Environmental Protection Agency (EPA) announced (39 FR 29869) that in response to a petition (FAP 5H5057) filed by the Ciba-Geigy Corp., Agricultural Div., PO Box 11422, Greensboro NC 27409, 21 CFR 121 was amended to permit the experimental use of the herbicide procyazine (2-[[4-chloro - 6 - (cyclopropylamino) - 1,3,5 - triazin-2-yl]amino]-2-methylpropanenitrile) on growing corn with a tolerance of 0.2 part per million (ppm) for residues of the herbicide in sweet corn cannery waste in accordance with an experimental use permit that was issued concurrently under the Federal Insecticide, Fungicide, and Rodenticide Act. The section containing this tolerance, 21 CFR 121.350, was subsequently recodified into 21 CFR 561.320 in Recodification Document No. 10 (40 FR 14156). This tolerance expired November 6, 1975.

Ciba-Geigy Corp. has requested a one-year renewal of this tolerance both to permit continued testing to obtain additional data and to permit the marketing of sweet corn cannery waste yielded by sweet corn treated in accordance with two experimental use permits, one of which is to be renewed, the other to be issued, concurrently under FIFRA.

The scientific data reported and other relevant material have been evaluated, and it has been determined that the herbicide may be safely used in accordance with the provisions of the experimental use permits issued under FIFRA. It has further been determined that because residues of the herbicide may result in sweet corn cannery waste from carryover and concentration under agricultural uses as provided for by the experimental use permits, the one-year renewal of the food additive regulation requested by the petitioner [21 CFR 561.320] should include a tolerance limitation.

Accordingly, a food additive tolerance is established, as set forth below. Any person adversely affected by this regulation may, on or before June 11, 1976, file written objections with the Hearing Clerk, Environmental Protection Agency, East Tower, Room 1019, 401 M St. SW., Washington, D.C. 20460. Such objections should be submitted in quintuplicate and should specify both the provisions of the regulation deemed to be objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

Effective May 12, 1976, § 561.320 is revised as set forth below.

SECS. 409(c) (1) & (4) of the Federal Food, Drug, and Cosmetic Act [21 U.S.C. 346(c) (1) & (4)].

Dated: May 4, 1976.

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

§ 561.320 Procyazine.

(a) A tolerance of 0.2 part per million is established for residues of the herbicide procyazine (2-[[4-chloro-6-(cyclopropylamino) - 1,3,5 - triazin - 2 - yl] amino] - 2 - methylpropanenitrile) in sweet corn cannery waste resulting from application of the herbicide to growing sweet corn. Such residues may be present

[1] Copies of the Complaint, Initial Decision, Appendices, Opinion, and Final Order, filed with the original document.

therein only as a result of application of the herbicide in accordance with the provisions of two experimental use permits which expire April 30, 1977.

(b) Residues in sweet corn cannery waste not in excess of 0.2 part per million resulting from use as described in paragraph (a) of this section remaining after expiration of the experimental use program will not be considered actionable if the herbicide is legally applied during the term of and in accordance with the provisions of the experimental use permits and feed additive tolerance.

(c) Ciba-Geigy Corp. shall immediately notify the Environmental Protection Agency of any findings from the experimental use that have a bearing on safety. The firm shall also keep records of production, distribution, and performance and on request make the records available to any authorized officer or employee of the Environmental Protection Agency or the Food and Drug Administration.

[FR Doc.76-13699 Filed 5-11-76;8:45 am]

Title 31—Money and Finance: Treasury

CHAPTER II—FISCAL SERVICE, DEPARTMENT OF THE TREASURY

SUBCHAPTER A—BUREAU OF GOVERNMENT FINANCIAL OPERATIONS

PART 261—CLAIMS PURSUANT TO THE GOVERNMENT LOSSES IN SHIPMENT ACT

The Department of the Treasury finds that it is necessary to revise its regulations at 31 CFR Part 261 (Treasury Department Circular No. 577), governing claims for the replacement of valuables, or the value thereof, shipped under the Government Losses in Shipment Act, as amended (40 U.S.C. 721–729), to clarify and modernize the existing language, and to indicate the internal Treasury division to which certain reports and notices required to be submitted to the Secretary of the Treasury shall be directed. The revision will also eliminate, for the shipment of registered securities by registered mail, certain notice requirements generally imposed by § 261.6(a) for shipments exceeding $10,000 in value.

The Department also finds, in accord with 5 U.S.C. 553, that notice and public procedure thereon are not necessary since the revision involves rules of agency procedure.

Accordingly, Part 261 and heading, Subchapter A, Chapter II of Title 31 of the Code of Federal Regulations is revised to read:

Sec.

261.1 Scope of regulations.
261.2 Definitions.
261.3 Shipping procedure.
261.4 Preparation of shipment.
261.5 Record of shipment.
261.6 Advice of shipment.
261.7 Report of loss, destruction or damage.
261.8 Claim for replacement.
261.9 Proof of claim.
261.10 Recoveries.

AUTHORITY: Sec. 6, 50 Stat. 480; 40 U.S.C. 728.

§ 261.1 Scope of regulations.

This Part governs the reporting of loss or destruction of, or damage to, valuables shipped pursuant to section 1 of the Government Losses in Shipment Act (hereafter the "Act") (40 U.S.C. 721) and proof of claim for replacement under section 3 of the Act (40 U.S.C. 723) by executive departments, independent establishments, agencies, wholly owned corporations, officers and employees of the United States, and Federal Reserve banks when acting on behalf of the United States or agencies thereof (hereafter "consignors"). Failure by any consignor or agent or employee thereof to comply with these regulations may delay recoveries, preclude reimbursement from the fund for the payment of Government losses in shipment (hereafter the "Fund") or other relief under the Act, and render the consignor responsible for any loss occurring through such failure.

§ 261.2 Definitions.

(a) The term "valuables" means any articles or things or representatives of value in which the United States has any interest, or in connection with which it has any obligation or responsibility, direct or indirect, and which have been declared to be valuables by the Secretary of the Treasury (hereafter "Secretary") pursuant to the Act, as listed in § 262.1 of this title.

(b) The term "shipment" means the transportation, or the effecting of transportation, of valuables, without limitation as to the means or facilities used or by which the transportation is effected or the person to whom it is made, and includes, but is not limited to, shipments made to any executive department, independent establishment, agency, wholly or partly owned corporation, officer, or employee of the United States, or any person acting on his or its behalf or at his or its direction.

(c) The term "replacement" means payment, reimbursement, replacement, or duplication or the expenses incident thereto.

(d) The term "carrier" means any person, corporation, or other entity which effectuates the shipment for consignors of valuables.

§ 261.3 Shipping procedure.

Shipments of valuables shall be made so as to provide the greatest possible protection against risk of loss and destruction of, and damage to, valuables, in accordance with requirements prescribed by the consignors after notice to the Secretary.

§ 261.4 Preparation of shipment.

Each shipment shall be inspected and verified by two responsible employees of a consignor before final preparation (*i.e.*, before sealing, locking, etc.) for delivery to the carrier. The shipment shall be finally prepared for delivery in the presence of the two employees and before leaving their immediate control. If strict compliance herewith is impossible or impracticable, administrative officers of the consignor shall make adequate provision, through the establishment of accounting controls or otherwise, for the maintenance of basic records which will enable them to prove, to the satisfaction of the Secretary, the extent of loss, destruction, or damage in connection with a claim against the Fund. The requirements of this section shall apply irrespective of the carrier or method of transportation employed in making shipments.

§ 261.5 Record of shipment.

(a) A record of each shipment shall be maintained by the consignor. The record shall include: (1) The name and address of the consignee designated to receive the shipment; (2) a complete description of the contents of the shipment (if the shipment is made up of securities, the record shall be maintained by issue, series, denomination and serial number, and a description of any coupons attached to such securities at the time of shipment); (3) the face or par value of the shipment in the case of securities, currency, etc., or the replacement value in the case of other valuables; (4) the registry number or the lock and rotary numbers, if any, under which shipped; (5) the number of the registry receipt, or other receipt of the carrier; (6) the date and hour of delivery to the carrier; (7) a record of the signatures of the consignor's employees who verified the contents of the package and witnessed its sealing; (8) a record of the signature(s) of the consignor's employee(s) who thereafter had custody of the package until it was delivered at the post office for registration or deposited with the post office or other carrier for shipment; and (9) the name of the carrier.

(b) The consignor shall also preserve, until assured that shipment has been completed and no claims action will be initiated, all registry receipts or other carriers' receipts, and other documents incidental to the shipments.

§ 261.6 Advice of shipment.

(a) If the value of any one shipment to one consignee at one time by one consignor, except in the case of any intracity shipment or the shipment of registered securities by registered mail, equals or exceeds $10,000, immediate notice thereof shall be forwarded by the consignor to the consignee by separate mail. Such notice shall include: (1) A complete record of the contents of the shipment; (2) the method of transportation employed and the name of the carrier; and (3) the date of delivery to such carrier.

(b) The consignee shall arrange that: (1) The shipment when received, be opened and inspected by one or more responsible employees; (2) immediate advice of any difference between the amounts or quantity indicated in the notice by the consignor to the consignee and in the shipment when opened be forwarded to the consignor; (3) the consignor and the post office, or office of other carrier through which delivery would be made, be notified immediately in the event of the failure of the shipment to arrive in due course; (4) the consignor be advised immediately concerning any damage to the shipment; and (5) all findings of the consignee in such cases be made a matter of record subject to the inspection of the Secretary or

other Government officer, in connection with any necessary investigation.

§ 261.7 Report of loss, destruction or damage.

(a) If a consignor receives notice that loss or destruction of, or damage to, valuables shipped in accordance with the Act has occurred, an immediate written report shall be forwarded by the consignor to the Secretary, to the attention of the Bureau of Government Financial Operations, Division of Finance and Management Information, Washington, D.C. 20226. If the loss, destruction or damage represents a value equal to, or in excess of, $10,000 or if delay in reporting is likely to delay the Government in recovering such valuables, the report shall be transmitted by wire and promptly confirmed in writing.

(b) The report shall state: (1) The date of shipment; (2) the amount and character of the valuables lost, destroyed, or damaged; (3) the name and address of the consignee; (4) the method of transportation, the name of the carrier, and the location of the office of the carrier from which shipment was made; (5) the registry or other receipt number; and (6) the cause of the loss, destruction or damage, if known.

(c) The consignor shall immediately report the loss, destruction or damage to the agent in charge of the nearest United States Secret Service office, and to the local post office or local office of other carrier. The consignor shall also place a tracer on the shipment and take such other action as may be necessary to facilitate recovery.

§ 261.8 Claim for replacement.

Claim for replacement shall be made in writing to the Secretary, to the attention of the Bureau of Government Financial Operations, Division of Finance and Management Information, Washington, D.C. 20226, and shall be supported by "Proof of Claim" pursuant to § 261.9. The claim, accompanied by a recommendation regarding the manner of replacement, shall be submitted through the head, of the consignor concerned, or his designee. The manner of replacement shall be determined by the Secretary in accordance with section 3 of the Act, *i.e.*, by replacement out of the Fund or by a credit in the accounts of the claimant.

§ 261.9 Proof of claim.

The Secretary will require proof of claim in such form, and in such manner, as he deems necessary. Proof of claim will include satisfactory proof of shipment and satisfactory proof of loss, destruction or damage. The claim shall be supported by the original "record of shipment" required pursuant to § 261.5, which will be returned after adjustment of the claim. The consignor shall submit a statement concerning the loss or destruction of, or damage to, the shipment or any part thereof. If the shipment has been received by the consignee with contents not intact, such statement shall set forth all the circumstances relating to the condition in which the shipment was received and the manner of inspection and verification of its contents. Affidavits covering the loss, destruction or damage to the shipment shall be obtained from the consignee and the carrier. The consignor shall submit the statement and recommendations of the investigating officers.

§ 261.10 Recoveries.

If relief is granted, the consignor shall take all necessary and reasonable steps to recover the lost, destroyed or damaged valuables, or their value. All recoveries and repayments, in connection with valuables for which replacement has been made out of the Fund, shall be forwarded to the Secretary for credit to the Fund.

Dated: April 30, 1976.

DAVID MOSSO,
Fiscal Assistant Secretary.

[FR Doc.76-13746 Filed 5-11-76;8:45 am]

Title 32—National Defense

CHAPTER I—OFFICE OF THE SECRETARY OF DEFENSE

PART 155—INDUSTRIAL PERSONNEL SECURITY CLEARANCE PROGRAM

Revision of Part

On April 24, 1975, there was published in the FEDERAL REGISTER (40 FR 17995) a Notice of Proposed Rulemaking to revise Part 155 in accordance with Executive Order 10865, "Safeguarding Classified Information Within Industry," dated February 20, 1960, as amended by Executive Order 10969, dated January 17, 1961. Interested parties were given the opportunity to submit, no later than May 27, 1975, any comments regarding the proposed revision.

No unfavorable comments were received on the proposed revision to Part 155 which is hereby adopted without change as set forth below.

Effective date: May 12, 1976.

MAURICE W. ROCHE,
Director, Correspondence and Directives OASD (Comptroller).

MAY 6, 1976.

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AUTHORITY: (10 U.S.C. 133; 5 U.S.C. 301); Executive Order 10865, 25 FR 1583, 3 CFR 401 (1959–1963 Comp.); Executive Order 10901, 26 FR 508, 3 CFR 437 (1959–1963 Comp.).

§ 155.1 Purpose.

In accordance with Executive Order 10865, as amended by E.O. 10909, this part establishes the standard and criteria for making security clearance determinations when persons employed in private industry require access to classified defense information, and sets forth policy, practices and procedures which shall be followed for cases arising under the DoD Industrial Personnel Security Clearance Program (hereinafter referred to as the Program).

§ 155.2 Definitions.

(a) *Agencies* refers to Executive Departments and agencies outside of the Department of Defense which have agreed to process industrial personnel security clearances under this part.

(b) *Agency case.* A case arising out of the release of classified information to or within industry by an Agency.

(c) *Agency head.* The head of any of the Agencies in paragraph (a) of this section.

(d) *Applicant.* A person eligible to have the status of his clearance determined under this part.

(e) *Contractor.* An industrial, educational, commercial, or other organization which has executed a Department of Defense Security Agreement.

(f) *Counsel.* Attorney or personal representative duly appointed by applicant as provided under § 155.7(c).

(g) *Department counsel.* The attorney duly appointed by the Department of Defense to represent the Department in all proceedings in an applicant's case.

(h) *Department of Defense components* includes the Military Departments and Defense Agencies and, as appropriate, their subordinate organizations.

(i) *Drug abuse.* The illegal, wrongful or improper use of any narcotic substance, marijuana or dangerous drugs, or the illegal or wrongful possession, transfer or sale of the same.

(j) *Hearing examiner.* An official designated by the Department of Defense to conduct hearings and make determinations under the Program.

(k) *Hearing.* A proceeding convened and conducted by an Examiner in accordance with this Directive for the purpose of determining an applicant's eligibility for a clearance.

(l) *Judicial notice* is the acceptance of material as true without requiring proof for purposes of a procedure under this Directive. The Examiner may take judicial notice of any Federal, State, or municipal statute or adjudicative regulation, official report of a legislative committee, or of any adjudicative fact not subject to reasonable dispute in that it is either: (1) Generally known within the territorial jurisdiction, or (2) capable of accurate and ready determination by resort to sources whose accuracy cannot reasonably be questioned. When a determination rests on judicial notice of a material fact not appearing in the evidence of record, applicant or Department Counsel is entitled, on timely request, to an opportunity to show the contrary.

(m) *Relevant evidence.* Evidence having any tendency to make the existence of any fact of consequence to the determinations of the action more probable or less probable than it would be without the evidence.