Executive Order 11969 • February 2, 1977

Administration of the Emergency Natural Gas Act of 1977

By virtue of the authority vested in me by the Constitution and statutes of the United States of America, including Section 13 of the Emergency Natural Gas Act of 1977 (Public Law 95–2), and Section 301 of Title 3 of the United States Code, and as President of the United States of America, it is hereby ordered as follows:

SECTION 1. There is hereby delegated to the Chairman of the Federal Power Commission, hereafter the Chairman, all of the authority vested in the President by the Emergency Natural Gas Act of 1977, except for the authority to declare and terminate a natural gas emergency pursuant to Section 3 of said Act. Nothing in such delegation shall be construed as delegating such authority to the Federal Power Commission as a collective body, except insofar as the Chairman may further delegate his authority under Section 3 of this Order.

SEC. 2. The Chairman shall, to the extent he deems appropriate, consult with the Secretary of the Interior, the Administrator of the Federal Energy Administration, other members of the Federal Power Commission and the heads of other Executive agencies in exercising the authority delegated to him by this Order.

SEC. 3. All authority delegated to the Chairman by this Order may be further delegated, in whole or in part, by the Chairman to any other officer of the United States or to any Executive agency.

SEC. 4. The heads of all Executive agencies shall cooperate with and assist the Chairman in carrying out the authority delegated to him by this Order.

SEC. 5. All Executive agencies shall, to the extent permitted by law, provide the Chairman on request such administrative support and information as may be necessary to carry out the authority delegated to him by this Order.

Jimmy Carter

THE WHITE HOUSE,
February 2, 1977.

[FR Doc.77-3906 Filed 2-3-77;12:01 pm]

rules and regulations

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Department of Defense; Department of the Army

AGENCY: Civil Service Commission.

ACTION: Final Rule.

SUMMARY: The Secretary of Defense has delegated to the Under Secretary of the Army the authority to command the D.C. National Guard. Accordingly, the position of Adjutant General to the Director of the D.C. National Guard is transferred to the Office of the Under Secretary of the Army.

EFFECTIVE DATE: February 4, 1977.

FOR FURTHER INFORMATION CONTACT:

Dean D. Larrick, 202–632–4533.

Accordingly, 5 CFR 213.3306(a)(19) is revoked and § 213.3307(b) is added as set out below:

§ 213.3306 **Department of Defense.**

(a) *Office of the Secretary.* * * *
(19) [Revoked]

* * * * *

§ 213.3307 **Department of the Army.**

* * * * *

(b) *Office of the Under Secretary.* (1) Adjutant General to the Director of the D.C. National Guard.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954–1958 Comp., p. 218.)

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant, to the Commissioners.

[FR Doc.77-3481 Filed 2-3-77;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Health, Education, and Welfare

AGENCY: Civil Service Commission.

ACTION: Final Rule.

SUMMARY: This amendment increases the number of professional positions from 50 to 70 and the clerical positions from four to five authorized under Schedule A in the Social and Rehabilitation Service.

EFFECTIVE DATE: February 4, 1977.

FOR FURTHER INFORMATION CONTACT: Dean D. Larrick, 202–632–4533.

Accordingly, 5 CFR 213.3116(g)(2) is amended as follows:

§ 213.3116 **Department of Health, Education, and Welfare.**

* * * * *

(g) *Social and Rehabilitation Service.* * * *

(2) Not to exceed 70 professional and five clerical positions directly concerned with special teams to review the Medicaid program in selected states. Employment under this authority may not exceed June 30, 1979.

(5 U.S.C. 3301, 3302; E.O. 10577, 3 CFR 1954–1958 Comp., p. 218.)

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.77-3482 Filed 2-3-77;8:45 am]

PART 213—EXCEPTED SERVICE

Department of State

AGENCY: Civil Service Commission.

ACTION: Final Rule.

SUMMARY: This amendment excepts from the competitive service under Schedule C four positions of Secretary (Stenography) to the Secretary of State because the positions are confidential in nature.

EFFECTIVE DATE: February 4, 1977.

FOR FURTHER INFORMATION CONTACT:

Dean D. Larrick, 202–632–4533.

Accordingly, 5 CFR 213.3304(a)(4) is added as follows:

§ 213.3304 **Department of State.**

(a) *Office of the Secretary.* * * *
(4) Four Secretaries (Stenography) to the Secretary.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954–1958 Comp., p. 218.)

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.77-3483 Filed 2-3-77;8:45 am]

PART 831—RETIREMENT

Reemployment of Retired Employees

Subpart H is revised in its entirety to implement provisions of section 8344 (a), (b) and (c) of title 5, United States Code, as amended and reenacted by Public Law 94–397, approved September 3, 1976. Provisions governing (1) the reemployment of annuitants found recovered or restored to earning capacity before age 60 and (2) the reemployment of annuitants whose annuity is based on involuntary separation for reasons other than age or misconduct or delinquency, are deleted as no longer necessary since they now appear in detail in section 8337 and 8344 of title 5, United States Code. Provisions governing eligibility for supplemental annuity and redetermination of annuity following reemployment service are revised (1) to include part-time reemployment service as well as full-time reemployment service as creditable service for computing eligibility for such annuity and (2) to extend eligibility for such annuity to annuitants whose annuity is based on an involuntary separation. New provisions are also added to clarify annuity entitlement following termination of annuity upon reemployment.

Subpart H is revised to read as follows:

Subpart H—Reemployment of Retired Employees

Secs.
831.801 Definition of annuitant.
831.802 Supplemental annuity and redetermined annuity.
831.803 Annuity entitlement following termination of annuity upon reemployment.

AUTHORITY: 5 U.S.C. 8347(a).

Subpart H—Reemployment of Retired Employees

§ 831.801 **Definition of annuitant.**

(a) In this subpart, "annuitant" means a former employee who is receiving, or meets the legal requirements and is an applicant for an annuity under subchapter III of chapter 83 of title 5, United States Code, based on his or her service.

(b) This subpart applies to annuitants serving in an appointive or elective position on or after October 1, 1976, subject to continuation of pay and reduction of pay by the amount of annuity allocable to the period of reemployment in accord with section 8344(a) of title 5, United States Code.

§ 831.802 **Supplemental annuity and redetermined annuity.**

(a) When an annuitant is employed continuously for at least one year in an appointive or elective position and actually serves for at least one year on a full-time basis, or the equivalent of one year of full-time service on a part-time basis, in a position not excluded from coverage by section 8331(1) (i) and (ii) of title 5, United States Code, the annuitant is entitled to a supplemental annuity on termination of the employment by separation for more than three calendar days or by conversion to intermittent status. The supplemental annuity is (1) computed under the formula provided by the law in effect at the date of termination of employment, (2) based on all pe-

riods of full-time or part-time service performed after his or her retirement, with such periods considered as part of his or her total service, and (3) based on the average basic pay (before annuity deduction) received during the periods of employment.

(b) If the annuitant is employed continuously for at least five years in an appointive or elective position and actually serves for at least 5 years on a full-time basis, or the equivalent of 5 years of full-time service on a part-time basis, in a position not excluded from coverage by section 8331(1) (i) and (ii) of title 5, United States Code, the annuitant may make deposit in the retirement fund covering such employment and elect, instead of the supplemental annuity described herein, to have his or her retirement rights redetermined under the law in effect at separation date.

(c) The supplemental or redetermined annuity commences (1) on the day after separation from such employment or (2) on the day after the annuitant is converted to an intermittent status and meets the service requirements.

(d) Employment is considered continuous unless interrupted by a separation from service exceeding three calendar days, but credit is not allowed for any period of separation or nonpay status which exceeds three calendar days.

(e) Full-time service means any actual service in which the reemployed annuitant is scheduled to work the number of hours and days required by the administrative workweek for his or her grade or class (normally 40 hours).

(f) Part-time service means any actual service performed on a less than full-time basis under a prescheduled regular tour of duty.

(g) Intermittent service means any actual service performed on a less than full-time basis with no prescheduled regular tour of duty.

§ 831.803 Annuity entitlement following termination of annuity upon reemployment.

When an individual's annuity is terminated upon reemployment subject to subchapter III of chapter 83, title 5, United States Code, in accord with the provisions of section 8344 (a), (b) and (c) of title 5, United States Code, the Commission shall determine the individual's future annuity rights under the law in effect at the date of his or her subsequent separation. If upon separation from such reemployment the individual does not meet the eligibility requirements under subchapter III of chapter 83, title 5, United States Code, for title to annuity based on such separation, the Commission shall resume payment of the terminated annuity. Annuity increases authorized under section 8340 of title 5, United States Code, between the termination and resumption of annuity, will be applied to increase the resumed rate. (5 U.S.C. 8347(a).)

Effective date: October 1, 1976.

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.77-3479 Filed 2-3-77;8:45 am]

Title 9—Animals and Animal Products

CHAPTER I—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

SUBCHAPTER E—VIRUSES, SERUMS, TOXINS, AND ANALOGOUS PRODUCTS; ORGANISMS AND VECTORS

PART 113—STANDARD REQUIREMENTS

Revision of Potency Tests for Rabies Virus Vaccines

• *Purpose.* To revise potency tests for rabies virus vaccines so that the requirements will be uniform for both the live and killed virus types. •

On September 3, 1976, a notice of proposed amendments to Part 113 was published in the FEDERAL REGISTER, Volume 41, Number 173, page 37338. Comments were received from three licensees and from personnel at the Veterinary Services Laboratories.

Statement of Considerations. Rabies vaccines contain either killed rabies virus or modified live rabies virus. Both types of vaccines are presently used throughout the United States in rabies control programs. The Standard Requirements for these vaccines are prescribed in § 113.129 (killed virus vaccine) and § 113.147 (modified live virus vaccine). These amendments will make the requirements uniform for both types of vaccines.

To conform with the established policy of codifying test procedures used in more than one Standard Requirement in a separate section under the heading of "Standard Procedures" (§§ 113.25 to 113.41), a new § 113.42, codifying the test procedures for lymphocytic choriomeningitis (LCM), is added to Part 113 by these amendments.

The test procedures for LCM which presently appear in § 113.129 and § 113.147 are deleted from these sections, except by reference to the procedures prescribed in new § 113.42.

After due consideration of all relevant matters, including the proposals set forth in the aforesaid notices of rulemaking the comments and views submitted by interested persons, and pursuant to the authority contained in the Virus-Serum-Toxin Act of March 4, 1913 (U.S.C. 151–158), the amendments of Part 113, Subchapter E, Chapter 1, Title 9 of the Code of Federal Regulations, as contained in the aforesaid notices, are hereby adopted and are set forth herein subject to the following noted minor revisions and necessary editorial changes:

The proposed § 113.129(b)(1) has been modified by the addition of the term "as soon as possible" in the first sentence. This was done in response to questions regarding the time period in which a preinactivation virus titer is to be established. The test requirements in proposed § 113.129(b)(5) for the master seed virus have been deleted because they are unnecessary in view of the information which is obtained from routine serial testing. These requirements state that the master seed virus must be retested periodically (every 3 to 5 years) for immunogenicity. Since each serial of a vaccine is tested for immunogenicity before release, the repeat testing of the master seed virus is unnecessary. On account of the deletion of proposed § 113.129(b)(5), the proposed § 113.129(b)(6) has been renumbered as § 113.129(b)(5).

The proposed § 113.147(b) has been rewritten for clarification, for editorial correctness, and to correct printing errors. Paragraph (b)(5) has been made into paragraphs (b)(5) and (b)(6) and the proposed (b)(6) has been renumbered as (b)(7).

§§ 113.129 and 113.147 [Amended]

All words in the headings for § 113.129 and § 113.147 are to be capitalized.

1. Part 113 is amended by the addition of a new section to read:

§ 113.42 Detection of lymphocytic choriomeningitis contamination.

The test for detection of lymphocytic choriomeningitis (LCM) virus provided in this section shall be conducted when such a test is prescribed in an applicable Standard Requirement or in a filed Outline of Production. Vaccine virus may be neutralized with specific antiserum when necessary.

(a) Each of at least 10 mice obtained from a source free of LCM shall be injected in the footpad of a hindfoot with 0.02 ml of the material being tested and observed each day for 21 days.

(b) If any of the mice show swelling in the injected footpad or if more than one becomes systemically abnormal, the material being tested is unsatisfactory.

2. Section 113.129 is amended by revising paragraphs (a)(3), (b), (c), and the introductory portion of paragraph (d)(1); by deleting paragraphs (d)(1)(i), (ii), and (iii); and by revising paragraphs (d)(2)(ii) and (d)(3) to read:

§ 113.129 Rabies Vaccine, Killed Virus.

* * * * *

(a) * * *

(3) Each lot of Master Seed Virus propagated in primary cell cultures or mouse or hamster origin or brain tissues of mouse origin shall be tested for lympho-

cytic choriomeningitis (LCM) virus by the procedure prescribed in § 113.42. If LCM virus is detected, the Master Seed Virus is unsatisfactory.

(b) The immunogenicity of vaccine prepared with virus at the highest passage of the Master Seed Virus shall be established in all species for which the vaccine is recommended. The vaccine shall be prepared using methods prescribed in the Outline of Production.

(1) The preinactivation virus titer shall be established as soon as possible after harvest by at least five separate virus titrations. A mean relative potency value of the vaccine to be used in the host animal potency test shall be established by at least five replicate potency tests conducted in accordance with the NIH Test For Potency in Chapter 33 of "Laboratory Techniques in Rabies," Third Edition (1973), World Health Organization, Geneva. The volumetric method of calculation, as described in this publication, shall be used. The provisions of "Laboratory Techniques in Rabies," Third Edition (1973), incorporate by reference and are the minimum standards for achieving compliance with this section.[1] [2]

(2) The dose of vaccine to be used in the immunogenicity test shall be no more than the amount which, on the basis of The NIH Test For Potency, has been diluted to the proposed minimum acceptable potency value.[1] [2]

(3) Test animals shall be uniform and have no neutralizing antibodies to rabies as determined by serum-neutralization (SN) tests.

(i) Twenty-five to thirty animals shall be used as vaccinates. Each shall be injected intramuscularly at one site in the thigh with a dose of vaccine at the proposed minimum potency level as written into the filed Outline of Production.

(ii) Ten additional animals shall be held as controls.

(iii) On or about days 30, 60, 90, 180, 270, and 365 postinjection, all test animals shall be bled and individual serums tested for neutralizing antibodies to rabies virus.

(iv) All surviving test animals of each species shall be challenged with virulent rabies street virus 1 year after vaccinations, except as provided in paragraph (b)(4) of this section. Injection bilaterally into the masseter muscles is the recommended route of challenge. The challenged animals shall be observed each day for 90 days as prescribed in § 113.5(b).

(v) Requirements for acceptance in challenge tests shall be death due to rabies in at least 80 percent of the controls while at least 22/25 or 26/30 vaccinates remain well for a period of 90 days.

(4) When cattle, horses, sheep, and goats are the test animals, the five vaccinates with the lowest SN titers shall be challenged, except that all vaccinates with SN titers below 1:5 shall be challenged at 1 year. Five SN-negative controls of each species shall be challenged at the same time as the vaccinates. All SN titers shall be determined to an endpoint. The remaining vaccinates may be challenged at a later date and the results included in the criteria used to establish a satisfactory Master Seed Virus.

(5) An Outline of Production change shall be made before authority for use of a new lot of Master Seed Virus shall be granted by Veterinary Services.

(c) If more than 1 year duration of immunity is to be claimed, a duration of immunity test for the additional time shall be conducted and interpreted as prescribed in paragraph (b) of this section for the 1 year test. The test animals shall be monitored serologically at least every 180 days. The time of challenge may be adjusted accordingly.

(d) * * *

(1) *Purity test.* Primary cell cultures of hamster origin or brain tissues of mouse origin used in vaccine production shall be tested for LCM virus as prescribed in § 113.42. Hamster origin cells shall be disrupted and undiluted cell fluids from each lot shall be tested. Where mouse brains are used in production, at least five mice which have not been injected with rabies virus shall be sacrificed and a 10 percent suspension of brain material shall be prepared and tested.

(2) * * *

(ii) A test for safety in three young seronegative animals of the most susceptible species for which the vaccine is recommended shall be conducted. Each shall be injected intramuscularly with one recommended dose of vaccine. If unfavorable reactions attributable to the product occur during a 28 day observation period, the serial is unsatisfactory.

(3) *Potency test.* Bulk or final container samples of completed product from each serial shall be tested for potency by tests conducted in accordance with The NIH Test For Potency.[1] [2] The volumetric method of calculation shall be used. The relative potency of each serial shall be at least equal to that used in an approved host animal immunogenicity test.

3. § 113.147 is amended by revising the introductory portion of paragraph (a)(3) and deleting paragraphs (a)(3)(i) and (ii); by revising paragraphs (b) and (c); by revising the introductory portion of paragraph (d)(1) and (d)(1)(ii) and by adding a new paragraph (d)(1)(iii) to read:

§ 113.147 Rabies Vaccine.

* * * * *

(a) * * *

(3) Each lot of Master Seed Virus propagated in primary cell cultures of mouse or hamster origin or brain tissues of mouse origin shall be tested for lymphocytic choriomeningitis (LCM) virus by the procedure prescribed in § 113.42. If LCM virus is detected, the Master Seed Virus is unsatisfactory.

* * * * *

(b) The immunogenicity of vaccine prepared with virus at the highest passage of the Master Seed Virus shall be established in all species for which the vaccine is recommended. The vaccine shall be prepared using methods prescribed in the Outline of Production.

(1) A geometric mean virus titer of the dried vaccine produced from the highest passage of the Master Seed Virus shall be established before the immunogenicity test is conducted. To confirm the dosage calculations, five replicate virus titrations shall be conducted on a sample of the vaccine virus dilution used.

(2) The dose of vaccine to be used in the immunogenicity test shall be no more than the amount of rehydrated vaccine which, on the basis of previous titrations, has been diluted to the proposed minimum acceptable virus titer.

(3) Test animals shall be uniform and have no neutralizing antibodies to rabies as determined by serum-neutralization (SN) tests.

(i) Twenty-five to thirty animals shall be used as vaccinates. Each shall be injected intramuscularly at one site in the thigh with a dose of vaccine at the proposed minimum virus titer as written into the filed Outline of Production.

(ii) Ten additional animals shall be held as controls.

(iii) On or about days 30, 60, 90, 180, 270, and 365 postinjection, all test animals shall be bled and individual serums tested for neutralizing antibodies to rabies virus.

(iv) All surviving test animals of each species shall be challenged with virulent rabies street virus 1 year after vaccination, except as provided in paragraphs (b)(4), (b)(5), and (b)(6) of this section. Injection bilaterally into the masseter muscles is the recommended route of challenge. The challenged animals shall be observed each day for 90 days as prescribed in § 113.5(b).

(v) Requirements for acceptance in challenge tests shall be death due to rabies in at least 80 percent of the controls while at least 22/25 or 26/30 vaccinates remain well for a period of 90 days.

(4) When cattle, horses, sheep, and goats are the test animals, the five vaccinates with the lowest SN titers shall be challenged, except that all vaccinates with SN titers below 1:5 shall be challenged. Five SN-negative controls of each species shall be challenged at the same time as the vaccinates. All SN titers shall be determined to an endpoint. The remaining vaccinates may be challenged at a later date and the results included in the criteria used to establish a satisfactory Master Seed Virus.

(5) The Master Seed Virus shall be retested for immunogenicity in 3 years and each 5 years thereafter unless use of the lot previously tested is discontinued. Only five vaccinates and five controls need to be used in the retest and the retest may be limited to serological re-

[1] A copy of "Laboratory Techniques in Rabies," Third Edition (1973), edited by Martin M. Kaplan and Hilary Koprowski is on file at the Office of the Federal Register, National Archieves and Records Service, Washington, DC 20408. The publication may be purchased from the World Health Organization, Distribution and Sales Service, 1211 Geneva 27, Switzerland for $14.40. It may also be obtained from the United Nations Bookshop, New York, NY 10017.

[2] NOTE.—Incorporate by reference of the above publication approved by the Director, Office of the Federal Register on August 2, 1976.

sponse at 1 year after vaccination of the vaccinates if such response is equal to or greater than that in the original immunogenicity test and all controls remain negative. If the SN response is not satisfactory, the vaccinates and controls may be challenged. To be satisfactory, at least 4 of the 5 controls shall die of rabies and 5 of the 5 vaccinates remain well for a period of 90 days.

(6) The repeat immunogenicity tests may be terminated after 90 day SN tests if at least 10 vaccinates and at least 5 controls of each species are used and the test dose of vaccine contains the minimum acceptable virus titer throughout dating.

(i) If the 10 vaccinates have SN titers equal to or greater than the 90 day SN titers of the vaccinates in the initial immunogenicity test, the Master Seed Virus is satisfactory.

(ii) If the 10 vaccinates do not have acceptable SN titers, each vaccinate and each control shall be challenged at 1 year with virulent rabies street virus and observed for 90 days.

(iii) If at least 80 percent of the controls do not show signs of rabies during the observation period, the test is invalid and shall be repeated.

(iv) If more than 10 percent of the vaccinates show signs of rabies, the Master Seed Virus is unsatisfactory.

(7) An Outline of Production change shall be made before authority for use of a new lot of Master Seed Virus shall be granted by Veterinary Services.

(c) If more than 1 year duration of immunity is to be claimed, a duration of immunity test for the additional time shall be conducted and interpreted as prescribed in paragraph (b) of this section for the 1 year test. The test animals shall be monitored serologically at least every 180 days. The time of challenge may be adjusted accordingly.

(d) * * *

(1) *Purity and safety tests.*

Final container samples of completed product from each serial or one subserial shall be tested.

* * * * *

(ii) A test for safety in three young seronegative animals of the most susceptible species for which the vaccine is recommended shall be conducted. Each shall be injected intramuscularly with 10 recommended doses of vaccine. If unfavorable reactions attributable to the product occur during a 28 day observation period, the serial is unsatisfactory.

(iii) If primary cell cultures of hamster origin or of mouse origin are used in vaccine production, they shall be tested for LCM virus as prescribed in § 113.42. The cells shall be disrupted and undiluted cell fluids from each lot shall be tested.

* * * * *

(21 U.S.C. 151 and 154; 37 FR 28646, 2877; 38 FR 19141.)

Effective date. These amendments take effect March 7, 1977, except that label changes brought about by these amendments shall be made by all licensees at the next printing of labels to which these changes apply, but in all cases, not later than August 5, 1977.

Done at Washington, DC, this 31st day of January 1977.

NOTE.—The Animal and Plant Health Inspection Service has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

PIERRE A. CHALOUX,
Acting Deputy Administrator
Veterinary Services.

[FR Doc.77-3517 Filed 2-3-77;8:45 am]

Title 12—Banks and Banking

CHAPTER III—FEDERAL DEPOSIT INSURANCE CORPORATION

PART 310—SAFEGUARDING PERSONAL INFORMATION IN FEDERAL DEPOSIT INSURANCE CORPORATION RECORDS

Privacy Act of 1974

On December 22, 1976, a document was published in the FEDERAL REGISTER (41 FR 55717) proposing to amend Part 310 of the Federal Deposit Insurance Corporation's ("FDIC") regulations. This regulation, promulgated pursuant to the requirements of section 3(f) of the Privacy Act of 1974, 5 U.S.C. 552a(f), 88 Stat. 1896, 1900-01, provides procedures permitting individuals to gain access to certain FDIC records pertaining to themselves.

The proposed amendments minimize the identification verification procedures required of individuals for a majority of the requests under the Privacy Act of 1974 and provide an agency-level appellate process to individuals whose requests for access to individually identifiable records have been initially denied. Also, to more readily identify those systems of records which have been exempted from the disclosure provisions of the Privacy Act, the proposal adds a listing of the exempt systems to the regulation. Interested parties were given the opportunity to submit, not later than January 31, 1977, data, views and recommendations regarding the proposed amendments.

No unfavorable comments have been received, and, with the exception of one nonsubstantive typographical error, the proposed amendments are hereby adopted without change and are set forth below.

Effective date: March 1, 1977.

By order of the Board of Directors, February 1, 1977.

FEDERAL DEPOSIT INSURANCE CORPORATION,
ALAN R. MILLER,
Executive Secretary.

1. Section 310.2 is amended by adding paragraph (i), to read as follows:

§ 310.2 Definitions.

* * * * *

(i) The term "system manager" means the agency official responsible for a designated system of records, as denominated in the FEDERAL REGISTER publication of "Systems of Records Maintained by the Federal Deposit Insurance Corporation."

* * * * *

§ 310.3 [Amended]

2. In § 310.3(b) the last sentence reading, "Except as provided in § 310.4, each such request should also include a notarized statement attesting to the identity of the individual making the request." is deleted.

3. Section 310.4 is amended by revising paragraph (c) to read as follows:

§ 310.4 Times, places, and requirements for identification of individuals making requests.

* * * * *

(c) Except for records that must be publicly disclosed pursuant to the Freedom of Information Act, 5 U.S.C. 552, where the Corporation determines it to be necessary for the individual's protection, a certification of a duly commissioned notary public, of any state or territory, attesting to the requesting individual's identity may be required before a written request seeking access to or amendment of a record will be honored.

4. Section 310.5 is amended by revising paragraph (b) to read as follows:

§ 310.5 Disclosure of requested information to individuals.

* * * * *

(b) The Executive Secretary will notify, in writing, the individual making a request, whenever practicable within ten business days following receipt of the request, whether any specified designated system of records maintained by the Corporation contains a record pertaining to the individual. Where such a record does exist, the Executive Secretary also will inform the individual of the system manager's decision whether to grant or deny the request for access. In the event existing records are determined not to be disclosable, the notification will inform the individual of the reasons for which disclosure will not be made and will provide a description of the individual's right to appeal the denial, as more fully set forth in § 310.9. Where access is to be granted, the notification will specify the procedures for verifying the individual's identity, as set forth in § 310.4.

* * * * *

§ 310.8 [Amended]

5. In § 310.8 the first sentence of paragraph (a) is amended by inserting the word "system" between the words "the" and "manager" and by deleting the phrase "(as designated in the Corporation's FEDERAL REGISTER 'Notice of Systems of Records')."

6. Section 310.9 is amended by retitling the heading and by revising paragraphs (a) and (c) as follows:

§ 310.9 Appeal of adverse initial agency determination on access or amendment.

(a) A system manager's denial of an individual's request for access to or