

day of the discovery, and if the certificate numbers of the securities cannot be ascertained at that time, they shall be reported as soon thereafter as possible.

(2) *Missing or lost securities.* Every reporting institution shall report to the appropriate instrumentality and to a registered transfer agent for the issue the discovery of the loss of any security where criminal actions are not suspected when the security has been missing or lost for a period of two business days. Such report shall be made within one business day of the end of such period except that:

(4) *Recovery.* Every reporting institution shall report the recovery or finding of any security previously reported missing, lost or stolen pursuant to this section to the appropriate instrumentality and to a registered transfer agent for the issue within one business day of such recovery or finding. If a report of stolen securities is made to the appropriate law enforcement agency, a report of such recovery shall also be made to such agency. Recovery may only be reported by the institution which reported the security as missing, lost or stolen.

(f) *Recordkeeping.* Every reporting institution shall maintain and preserve in an easily accessible place for three years copies of all Forms X-17F-1A filed pursuant to this section and all confirmations or other information received from the appropriate instrumentality or its designee as a result of inquiry.

PART 249—FORMS, SECURITIES EXCHANGE ACT OF 1934

§ 249.1200 [Amended]

V. Certain technical modifications in terms of format to Form X-17F-1A (§ 249.1200) have been made. The amended form is published in this issue of the FEDERAL REGISTER.

By the Commission.

SHIRLEY E. HOLLIS,
Assistant Secretary.

AUGUST 5, 1977.

[FR Doc.77-23187 Filed 8-11-77;8:45 am]

Title 21—Food and Drugs

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

SUBCHAPTER E—ANIMAL DRUGS, FEEDS, AND RELATED PRODUCTS

Sterling Drug, Inc.; Change of Sponsor Correction

In FR Doc. 77-20577, appearing at page 36994 in the issue of Tuesday, July 19, 1977, the next to last line in the first paragraph on page 36995 should read, "ation of the NADA's and does not constitute a reaffirmation of the underlying safety and efficacy."

Title 25—Indians

CHAPTER I—BUREAU OF INDIAN AFFAIRS, DEPARTMENT OF THE INTERIOR

PART 252—BUSINESS PRACTICES ON THE NAVAJO, HOPI, AND ZUNI RESERVATIONS

Interim Rule Revising Coverage of Requirement To Obtain Peddler's Permit

AUGUST 8, 1977.

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Interim rule on which comment is solicited.

SUMMARY: This document revises 25 CFR 252.12 (which requires peddlers on the Navajo, Hopi, or Zuni reservations to obtain permits) by exempting enrolled members of federally recognized tribes who are selling items they have produced or gathered themselves. This provision is being revised because experience has shown that it is impossible to require permits and enforce the regulations fully as they apply to small-scale Indian peddlers. Because of the number of such peddlers, the cost of enforcement would far exceed the benefit to be received from such regulation. This revision is being issued as an interim rule so that it may be effective before the opening of the Navajo Tribal Fair. Unless the rule is changed large numbers of Indian concessionaires would have to obtain a peddler's permit and bond just for the duration of the fair. Public comment is invited, however, before adoption of a final rule.

DATE: This revision will be effective, on an interim basis, on August 12, 1977. Comments about the revision must be received on or before October 11, 1977.

ADDRESS: Comments should be sent to: Division of Law Enforcement Services, Navajo Area Office, Bureau of Indian Affairs, Window Rock, Ariz. 86515.

FOR FURTHER INFORMATION CONTACT:

William Winn, Business Licensing, Investigation and Audit Section, Division of Law Enforcement Services, Navajo Area Office, Bureau of Indian Affairs, Window Rock, Ariz. 86515

SUPPLEMENTARY INFORMATION: The authority for the Commissioner to issue this interim rule is contained in 5 U.S.C. § 301, 25 U.S.C. §§ 2 and 9, 25 U.S.C. §§ 261 et seq., and 230 DM 1 and 2.

The principal author of this document is William D. Back, Window Rock Field Office, Office of the Solicitor, Department of the Interior.

Section 252.12 of Title 25 of the Code of Federal Regulations is revised, on an interim basis, to read as follows:

§ 252.12 Peddler's permits.

(a) Except as provided in paragraph (b) of this section, no peddler may offer goods for sale within the exterior boundaries of the Hopi, Navajo, or Zuni reservations without a peddler's permit. The permit shall state on its face the class of goods that may be offered for sale.

No peddler may offer for sale any class of goods other than those listed on the face of the permit.

(b) No peddler who is an enrolled member of a federally recognized Indian tribe is required to obtain a peddler's permit for offering to sell the following items:

- (1) Coal and wood for non-commercial use.
- (2) Homegrown fresh products.
- (3) Meat products raised locally by the peddler, or
- (4) Arts and crafts made by the peddler or the peddler's family.

(c) The applicant shall apply for a permit in writing on a form provided by the Commissioner.

(d) Peddlers shall pay such fee and post such surety bond on a form provided by the Commissioner as the Commissioner requires. The surety bond required may not be less than five hundred dollars (\$500) nor more than ten thousand dollars (\$10,000).

(e) Any surety on the bond of a peddler may be relieved of liability by complying with the provisions of § 252.57.

RAYMOND V. BUTLER,
Acting Deputy Commissioner
of Indian Affairs.

[FR Doc.77-23376 Filed 8-11-77;8:45 am]

PART 258—KLAMATH RIVER FISHING Fishing Regulations

AUGUST 5, 1977.

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Final rule.

SUMMARY: This rulemaking is to add a new part 258 to Subchapter W, Chapter I of Title 25 of the Code of Federal Regulations. The purpose of Part 258 is to assist in the protection of Indian fishing rights on the Klamath River, to promote the proper management of the fishery resource until the Indians of the Reservation assume control, and to assure that the State of California's enforcement of its laws and regulations for management and conservation of the fishery's resource is compatible with the rights of the Indians of the Hoopa Valley Reservation.

DATES: With the exception of §§ 258.3 and 258.6(e) these regulations shall become effective August 12, 1977. Sections 258.3 and 258.6(e) shall become effective on September 12, 1977. Additional comments will be accepted and considered if received on or before September 12, 1977. If necessary, the regulations will be amended in response to the additional comments.

FOR FURTHER INFORMATION CONTACT:

Mr. Scott McElroy, Attorney, Division of Indian Affairs, Office of the Solicitor, U.S. Department of the Interior, Washington, D.C., 202-343-6967.

SUPPLEMENTARY INFORMATION: Beginning on page 28552 of the June 3,

1977, FEDERAL REGISTER (42 FR 28552-3) there was published a notice of proposed rulemaking. All interested persons were given until July 5, 1977, to submit written comments, suggestions, or objections regarding the proposed regulations.

After consideration of all comments presented by interested persons, the regulations as proposed are hereby adopted with the following changes:

1. The word Indians is substituted for the word Tribe in § 258.1(2) and the word assumes is changed to assume.

2. The title and contents of § 258.5 are changed to read as set forth below.

This section should not be interpreted as a reflection of our views on the question of whether, absent these regulations, the Indians of the Reservation possess rights to fish commercially in the Klamath River.

3. An additional phrase is added to the last sentence of § 258.6(a) so that the sentence reads as set forth below.

This change was made to indicate with greater clarity that the stated standard is intended simply to meet the requirements of the Bureau in promulgating and enforcing these temporary regulations.

4. Paragraph 258.6(b) was changed to read as set forth below.

This change was made in response to comments on the proposed regulations.

5. A new paragraph (f) is added to § 258.6, reading as set forth below.

This change was made to insure that these temporary regulations do not have the effect of eliminating the widespread and beneficial practice of individuals fishing for the benefit of others who are infirm, incapacitated, or otherwise unable to fish for themselves. It should be emphasized that this agency designation is not intended to expand anyone's rights but only to allow the designee to fish in the place of the original permittee.

RAYMOND V. BUTLER,
Acting Deputy Commissioner.

Subchapter W of Chapter I of Title 25 of the Code of Federal Regulations is amended by adding the following new Part 258.

- 258.1 Purposes.
- 258.2 Length of Nets.
- 258.3 Identification of Nets.
- 258.4 Checking Nets.
- 258.5 Commercial Fishing.
- 258.6 Issuance of Identification Cards.
- 258.7 Enforcement.

AUTHORITY: The Act of March 3, 1953, 10 Stat. 238, 25 U.S.C. Sec. 2; 25 U.S.C. Sec. 9.

§ 258.1 Purposes.

(a) The purposes of these regulations are: (1) To assist in protecting Indian fishing rights on the Klamath River.

(2) To promote the proper management, conservation, and protection of the fishery resources of the Klamath River on the Hoopa Valley Reservation until such time as the Indians of that reservation assumes control over those resources.

(3) To insure that the State of California's enforcement of its laws and regulations for the management and conservation of fisheries resources is compatible with the rights of the Indians of the Hoopa Valley Reservation.

(b) The conservation regulations of this Part are found to be necessary to assure that the fishing rights secured to the Indians of the Hoopa Valley Reservation are protected and preserved for the benefit of the present and future Indians of the Reservation in a manner consistent with such rights. The enactment of such regulations is consistent with and required by the trust responsibilities of the Federal Government.

(c) Present information indicates that the current level of unregulated fishing, if continued, may have a detrimental effect on the fishery resources of the Reservation. Ideally, the Tribes of the Reservation should determine how these reservation resources should be utilized by the Indians of the reservation including the extent to which commercial fishing is feasible. In the absence of tribal regulation, the regulations of this part are enacted as an emergency measure. They shall be in effect until sufficient information is available to satisfy the Secretary of the Interior that such fishing does not have the potential for harming the Klamath River fishery or until the Tribes of the Reservation assume effective control over the utilization of the fishery resources but absent reenactment no later than July 1, 1978.

(d) Jurisdiction. These regulations apply to all Indians entitled to fish on the Klamath River, within the Hoopa Valley Reservation.

§ 258.2 Length of nets.

No gill nets shall extend over $\frac{3}{4}$ the width of the Klamath River. No net shall be placed in front of the mouth of a tributary stream, nor shall any net placed in a tributary stream extend over $\frac{1}{2}$ the width of that stream.

§ 258.3 Identification of nets.

All gill nets utilized on the Klamath River or its tributaries shall be tagged with a tag provided by the Bureau of Indian Affairs identifying the owner as entitled to Indian fishing rights. Such identification shall be located so that the ownership of the fishing gear can be ascertained without having to remove the fishing gear from the water.

§ 258.4 Checking nets.

All nets must be checked for fish once every 24 hours.

§ 258.5 Prohibited fishing.

The catching for the purpose of sale of more than five (5) anadromous fish is prohibited. No limit is established on the catching of fish for purposes other than sale.

§ 258.6 Issuance of identification cards.

(a) The Commissioner of Indian Affairs

or his designate shall arrange for the issuance of an appropriate identification card and net tag or tags to any Indian entitled to fish on the Klamath River. That identification card, the accompanying tag, and the evidence submitted in obtaining the card and tags shall be used solely for the purposes of identifying its holder as being entitled to fish on the Klamath River on an interim emergency basis and is not intended as a grant or recognition of permanent rights or privileges.

(b) An identification card shall be issued to any Indian who submits evidence satisfactory to the issuing officers that he or she is of $\frac{1}{4}$ degree or more Indian blood and in addition either (1) is an allottee of the reservation, (2) is a descendant of an allottee of the reservation, or (3) can demonstrate that in the past, he or she fished on the Klamath River as an Indian.

(c) Each card shall state the name and address of the holder.

(d) No person shall allow any use of his or her identification card by any other person except as contained in subsection (f) below.

(e) The failure of any person who claims to be entitled to the benefits of an Indian fishing rights on the Klamath River to have such a card in his immediate personal possession while fishing or engaging in other activities in the claimed exercise of such rights and to display it upon request to any federal, state, or tribal enforcement officer shall be prima facie evidence that the person is not entitled to exercise an Indian fishing right.

(f) The right of an individual Indian to fish and the card evidencing that right may be utilized by a designated agent who shall fish in the place and stead of the permittee. That agency shall not enlarge or expand the rights exercised.

§ 258.7 Enforcement.

Violators of these provisions shall be subject to a civil penalty not to exceed \$500, or have his or her fishing gear and fish confiscated or have his or her tribal fishing privileges suspended; or any combination of these penalties.

[FR Doc. 77-23378 Filed 8-11-77; 8:45 am]

Title 28—Judicial Administration CHAPTER I—DEPARTMENT OF JUSTICE

[Order No. 742-77]

PART 16—PRODUCTION OR DISCLOSURE OF MATERIAL OR INFORMATION

Subpart E—Exemption of Records Systems Under the Privacy Act

AGENCY: Department of Justice.

ACTION: Final rule.

SUMMARY: This regulation exempts certain systems of records maintained by various organizational units of the Department from provisions of the Pri-

vacy Act of 1974 so as to maintain the confidentiality of information compiled for the purpose of criminal investigations.

EFFECTIVE DATE: August 1, 1977.

FOR FURTHER INFORMATION CONTACT:

Harry L. Gastley, Administrative Counsel, Office of Management and Finance, Department of Justice, Washington, D.C. 20530. (202-739-5361).

SUPPLEMENTARY INFORMATION: On March 18, 1977, the Department of Justice published in the *FEDERAL REGISTER* proposed regulations exempting systems of records from certain provisions of the Privacy Act, 42 FR 15072, 15075. No comments were received on the proposed regulations.

By virtue of the authority vested in me by 5 U.S.C. 552a, the proposed revision of § 16.93 and the proposed addition of § 16.102, of Subpart E of Part 16 of Title 28, Code of Federal Regulations, as published in the *FEDERAL REGISTER* on March 18, 1977, 42 FR 15072, 15075 are adopted without change as set forth below:

Dated: August 1, 1977.

GRIFPIN B. BELL,
Attorney General.

§ 16.93 Exemption of Tax Division Systems—limited access.

(a) The following systems of records are exempted pursuant to the provisions of 5 U.S.C. 552a(j)(2) from subsections (c)(3), (c)(4), (d)(1), (d)(2), (d)(3), (d)(4), (e)(1), (e)(2), (e)(3), (e)(4), (g), (e)(4)(H), (e)(4)(I), (e)(5), (e)(8), (f) and (g) of 5 U.S.C. 552a:

(1) Tax Division Central Classification Cards, Index Docket Cards, and Associated Records—Criminal Tax Cases (JUS-TICE/TAX-001)—Limited Access.

(2) Tax Division Special Projects Files (JUSTICE/TAX-005)—Limited Access.

These exemptions apply to the extent that information in these systems is subject to exemption pursuant to 5 U.S.C. 552a(j)(2).

(b) The systems of records listed under paragraphs (a)(1) and (a)(2) of this section are exempted for the reasons set forth below, from the following provisions of 5 U.S.C. 552a:

(1) (c)(3). The release of the disclosure accounting, for disclosures made pursuant to subsection (b) of the Act, including those permitted under the routine uses published for those systems of records, would enable the subject of an investigation of an actual or potential criminal tax case to determine whether he or she is the subject of investigation, to obtain valuable information concerning the nature of that investigation and the information obtained, and to determine the identity of witnesses or informants. Such access to investigative information would, accordingly, present a serious impediment to law enforcement. In addition, disclosure

of the accounting would constitute notice to the individual of the existence of a record even though such notice requirement under subsection (f)(1) is specifically exempted for these systems of records.

(2) (c)(4). Since an exemption is being claimed for subsection (d) of the Act (Access to Records) this subsection is inapplicable to the extent that these systems of records are exempted from subsection (d).

(3) (d)(1); (d)(2); (d)(3); (d)(4). Access to the records contained in these systems would inform the subject of an actual or potential criminal tax investigation of the existence of that investigation, of the nature and scope of the information and evidence obtained as to his other activities, and of the identity of witnesses or informants. Such access would, accordingly, provide information that could enable the subject to avoid detection, apprehension and prosecution. This result, therefore, would constitute a serious impediment to effective law enforcement not only because it would prevent the successful completion of the investigation but also because it could endanger the physical safety of witnesses or informants, lead to the improper influencing of witnesses, the destruction of evidence, or the fabrication of testimony.

(4) (e)(1). The notices for these systems of records published in the *FEDERAL REGISTER* set forth the basic statutory or related authority for maintenance of these systems. However, in the course of criminal tax and related law enforcement investigations, cases, and matters, the Tax Division will occasionally obtain information concerning actual or potential violations of law that may not be technically within its statutory or other authority or may compile information in the course of an investigation which may not be relevant to a specific prosecution. In the interests of effective law enforcement, it is necessary to retain some or all of such information in these systems of records since it can aid in establishing patterns of criminal activity and can provide valuable leads for federal and other law enforcement agencies.

(5) (e)(2). In a criminal tax investigation or prosecution, the requirement that information be collected to the greatest extent practicable from the subject individual would present a serious impediment to law enforcement because the subject of the investigation or prosecution would be placed on notice as to the existence of the investigation and would therefore be able to avoid detection or apprehension, influence witnesses improperly, destroy evidence, or fabricate testimony.

(6) (e)(3). The requirement that individuals supplying information be provided with a form stating the requirements of subsection (e)(3) would constitute a serious impediment to law enforcement in that it could compromise the existence of a confidential investiga-

tion or reveal the identity of witnesses or confidential informants.

(7) (e)(4) (G) and (H). Since an exemption is being claimed for subsections (f) (Agency Rules) and (d) (Access to Records) of the Act these subsections are inapplicable to the extent that these systems of records are exempted from subsection (f) and (d).

(8) (e)(4)(I). The categories of sources of the records in the systems have been published in the *FEDERAL REGISTER* in broad generic terms in the belief that this is all that subsection (e)(4)(I) of the Act requires. In the event, however, that this subsection should be interpreted to require more detail as to the identity of sources of the records in these systems, exemption from this provision is necessary in order to protect the confidentiality of the sources of criminal tax and related law enforcement information. Such exemption is further necessary to protect the privacy and physical safety of witnesses and informants.

(9) (e)(5). In the collection of information for criminal tax enforcement purposes it is impossible to determine in advance what information is accurate, relevant, timely, and complete. With the passage of time, seemingly irrelevant or untimely information may acquire new significance as further investigation brings new details to light. Furthermore, the accuracy of such information can often only be determined in a court of law. The restrictions of subsection (e)(5) would restrict the ability of government attorneys in exercising their judgment in reporting on information and investigations and impede the development of criminal tax information and related data necessary for effective law enforcement.

(10) (e)(8). The individual notice requirements of subsection (e)(8) could present a serious impediment to law enforcement as this could interfere with the ability to issue warrants or subpoenas and could reveal investigative techniques, procedures, or evidence.

(11) (f). Procedures for notice to an individual pursuant to subsection (f)(1) as to the existence of records pertaining to him dealing with an actual or potential criminal tax, civil tax, or regulatory investigation or prosecution must be exempted because such notice to an individual would be detrimental to the successful conduct and/or completion of an investigation or prosecution pending or future. In addition, mere notice of the fact of an investigation could inform the subject or others that their activities are under or may become the subject of an investigation and could enable the subjects to avoid detection or apprehension, to influence witnesses improperly, to destroy evidence, or to fabricate testimony.

Since an exemption is being claimed for subsection (d) of the Act (Access to Records) the rules required pursuant to subsection (f) (2) through (5) are inapplicable to these systems of records

to the extent that these systems of records are exempted from subsection (d).

(12) (g). Since an exemption is being claimed for subsections (d) (Access to Records) and (f) (Agency Rules) this section is inapplicable, and is exempted for the reasons set forth for those subsections, to the extent that these systems of records are exempted from subsections (d) and (f).

(c) The following system of records is exempted pursuant to the provisions of 5 U.S.C. 552a(k)(2) from subsections (c)(3), (d)(1), (d)(2), (d)(3), (d)(4), (e)(1), (e)(4)(G), (e)(4)(H), (e)(4)(I) and (f) of 5 U.S.C. 552a:

(1) Tax Division Central Classification Cards, Index Docket Cards, and Associated Records—Civil Tax Cases (JUS-TICE/TAX-002)—Limited Access.

These exemptions apply to the extent that information in this system is subject to exemption pursuant to 5 U.S.C. 552a(k)(2).

(d) The system of records listed under paragraph (c)(1) is exempted for the reasons set forth below, from the following provisions of 5 U.S.C. 552a:

(1) (c)(3). The release of the disclosure accounting, for disclosures made pursuant to subsection (b) of the Act, including those permitted under the routine uses published for this system of records, would enable the subject of an investigation of an actual or potential civil tax case to determine whether he or she is the subject of investigation, to obtain valuable information concerning the nature of that investigation and the information obtained, and to determine the identity of witnesses or informants. Such access to investigative information would, accordingly, present a serious impediment to law enforcement. In addition, disclosure of the accounting would constitute notice to the individual of the existence of a record even though such notice requirement under subsection (f)(1) is specifically exempted for this system of records.

(2) (d)(1); (d)(2); (d)(3); (d)(4). Access to the records contained in this system would inform the subject of an actual or potential civil tax investigation of the existence of that investigation, of the nature and scope of the information and evidence obtained as to his or her activities and of the identity of witnesses or informants. Such access would, accordingly, provide information that could enable the subject to avoid detection. This result, therefore, would constitute a serious impediment to effective law enforcement not only because it would prevent the successful completion of the investigation but also because it could endanger the physical safety of witnesses or informants, lead to the improper influencing of witnesses, the destruction of evidence, or the fabrication of testimony.

(3) (e)(1). The notices for this system of records published in the FEDERAL REGISTER set forth the basic statutory or related authority for maintenance of this system. However, in the course of civil tax and related law enforcement

investigations, cases and matters, the Tax Division will occasionally obtain information concerning actual or potential violations of law that are not strictly or technically within its statutory or other authority or may compile information in the course of an investigation which may not be relevant to a specific case. In the interests of effective law enforcement, it is necessary to retain some or all of such information in this system of records since it can aid in establishing patterns of tax compliance and can provide valuable leads for federal and other law enforcement agencies.

(4) (e)(4)(G) and (H). Since an exemption is being claimed for subsections (f) (Agency Rules) and (d) (Access to Records) of the Act these subsections are inapplicable to the extent that this system of records is exempted from subsection (f) and (d).

(5) (e)(4)(I). The categories of sources of the records in this system have been published in the FEDERAL REGISTER in broad generic terms in the belief that this is all that subsection (e)(4)(I) of the Act requires. In the event, however, that this subsection should be interpreted to require more detail as to the identity of sources of the records in this system, exemption from this provision is necessary in order to protect the confidentiality of the sources of civil tax and related law enforcement information. Such exemption is further necessary to protect the privacy and physical safety of witnesses and informants.

(6) (f). Procedures for notice to an individual pursuant to subsection (f)(1) as to existence of records pertaining to the individual dealing with an actual or potential criminal tax, civil tax, or regulatory investigation or prosecution must be exempted because such notice to an individual would be detrimental to the successful conduct and/or completion of an investigation or case, pending or future. In addition, mere notice of the fact of an investigation could inform the subject or others that their activities are under or may become the subject of an investigation and could enable the subjects to avoid detection, to influence witnesses improperly, to destroy evidence, or to fabricate testimony.

Since an exemption is being claimed for subsection (d) of the Act (Access to Records) the rules required pursuant to subsection (f)(2) through (5) are inapplicable to this system of records to the extent that this system of records is exempted from subsection (d).

(e) The following system of records is exempted pursuant to the provisions of 5 U.S.C. 552a(j)(2) from subsections (c)(3), (c)(4), (d)(1), (d)(2), (d)(3), (d)(4), (e)(1), (e)(2), (e)(3), (e)(4)(G), (e)(4)(H), (e)(4)(I), (e)(5), (e)(8), (f) and (g) of 5 U.S.C. 552a; in addition, the following system of records is exempted pursuant to the provisions of 5 U.S.C. 552a(k)(2) from subsections (c)(3), (d)(1), (d)(2), (d)(3), (d)(4), (e)(1), (e)(4)(G), (e)(4)(H), (e)(4)(I) and (f) of 5 U.S.C. 552a:

(1) Tax Division Freedom of Information—Privacy Act Request Files (JUS-TICE/TAX-004).

(2) These exemptions apply only to the extent that the records contained in this system have been obtained from other systems of records maintained by the Tax Division for which exemptions from one or more of the foregoing provisions of the Privacy Act of 1974 have been promulgated. The exemption claimed for this system of records applies only to records obtained from such other Tax Division systems and only to the same extent as the records contained in such other systems have been exempted.

(f) The system of records listed under paragraph (e)(1) of this section is exempted for the following reasons:

(1) In the course of processing requests for records pursuant to the Freedom of Information Act (5 U.S.C. 552) or for access or correction of records pursuant to the Privacy Act (5 U.S.C. 552a), it is frequently necessary to search for records in systems of records for which exemptions have been claimed pursuant to 5 U.S.C. 552a(j) or (k). When records are located in said systems, it is frequently necessary to prepare copies for the purpose of consulting with agency personnel or with other agencies, either with regard to determining whether or to what extent the records should be disclosed, or access provided, or correction made or denied, or with regard to review in the event of administrative appeal or judicial review.

(2) If records otherwise exempt pursuant to published rules should lose their exempt character when taken from such exempt systems for the purpose of compliance with the Freedom of Information Act and the Privacy Act in reviewing such records and making determination with regard to disclosure, access, and correction, the purpose of the Privacy Act in providing such exemptions, and of the Department of Justice in claiming such exemptions would be defeated and nullified. The proper, efficient, and timely processing of citizens' requests pursuant to said Acts would be hindered and impeded.

§ 16.102 Exemption of Drug Enforcement Administration and Immigration and Naturalization Service Joint System of Records.

(a) The following system of records is exempted pursuant to provisions of 5 U.S.C. 552a(j)(2) from subsections (c)(3) and (4), (d), (e)(1), (2) and (3), (e)(4)(G), (H), and (I), (e)(5) and (8), (f), (g), and (h) of 5 U.S.C. 552a; in addition the following system of records is exempted pursuant to the provisions of 5 U.S.C. 552(k)(1) and (k)(2) from subsections (c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f) of 5 U.S.C. 552a.

(1) Automated Intelligence Record System (Pathfinder), JUSTICE/DEA-INS-111. These exemptions apply to the extent that information in those sys-

tems is subject to exemption pursuant to 5 U.S.C. 552a (j) (2), (k) (1) and (k) (2).

(b) The system of records listed under paragraph (a) of this section is exempted, for the reasons set forth from the following provisions of 5 U.S.C. 552a:

(1) (c) (3). The release of the disclosure accounting for disclosures made pursuant to subsection (b) of the Act, including those permitted under the routine uses published for these systems of records, would permit the subject of an investigation of an actual or potential criminal, civil, or regulatory violation to determine whether he is the subject of investigation, or to obtain valuable information concerning the nature of that investigation, and the information obtained, or the identity of witnesses and informants and would therefore present a serious impediment to law enforcement. In addition, disclosure of the accounting would amount to notice to the individual of the existence of a record; such notice requirement under subsection (f) (1) is specifically exempted for these systems of records.

(2) (c) (4). Since an exemption is being claimed for subsection (d) of the Act (Access to Records) this subsection is inapplicable to the extent that these systems of records are exempted from subsection (d).

(3) (d). Access to the records contained in these systems would inform the subject of an investigation of an actual or potential criminal, civil, or regulatory violation of the existence of that investigation, or the nature and scope of the information and evidence obtained as to his activities, of the identity of witnesses and informants, or would provide information that could enable the subject to avoid detection or apprehension. These factors would present a serious impediment to effective law enforcement because they could prevent the successful completion of the investigation, endanger the physical safety of witnesses or informants, and lead to the improper influencing of witnesses, the destruction of evidence, or the fabrication of testimony.

(4) (e) (1). The notices of these systems of records published in the FEDERAL REGISTER set forth the basic statutory or related authority for maintenance of this system. However, in the course of criminal or other law enforcement investigations, cases, and matters, the Immigration and Naturalization Service or the Drug Enforcement Administration will occasionally obtain information concerning actual or potential violations of law that are not strictly within its statutory or other authority or may compile information in the course of an investigation which may not be relevant to a specific prosecution. In the interests of effective law enforcement, it is necessary to retain such information in these systems of records since it can aid in establishing patterns of criminal activity and can provide valuable leads for federal and other law enforcement agencies.

(5) (e) (2). In a criminal investigation

or prosecution, the requirement that information be collected to the greatest extent practicable from the subject individual would present a serious impediment to law enforcement because the subject of the investigation or prosecution would be placed on notice as to the existence of the investigation and would therefore be able to avoid detection or apprehension, to influence witnesses improperly, to destroy evidence, or to fabricate testimony.

(6) (e) (3). The requirement that individuals supplying information be provided with a form stating the requirements of subsection (e) (3) would constitute a serious impediment to law enforcement in that it could compromise the existence of a confidential investigation or reveal the identity of witnesses or confidential informants.

(7) (e) (4) (G) and (H). Since an exemption is being claimed for subsections (f) (Agency Rules) and (d) (Access to Records) of the Act these subsections are inapplicable to the extent that these systems of records are exempted from subsections (f) and (d).

(8) (e) (4) (I). The categories of sources of the records in these systems have been published in the FEDERAL REGISTER in broad generic terms in the belief that this is all that subsection (e) (4) (I) of the Act requires. In the event, however, that this subsection should be interpreted to require more detail as to the identity of sources of the records in these systems, exemption from this provision is necessary in order to protect the confidentiality of the sources of criminal and other law enforcement information. Such exemption is further necessary to protect the privacy and physical safety of witnesses and informants.

(9) (e) (5). In the collection of information for criminal law enforcement purposes it is impossible to determine in advance what information is accurate, relevant, timely, and complete. With the passage of time, seemingly irrelevant or untimely information may acquire new significance as further investigation brings new details to light and the accuracy of such information can often only be determined in a court of law. The restrictions of subsection (e) (5) would restrict the ability of trained investigators, intelligence analysts, and government attorneys in exercising their judgment in reporting on information and investigations and impede the development of criminal or other intelligence necessary for effective law enforcement.

(10) (e) (8). The individual notice requirements of subsection (e) (8) could present a serious impediment to law enforcement as this could interfere with the ability to issue warrants or subpoenas and could reveal investigative techniques, procedures, or evidence.

(11) (f). Procedures for notice to an individual pursuant to subsection (f) (1) as to the existence of records pertaining to him dealing with an actual or potential criminal, civil, or regulatory investigation or prosecution must be exempted because such notice to an individual would

be detrimental to the successful conduct and/or completion of an investigation or prosecution pending or future. In addition, mere notice of the fact of an investigation could inform the subject or others that their activities are under or may become the subject of an investigation and could enable the subjects to avoid detection or apprehension, to influence witnesses improperly, to destroy evidence, or to fabricate testimony.

Since an exemption is being claimed for subsection (d) of the Act (Access to Records) the rules required pursuant to subsection (f) (2) through (5) are inapplicable to these systems of records to the extent that these systems of records are exempted from subsection (d).

(12) (g). Since an exemption is being claimed for subsections (d) (Access to Records) and (f) (Agency Rules) this section is inapplicable, and is exempted for the reasons set forth for those subsections, to the extent that these systems of records are exempted from subsections (d) and (f).

(13) (h). Since an exemption is being claimed for subsection (d) (Access to Records) and (f) (Agency Rules) this section is inapplicable, and is exempted for the reasons set forth for those subsections, to the extent that these systems of records are exempted from subsections (d) and (f).

(14) In addition, exemption is claimed for these systems of records from compliance with the following provisions of the Privacy Act of 1974 (5 U.S.C. 552a) pursuant to the provisions of 5 U.S.C. 552a(k) (1): subsections (c) (3), (d), (e) (1), (e) (4) (G), (H), and (I), and (f) to the extent that the records contained in these systems are specifically authorized to be kept secret in the interests of national defense and foreign policy.

[FR Doc. 77-23259 Filed 8-11-77; 8:45 am]

Title 33—Navigation and Navigable Waters

CHAPTER II—CORPS OF ENGINEERS, DEPARTMENT OF THE ARMY

PART 207—NAVIGATION REGULATIONS

Puget Sound, Point Jefferson Restricted Area

AGENCY: Corps of Engineers, DOD.

ACTION: Final rule.

SUMMARY: We are revoking the regulation which establishes a restricted area at Point Jefferson, Puget Sound, Wash., as we have been advised by the Chief of Naval Operations that the area is no longer required.

DATE: August 12, 1977.

FOR FURTHER INFORMATION CONTACT:

Ralph T. Eppard (202-693-5070) or write: Office of the Chief of Engineers, Forrestal Building, Washington, D.C. 20314, Attn: DAEN-CWO-N.

SUPPLEMENTARY INFORMATION: We are revoking only paragraph (f) of

33 CFR Part 207.750 which establishes a naval restricted area at Point Jefferson, Puget Sound, Wash. Since this revocation will have no effect on the public except to remove a restriction from a waterway notice of proposed rulemaking and public procedures thereto are considered unnecessary. Accordingly, 33 CFR 207.750(f) is revoked as set forth below.

§ 207.750 Puget Sound Area, Washington.

(f) [Revoked]

NOTE.—The Department of the Army 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.

(40 Stat. 266; 33 U.S.C. 1.)

Dated: July 28, 1977.

CHARLES R. FORD,
Acting Assistant Secretary
of the Army (Civil Works).

[FR Doc. 77-23369 Filed 8-11-77; 8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER E—PESTICIDE PROGRAMS

[FRL 776-4; OPP-300010C]

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Exemptions From Requirement of a Tolerance for Certain Inert Ingredients in Pesticide Formulations

AGENCY: Office of Pesticide Programs, Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes an exemption from the requirement of a tolerance for certain inert ingredients in pesticide formulations. The amendment was requested by various firms. This rule will allow the use of additional inert ingredients in pesticides applied to raw agricultural commodities and add another pesticide to the list of those generally recognized as safe for use.

EFFECTIVE DATE: August 12, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. David L. Ritter, Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M St. S.W., Washington D.C. 202-426-2680.

SUPPLEMENTARY INFORMATION: On May 12, 1977, the EPA published a notice of proposed rulemaking in the FEDERAL REGISTER (42 FR 24071) to amend 40 CFR 180.1001 by exempting certain pesticide chemicals which are additional inert (or occasionally active) ingredients in pesticide formulations from tolerance requirements under provisions of Section 408(e) of the Federal

Food, Drug, and Cosmetic Act. No comments or requests for referral to an advisory committee were received by the Agency with regard to this notice. It has been concluded that the amendment will protect the public health and, therefore, that the amendment to the regulations should be adopted as proposed.

Any person adversely affected by this regulation may, on or before September 12, 1977, file written objections with the Hearing Clerk, EPA, Rm. 1019, East Tower, 401 M St. S.W., Washington, DC 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 on August 12, 1977, Part 180, Subpart D, § 180.1001 is amended as set forth below.

Dated: August 4, 1977.

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

(Section 408(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(e)).)

With the exception of editorial changes to correct typographical errors, it is concluded that the original proposal be issued as an order as follows:

1. Part 180, Subpart A, § 180.2(a) is amended by adding the pesticide chemical sodium hypochlorite to read as follows.

2. Part 180, Subpart D, § 180.1001 is amended by: (1) deleting the entry "alpha-alkyl (C6-C10)-omega-hydroxypoly (oxypropylene) block polymer with polyoxyethylene; polyoxypropylene content averages 3 moles; polyoxyethylene content averages 7 moles; average molecular weight approximately 625" from paragraph (c); (2) deleting the entry "Sodium mono-, di-, and tributyl naphthalene sulfonates" from paragraph (d); (3) deleting the entries "Aluminum stearate", "Wintergreen oil", "Ethanol", and "Benzoic acid" from paragraph (d); (4) alphabetically inserting new items in paragraphs (c), (d), and (e); and (5) by deleting sodium hypochlorite from paragraph (c) to read as follows:

§ 180.2 Pesticide chemicals considered safe.

(a) As a general rule, pesticide chemicals other than benzaldehyde (when used as a bee repellent in the harvesting of honey), ferrous sulfate, lime, lime-sulfur, potassium polysulfide, sodium carbonate, sodium chloride, sodium hypochlorite, sodium polysulfide, and sulfur, and, when used postharvest as fungicides, citric acid, fumaric acid, oil of lemon, oil of orange, sodium benzoate, and sodium propionate are not for the purposes of section 408(a) of the act generally recognized as safe for use.

§ 180.1001 Exemptions from the requirement of a tolerance.

(c) * * *		
Inert ingredient	Limits	Uses
Alpha-alkyl (C6-C14)-omega-hydroxypoly (oxypropylene) block copolymer with polyoxyethylene; polyoxypropylene content is 1-3 moles; polyoxyethylene content is 7-9 moles; average molecular weight approximately 635.		Surfactants, related adjuvants of surfactants.
Potassium sulfate.		Solid diluent.
Sodium mono-, di-, and tributyl naphthalene sulfonates.		Surfactants, related adjuvants of surfactants.

(d) * * *		
Valeric acid, normal.	Not more than 2 pet in pesticide formulations.	Stenches agent or odorant.

(e) * * *		
Acetic anhydride.		Solvent, cosolvent, stabilizer.
Alpha-alkyl (C6-C14)-omega-hydroxypoly (oxypropylene) block copolymer with polyoxyethylene; polyoxypropylene content is 1-3 moles; polyoxyethylene content is 7-9 moles; average molecular weight approximately 635.		Surfactants, related adjuvants of surfactants.
Sodium mono-, di-, and tributyl naphthalene sulfonates.		Solvent, cosolvent, stabilizer.

[FR Doc. 77-23257 Filed 8-11-77; 8:45 am]

[FRL 776-2; PP6F1778/R124]

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Norflurazon

AGENCY: Office of Pesticide Programs, Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes tolerances for residues of the herbicide norflurazon. The amendment was requested by Sandoz, Inc. This rule establishes maximum permissible levels for residues of norflurazon on apricots, cherries, filberts, peaches, plums (fresh prunes), nectarines, and walnuts.