effective date pursuant to 5 U.S.C. 553(d) and 12 CFR 508.14, are unnecessary because the amendment relieves a restriction and it is in the public interest to allow institutional flexibility in the review of delinquent loans.

List of Subjects in 12 CFR Part 563

Accounting requirements, Savings and loan associations.

Accordingly, the Federal Home Loan Bank Board amends Part 563 of Subchapter D, Chapter V of Title 12, Code of Federal Regulations, as set forth below.

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

PART 563c—ACCOUNTING REQUIREMENTS

Revise paragraph (b) of § 563c.11 as follows:

§ 563c.11 Accounting for uncollectible income.

* * * * *

(b) *Uncollectible interest on loans.* In determining the uncollectibility of income on loans, contracts, and similar investments, an insured institution shall employ generally accepted accounting principles. However, as a minimum, the following shall be classified as uncollectible:

(1) All earned but uncollected interest on a conventional loan if any portion thereof is due but uncollected for a period in excess of 90 days, unless:

(i) The collecteral securing such loan is a home as defined in § 541.14 of this chapter;

(ii) The amount of all loan balances secured by the home, plus accrued but uncollected interest, does not exceed 90 percent of the appraised value of the security property;

(iii) Active collection efforts are being made; and

(iv) There is a reasonable expectation of delinquent-interest collection.

(2) All earned but uncollected interest on a conventional loan on which an institution has commenced legal action to acquire title to or secure possession of the underlying security or to enforce performance by the borrower;

(3) All earned but uncollected interest on a conventional loan which, because of substantial or chronic delinquency or any other material reason, is of doubtful collectibility; and

(4) Earned but uncollected interest on loans other than conventional loans, classified on the same basis as conventional loans after allowance for any interest which may be expected to be received in connection with any existing insurance or guaranty.

* * * * *

(Secs. 401–404, 48 Stat. 1255–1260, as amended (12 U.S.C. 1724–1730); Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR 1943–48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

John F. Ghizzoni,

Assistant Secretary.

[FR Doc. 83-28473 Filed 10-18-83; 8:45 am]

BILLING CODE 6720-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 184 and 186

[Docket No. 79N-0174]

GRAS Substances Affirmed for Both Direct and Indirect Uses; Procedure for Listing

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending its procedural regulations to make clear that the agency will no longer list in Part 186 the indirect uses of substances that it has affirmed as generally recognized as safe (GRAS) for direct use in Part 184. This action will eliminate needless duplication in FDA's regulations. This amendment also clarifies FDA's requirements concerning the purity of GRAS substances used as indirect food ingredients.

EFFECTIVE DATE: November 18, 1983.

FOR FURTHER INFORMATION CONTACT: Susan Thompson, Bureau of Foods (HFF-335), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-426-9463.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of June 25, 1982 (47 FR 27817), FDA published a proposal to amend its procedural regulations for affirming substances as GRAS. The agency proposed to amend §§ 184.1(a) and 186.1(a) (21 CFR 184.1(a) and 186.1(a)) to make clear that FDA would no longer list in Part 186 those substances that it has affirmed as GRAS for direct food use in Part 184; to remove from Part 186 those ingredients that are affirmed for indirect use by virtue of the fact that they are listed in Part 184; and to clarify FDA's requirements concerning the purity of GRAS substances used as indirect food ingredients.

The agency received one comment from a trade association in response to the proposal. The comment agreed with FDA's proposed action but recommended a revision in the wording of the third sentence of § 184.1(a). The comment recommended that this sentence be revised to read: "Ingredients affirmed as GRAS in this part are deemed to be GRAS for indirect human food use (e.g., food packaging) as well, and may be so used subject to any limitations * * *." The comment suggested that the revised wording clarifies the intent of the statement.

The agency agrees that the wording of this sentence should be revised. In the preamble to the proposal, the agency made clear that substances affirmed as GRAS for direct food use were also GRAS for indirect food use. The agency is therefore adopting this part of the comment's recommendation. However, the agency concludes that any reference to a specific type of indirect food use, as suggested in the comment, is unnecessary and could be confusing. Therefore, the agency has revised the third sentence in § 184.1(a) to read: "Ingredients affirmed as GRAS in this part are also GRAS as indirect human food ingredients, subject to any limitations * * *." The agency has also incorporated this change in the third sentence in § 186.1(a).

The agency has previously determined under 21 CFR 25.24(d)(6) (proposed December 11, 1979; 44 FR 71742) that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. FDA has not received any new information or comments that would alter its previous determination.

In accordance with the Regulatory Flexibility Act, the agency has previously considered the potential effects that this rule would have on small entities, including small businesses. In accordance with section 605(b) of the Regulatory Flexibility Act, the agency has determined that no significant impact on a substantial number of small entities would derive from this action. FDA has not received any new information or comments that would alter its previous determination.

In accordance with Executive Order 12291, the agency has previously considered the potential economic effects of this final rule. As announced in the proposal, the agency determined that the rule is not a major rule as defined by that Order. FDA has not received any new information or comments that would alter its previous determination.

The agency's findings of no major economic impact and no significant impact on a substantial number of small

entities, and the evidence supporting these findings, are contained in a threshold assessment which may be seen in the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

List of Subjects

21 CFR Part 184

Direct food ingredients, Food ingredients, Generally recognized as safe (GRAS) food ingredients.

21 CFR Part 186

Food ingredients, Generally recognized as safe (GRAS) food ingredients, Indirect food ingredients.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 701(a), 52 Stat. 1055, 72 Stat. 1784-1788 as amended (21 U.S.C. 321(s), 348, 371(a))) and under 21 CFR 5.11, Parts 184 and 186 are amended as follows:

PART 184—DIRECT FOOD SUBSTANCES AFFIRMED AS GENERALLY RECOGNIZED AS SAFE

1. Part 184 is amended in § 184.1 by revising paragraph (a), to read as follows:

§ 184.1 Substances added directly to human food affirmed as generally recognized as safe (GRAS).

(a) The direct human food ingredients listed in this part have been reviewed by the Food and Drug Administration and determined to be generally recognized as safe (GRAS) for the purposes and under the conditions prescribed. The regulations in this part shall sufficiently describe each ingredient to identify the characteristics of the ingredient that has been affirmed as GRAS and to differentiate it from other possible versions of the ingredient that have not been affirmed as GRAS. Ingredients affirmed as GRAS in this part are also GRAS as indirect human food ingredients, subject to any limitations prescribed in Parts 174, 175, 176, 177, 178 or § 179.45 of this chapter of in Part 186 of this chapter. The purity specifications in this part do not apply when the ingredient is used in indirect applications. However, when used in indirect applications, the ingredient must be of a purity suitable for its intended use in accordance with § 170.30(h)(1) of this chapter.

* * * * *

PART 186—INDIRECT FOOD SUBSTANCES AFFIRMED AS GENERALLY RECOGNIZED AS SAFE

2. Part 186 is amended:

a. In § 186.1 by revising the section heading and paragraph (a), to read as follows:

§ 186.1 Substances added indirectly to human food affirmed as generally recognized as safe (GRAS).

(a) The indirect human food ingredients listed in this part have been reviewed by the Food and Drug Administration and determined to be generally recognized as safe (GRAS) for the purposes and under the conditions prescribed, providing they comply with the purity specifications listed in this part or, in the absence of purity specifications, are of a purity suitable for their intended use in accordance with § 170.30(h)(1) of this chapter. Certain ingredients in this part may also be used in food-contact surfaces in accordance with Parts 174, 175, 176, 177, 178 or § 179.45 of this chapter. Ingredients affirmed as GRAS for direct use in Part 184 of this chapter are also GRAS as indirect human food ingredients in accordance with § 184.1(a) of this chapter.

* * * * *

§ 186.1275 [Amended]

b. In § 186.1275 *Dextrans* by removing paragraph (b) and redesignating paragraphs (c), (d), and (e) as (b), (c), and (d), respectively.

§§ 186.1330, 186.1339, 186.1343, 186.1807 [Removed]

c. By removing § 186.1330 *Acacia (gum arabic)*, § 186.1339 *Guar gum (technical grade)*, § 186.1343 *Locust (carob) bean gum*, and § 186.1807 *Sodium thiosulfate*.

§ 186.1839 [Amended]

d. In § 186.1839 *Sorbose* by removing paragraph (b) and redesignating paragraphs (c), (d), and (e) as (b), (c), and (d), respectively.

Effective date. This regulation shall be effective November 18, 1983.

(Secs. 201(s), 409, 701(a), 52 Stat. 1055, 72 Stat. 1784-1788 as amended (21 U.S.C. 321(s), 348, 371(a)).)

Dated: September 26, 1983.

Arthur Hull Hayes, Jr.,

Commissioner of Food and Drugs.

Margaret M. Heckler,

Secretary of Health and Human Services.

[FR Doc. 83-28407 Filed 10-18-83; 8:45 am]

BILLING CODE 4160-01-M

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21 CFR Parts 184 and 186

[Docket No. 82N-0120]

Substances Generally Recognized as Safe

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending its regulations on substances that the agency has affirmed as generally recognized as safe (GRAS). The agency is amending its regulations to incorporate the general conditions of current good manufacturing practice (CGMP) for substances affirmed as GRAS, to eliminate the requirement that a GRAS affirmation regulation contain explicit details of the conditions of use that are affirmed as GRAS, and to make editorial and clarifying changes.

EFFECTIVE DATE: November 18, 1983.

FOR FURTHER INFORMATION CONTACT: Lawrence J. Lin, Bureau of Foods (HFF-335), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-426-8950.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of September 7, 1982 (47 FR 39199), FDA published a proposal to amend its procedural regulations on the GRAS review in §§ 184.1 (b), (b)(1), and (c) and 186.1 (b), (b)(1), (c), and (d) (21 CFR 184.1 (b), (b)(1), and (c) and 186.1 (b), (b)(1), (c) and (d)). The agency proposed to incorporate into §§ 184.1(b) and 186.1(b) a list of the basic requirements of CGMP. In addition, FDA proposed to amend §§ 184.1(b)(1) and 186.1(b)(1) to make clear the agency's intent to include in GRAS affirmation regulations a description of only those CGMP conditions of use that the agency determines are necessary to ensure the continued safe use of the ingredient in food or food-contact materials. Finally, the agency proposed to make minor editorial changes in §§ 184.1(c) and 186.1 (c) and (d).

FDA received six comments from food manufacturers or suppliers and five comments from trade associations in response to the proposal. Five of these comments indicated support for the proposal without any changes. However, six comments made specific recommendations for changes in the proposal or recommendations for other changes in GRAS regulations. These comments and the agency's responses are summarized below:

1. Three comments requested that regulations for substances affirmed as GRAS under conditions of CGMP not include a description of any CGMP conditions of use. The comments argued that inclusion of any levels of use, food categories, or technical effects was inconsistent with the Select Committee's and FDA's evaluation "that there is no evidence to suggest a hazard when the ingredient is used in food at levels that

are now current or might reasonably be expected in the future." The comments also stated that inclusion of any conditions of use in GRAS affirmation regulations may unnecessarily impede food manufacturers from using a GRAS substance under different conditions in the future. The comments further indicated that submission of a GRAS affirmation petition for expanded food uses would place an unnecessary burden on the industry, because this process may require that additional data be submitted and would require that the industry await FDA's review of the petition. One comment concluded that inclusion of conditions of use in GRAS affirmation regulations was akin to converting freely available GRAS substances to food additive status.

FDA has considered, but disagrees with, these comments. The comments do not provide any new information that addresses the concerns, or any basis for changing the tentative conclusions, that the agency discussed in the proposal.

An agency decision to describe one or more of the conditions of use of a substance in a GRAS affirmation regulation is perfectly consistent with the evaluation of the safety of the substance embodied in that regulation. The purpose of a GRAS affirmation regulation is to describe the ingredient and the uses of that ingredient in food that FDA is affirming as GRAS. FDA has found, based on its years of experience with the GRAS review, that such a description need not include CGMP conditions of use (technical effects, food categories, and levels of use) for every substance. The agency has determined that a GRAS affirmation regulation should only include those CGMP conditions of use that are necessary to ensure the continued safe use of the ingredient. FDA considers several factors in deciding which conditions of use are necessary to achieve this purpose, including: (1) The amount (total poundage) and the extent of the use of the ingredient in food; (2) the magnitude of the safety factor that exists for the ingredient; and (3) whether the use of the ingredient in food is self-limiting. Some substances have been so widely and so safely used that the agency can conclude that it is not necessary to include specific CGMP conditions of use in the GRAS affirmation regulations to assure their continued safe use. Other substances, however, have been used much more narrowly. These substances have been used safely for a small number of technical effects, in a few food categories, or at low levels. Although the agency can conclude, based on the data before it, that continued use of these substances under the same or reasonably related conditions of use will be safe, it is unable to determine whether use of these substances will be safe if they are used in a significantly different manner. For these substances, FDA will include one or more conditions of use in the GRAS affirmation regulations to provide a basis on which the food industry can assess whether expanded future uses of the substance will be compatible with the agency's safety evaluation and to discourage any potentially unsafe proliferation in the use of these substances. Thus, the agency finds that the continued inclusion of conditions of use is justified.

FDA also rejects the claim that inclusion of conditions of use in GRAS affirmation regulations will unnecessarily impede or place an unnecessary burden on industry. The agency adopts GRAS affirmation regulations with conditions of use only after interested persons have had an opportunity to review and comment on them. An interested person may file a petition to expand the conditions of use listed in a regulation to reflect new uses of the ingredient at any time. The agency is able to respond promptly to most of these petitions because of the comprehensive files on GRAS substances that the agency has compiled as part of the GRAS review. In addition, the existence of a GRAS affirmation regulation that contains conditions of use does not bar a manufacturer from expanding the use of a GRAS ingredient beyond the conditions described in the regulation if the manufacturer makes its own GRAS determination. For this reason, GRAS regulations are different from food additive regulations, which set forth the only permissible uses of a substance in food.

The agency concludes that the comments do not establish any basis for removing all CGMP conditions of use from all GRAS regulations. Therefore, the agency has not modified its final rule in response to these comments.

2. Two comments from bakery suppliers requested that all GRAS affirmation regulations uniformly indicate that CGMP levels of use are levels that are applicable to foods as prepared for consumption. The comments acknowledged that most GRAS affirmation regulations containing CGMP levels of use refer to such levels on an as served basis but noted that an exception is found in the regulations for benzoic acid (21 CFR 184.1021), calcium iodate (21 CFR 184.1206), methylparaben (21 CFR 184.1490), propylparaben (21 CFR 184.1670), sodium benzoate (21 CFR 184.1733), and bakers yeast extract (21 CFR 184.1983). The comments indicated that these variations in GRAS affirmation regulations are confusing to bakery suppliers that produce bulk or intermediate food products for use by bakeries or other food processors.

FDA has reviewed the GRAS affirmation regulations identified in these comments and finds that there is no need to change the cited regulations. With the exception of the regulations on calcium iodate (21 CFR 184.1206), these regulations identify a maximum usage level in food. The agency concludes that such maximum usage levels are applicable to the food as served.

The regulation for calcium iodate (21 CFR 184.1206) specifies that the use of calcium iodate as a dough strengthener in making bread is not to exceed 0.0075 percent of the weight of the flour. The regulation is writtern this way to be consistent with the applicable food standared (21 CFR 136.110). FDA also notes that this substance is different than the others mentioned in the comment because the agency affirmed this substance as GRAS with specific limitations and not under CGMP.

3. One comment suggested that the agency modify § 184.1(d) to exempt flavor enhancers and flavoring agents and adjuvants from this section. Section 184.1(d) states that "[t]he listing of more than one ingredient to produce the same technological effect does not authorize use of a combination of two or more ingredients to accomplish the same technological effect in any one food at a combined level greater than the highest level permitted for one of the ingredients." The comment suggested that flavor substances should be exempt from this section, regardless of whether one or more of the flavoring materials used has a limitation based upon safety considerations.

The agency advises that modification of § 184.1(d) was not included in the proposal and is beyond the scope of this final rule. Therefore, the agency has not modified its final rule in response to this comment. A petition may be submitted under § 10.30 (21 CFR 10.30) to request the agency to modify § 184.1(d). The petition should state clearly the requested change in § 184.1(d) and should contain convincing evidence to show that use of ingredients in food in a manner that is consistent with the requested change would constitute current good manufacturing practice.

In summary, FDA did not receive any comments that presented information that warrants a change in the regulations that the agency proposed.

FDA is therefore adopting the proposed regulations with minor editorial changes. For clarity, FDA has modified §§ 184.1(b)(1) and 186.1(b)(1) to state that persons who seek to use an ingredient for a use that is not described in a GRAS regulation may seek FDA approval of the use by submitting a GRAS petition.

The agency has previously determined under 21 CFR 25.24(d)(6) (proposed December 11, 1979; 44 FR 71742) that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. FDA has not received any new information or comments that would alter its previous determination.

In accordance with the Regulatory Flexibility Act, the agency has previously considered the potential effects that this rule would have on small entities, including small businesses. In accordance with section 605(b) of the Regulatory Flexibility Act, the agency has determined that no significant impact on a substantial number of small entities would derive from this action. FDA has not received any new information or comments that would alter its previous determination.

In accordance with Executive Order 12291, the agency has previously considered the potential economic effects of this final rule. As announced in the proposal, the agency has determined that the rule is not a major rule as determined by that Order. FDA has not received any new information or comments that would alter its previous determination.

The agency's finding of no major economic impact and no significant impact on a substantial number of small entities, and the evidence supporting these findings, are contained in a threshold assessment which may be seen in the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, between 9 a.m. and 4 p.m., Monday through Friday.

List of Subjects

21 CFR Part 184

Direct food ingredients, Food ingredients, Generally recognized as safe (GRAS) food ingredients.

21 CFR Part 186

Food ingredients, Generally recognized as safe (GRAS) food ingredients, Indirect food ingredients.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 701(a), 52 Stat. 1055, 72 Stat. 1784–1788 as amended (21 U.S.C. 321(s), 348, 371(a))) and under 21 CFR 5.11, Parts 184 and 186 are amended as follows:

PART 184—DIRECT FOOD SUBSTANCES AFFIRMED AS GENERALLY RECOGNIZED AS SAFE

1. In Part 184, § 184.1 is amended by revising the introductory text of paragraph (b) and revising paragraphs (b)(1) and (c), to read as follows:

§ 184.1 Substances added directly to human food affirmed as generally recognized as safe (GRAS).

* * * * *

(b) Any ingredient affirmed as GRAS in this Part shall be used in accordance with current good manufacturing practice. For the purpose of this Part, current good manufacturing practice includes the requirements that a direct human food ingredient be of appropriate food grade; that it be prepared and handled as a food ingredient; and that the quantity of the ingredient added to food does not exceed the amount reasonably required to accomplish the intended physical, nutritional, or other technical effect in food.

(1) If the ingredient is affirmed as GRAS with no limitations on its conditions of use other than current good manufacturing practice, it shall be regarded as GRAS if its conditions of use are consistent with the requirements of paragraph (b), (c), and (d) of this section. When the Food and Drug Administration (FDA) determines that it is appropriate, the agency will describe one or more current good manufacturing practice conditions of use in the regulation that affirms the GRAS status of the ingredient. For example, when the safety of an ingredient has been evaluated on the basis of limited conditions of use, the agency will describe in the regulation that affirms the GRAS status of the ingredient, one or more of these limited conditions of use, which may include the category of food(s), the technical effect(s) or functional use(s) of the ingredient, and the level(s) of use. If the ingredient is used under conditions that are significantly different from those described in the regulation, that use of the ingredient may not be GRAS. In such a case, a manufacturer may not rely on the regulation as authorizing that use but shall independently establish that that use is GRAS or shall use the ingredient in accordance with a food additive regulation. Persons seeking FDA approval of an independent determination that a use of an ingredient is GRAS may submit a GRAS petition in accordance with § 170.35 of this chapter.

* * * * *

(c) The listing of a food ingredient in this Part does not authorize the use of such substance in a manner that may lead to deception of the consumer or to any other violation of the Federal Food, Drug, and Cosmetic Act (the act).

* * * * *

PART 186—INDIRECT FOOD SUBSTANCES AFFIRMED AS GENERALLY RECOGNIZED AS SAFE

2. In Part 186, § 186.1 is amended by revising the introductory text of paragraph (b) and revising paragraphs (b)(1), (c), and (d), to read as follows:

§ 186.1 Substances in food-contact surfaces affirmed as generally recognized as safe (GRAS).

* * * * *

(b) The regulations in this Part do not authorize direct addition of any food ingredient to a food. They authorize only the use of these ingredients as indirect ingredients of food, through migration from their immediate wrapper, container, or other food-contact surface. Any ingredient affirmed as GRAS in this Part shall be used in accordance with current good manufacturing practice. For the purpose of this Part, current good manufacturing practice includes the requirements that an indirect human food ingredient be of a purity suitable for its intended use, and that it be used at a level no higher than reasonably required to achieve its intended technical effect in the food-contact article.

(1) If the ingredient is affirmed as GRAS with no limitations on its conditions of use other than current good manufacturing practice, it shall be regarded as GRAS if its conditions of use are consistent with the requirements of paragraphs (b), (c), and (d) of this section. When the Food and Drug Administration (FDA) determines that it is appropriate, the agency will describe one or more current good manufacturing practice conditions of use in the regulation that affirms the GRAS status of the indirect ingredient. For example, when the safety of an ingredient has been evaluated on the basis of limited conditions of use, the agency will describe in the regulation that affirms the GRAS status of the indirect ingredient, one or more of these limited conditions of use, which may include the category of food-contact surface(s), technical effect(s) or functional use(s) of the indirect ingredient, and the level(s) of use. If the ingredient is used under conditions that are significantly different from those described in the regulation, such use of a substance may not be GRAS. In such a case, a

manufacturer may not rely on the regulation as authorizing that use but shall independently establish that the use is GRAS or shall use the ingredient in accordance with a food additive regulation. Persons seeking FDA approval of an independent determination that a use of an ingredient is GRAS may submit a GRAS petition in accordance with § 170.35 of this chapter.

* * * * *

(c) The listing of a food ingredient in this Part does not authorize the use of such substance for the purpose of adding the ingredient to the food through extraction from the food-contact surface.

(d) The listing of a food ingredient in this Part does not authorize the use of such substance in a manner that may lead to deception to the consumer or to any other violation of the Federal Food, Drug, and Cosmetic Act (the act).

* * * * *

Effective date. This regulation shall be effective November 18, 1983.

(Secs. 201(s), 409, 701(a), 52 Stat. 1055, 72 Stat. 1784–1788 as amended (21 U.S.C. 321(s), 348, 371(a)))

Dated: September 26, 1983.

Arthur Hull Hayes, Jr.,

Commissioner of Food and Drugs.

Margaret M. Heckler,

Secretary of Health and Human Services.

[FR Doc. 83-28406 Filed 10-18-83; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

31 CFR Part 1

Privacy Act of 1974; Exemption of Systems of Records from Certain Requirements.

AGENCY: Comptroller of the Currency, Treasury.

ACTION: Final rule.

SUMMARY: Pursuant to the requirements of the Privacy Act of 1974 (5 U.S.C. 552a), the Comptroller of the Currency gives notice of an amendment to 31 CFR 1.36. This amendment (1) changes the name of the system, Treasury/CC .013, from "Information File on Individuals and Commercial Entities Known or Suspected of Being Involved in Fraudulent Activities" to "Enforcement and Compliance Information System"; (2) exempts a new system of records from the application of certain parts of the Privacy Act in accordance with 31 CFR 1.23(c) and 1.36; and (3) clarifies the Comptroller of the Currency's existing notice of rules exempting certain systems of records from the requirements of the Privacy Act of 1974. The Comptroller of the Currency portion of § 1.36 is being revised and published in its entirety since these provisions extensively change the language presently used. The Comptroller filed a new system report with the Office of Management and Budget, the Speaker of the House of Representatives and the President of the Senate. A proposed notice exempting the system was published in the **Federal Register** at 47 FR 51890 (1982).

DATES: The final rule is effective November 18, 1983.

ADDRESS: Chief Counsel's Office, Office of the Comptroller of the Currency, Washington, D.C. 20219

FOR FURTHER INFORMATION CONTACT: Francis S. Rath, Attorney, Legal Advisory Services Division, Comptroller of the Currency, Washington, D.C. 20219, (202) 447–1880.

SUPPLEMENTARY INFORMATION: On March 15, 1979, the Comptroller of the Currency published a notice of proposed rulemaking at 44 FR 15734 together with a systems notice at 44 FR 15824. The purpose was to revise an existing exempt system of records and to change the name of that system. The revised systems notice gave a 30-day public comment period and became effective when no comments were received by the end of that period. The proposed rule reflected the system notice by amending the existing rule at 31 CFR 1.36. However, the rule covering the system was not finalized and, therefore, the name was not changed. This document, in part, revises the rule at 31 CFR 1.36 to reflect that system's name change.

On November 18, 1982, the Comptroller of the Currency published a notice of a proposed new Privacy Act system of records at 47 FR 51995. In addition, the Comptroller of the Currency published on the same date at 47 FR 51890 a proposed rule exempting the new system from the requirements of the Privacy Act of 1974 and changing the name of an existing system. The new system of records became effective on December 20, 1982, since no comments were received concerning the system.

One comment was received regarding the proposed rule in response to which paragraph (f) of the proposed rule, relating to exempt information included in another system, is deleted. Therefore, paragraph (g) of the proposed rule has been relettered as paragraph (f).

Due to an oversight, the section addressing the requirements of the Regulatory Flexibility Act and Executive Order 12291 was inadvertently omitted in the proposed rule. Those requirements are addressed below.

Regulatory Flexibility Act

The Secretary of the Treasury has certified that this regulation is exempt from the requirement of preparing a regulatory flexibility analysis because it will not have a significant economic impact on a substantial number of small entities. This regulation would exempt three systems of records from the Privacy Act: (1) Enforcement and Compliance Information; (2) Federal Bureau of Investigation Report Card Index; and (3) Chief Counsel's Management Information System. Because the regulation affects only internal agency administration, those exemptions are not expected to generate any costs for banks of any size or for individuals.

Executive Order 12291

The Comptroller of the Currency has determined that the regulation does not constitute a major rule within the meaning of Executive Order 12291. Accordingly, a regulatory impact analysis will not be prepared on the grounds that the revision (1) will not have an annual effect on the economy of $100 million or more; (2) will not result in a major increase in the cost of bank operations or government supervision; and (3) will not have a significant adverse effect on competition with foreign-based entities.

List of Subjects in 31 CFR Part 1

Privacy.

Accordingly, 31 CFR Part 1 is amended as set forth below:

PART 1—[AMENDED]

1. The authority for Part 1 reads as follows:

Authority: 5 U.S.C. 301, 552, as amended.

2. Section 1.36 is amended by revising the Comptroller of the Currency portion to read as follows:

§ 1.36 Systems exempt in whole or in part from provisions of 5 U.S.C. 552a and this part.

* * * * *

Comptroller of the Currency

Notice of Rules Exempting Certain Systems of Records From the Requirements of the Privacy Act

(a) *In General.* The Office of the Comptroller of the Currency exempts the following systems of records from certain provisions of the Privacy Act: (1)