objections. If a hearing is requested, the objections must state the issues for the hearing and the grounds for the objections. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 CFR 24950).

List of Subjects in 40 CFR Part 180

Administrative practice and procedure, Raw agricultural commodities, Pesticides and pests.

(Sec. 408(d)(2), 68 Stat. 512 (21 U.S.C. 346a(d)(2)))

Dated: February 28, 1983.

Edwin L. Johnson,

Director, Office of Pesticide Programs.

PART 180—[AMENDED]

Therefore, 40 CFR 180.362 is amended by adding and alphabetically inserting the commodities pecans and walnuts to read as follows:

§ 180.362 Hexakis [2-methyl-2-phenylpropyl]distannoxane; tolerances for residues.

Tolerances are established for the combined residues of the insecticide hexakis[2-methyl-2-phenylpropyl] distannoxane and its organotin metabolites calculated as hexakis[2-methyl-2-phenylpropyl] distannoxane in or on the following raw agricultural commodities:

Commodities	Parts per million
* * * * *	
Pecans	0.5
* * * * *	
Walnuts	0.5
* * * * *	

[FR Doc. 83-7077 Filed 3-22-83; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 180

[PP 2F2704/R537; PH-FRL 2325-1]

Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities; 1-(4-Chlorophenoxy)-3,3-Dimethyl-1-(1H-1,24-Triazol-1-yl)-2-Butanone

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes tolerances for the combined residues of the fungicide 1-(4-chlorophenoxy)-3,3-dimethyl-1-(1*H*-1,2,4-triazol-1-yl)-2-butanone and its metabolite in or on the raw agricultural commodities grass forage, seed cleanings (including hulls), and seed grass straw (including chaff). This regulation to establish maximum permissable levels for residues of the fungicide in or on the commodities was requested, pursuant to a petition, by the Mobay Chemical Corporation.

EFFECTIVE DATE: March 23, 1983.

ADDRESS: Written objections may be submitted to the: Hearing Clerk (A-110), Environmental Protection Agency, Rm. 3708, 401 M St., SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Henry Jacoby, Product Manager (PM) 21, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 227, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-1900).

SUPPLEMENTARY INFORMATION: EPA issued a notice, published in the **Federal Register** of August 11, 1982 (47 FR 34851), that announced that Mobay Chemical Corp., P.O. Box 4913, Kansas City, MO 64120, had submitted pesticide petition 2F2704 proposing to amend 40 CFR 180.410 by establishing tolerances for the combined residues of the fungicide 1-(4-chlorophenoxy)-3,3-dimethyl-1-(1*H*-1,2,4-triazol-1-yl)-2-butanone and its metabolite beta-(4-chlorophenoxy)-alpha-(1,1-dimethylethyl)-1*H*-1,2,4-triazol-1-ethanol in or on the raw agricultural commodities seed grass cleanings, including hulls, at 145 parts per million (ppm), and seed grass straw, including chaff, at 105 ppm.

On November 24, 1982 (47 FR 53116), the EPA announced that Mobay had amended the petition by proposing a tolerance for grass forage at 0.2 ppm.

There were no comments received in response to the notices of filing.

The data submitted in the petition and other relevant material have been evaluated. The toxicological data considered in support of these tolerances included a rat teratology study which indicated that cleft palates are treatment-related effects (the no-observed-effects level (NOEL) for fetal development and teratology is considered to be at least 50 mg/kg/day, the NOEL for maternal toxicity is considered to be 10 mg/kg/day); an inhalation study in rats which was negative for teratogenicity and embryotoxicity at a dose level of 11.3 mg/m^3; dominant lethal test which was negative for mutagenicity; a micronucleus test which was negative; an Ames test which was also negative for mutagenicity; a 2-year feeding (oncogenicity) study in rats with no oncogenic potential observed under the conditions of the study and a systemic NOEL of 50 ppm (2.5 mg/kg/day in the diet); a 2-year feeding (oncogenicity) study in mice, with no oncogenic potential observed under the conditions of the study and a systemic NOEL of 50 ppm (7.1 mg/kg/day in the diet); and a multigeneration reproduction study in rats with a NOEL of 50 ppm (2.5 mg/kg/day in the diet) for reproductive effects.

Based in the NOEL of 50 ppm (2.5 mg/kg) in the 2-year feeding study in rats, and using a 100-fold safety factor, the allowable daily intake (ADI) is calculated to be 0.025 mg/kg/day and the maximum permissible intake (MPI) is 1.5 mg/day for a 60-kg person. Presently established temporary tolerances, toxicologically approved tolerances, and tolerances established by this rule, result in a maximum theoretical residue contribution (TMRC) of 0.3606 mg/day for a 60-kg person which represents 24.04 percent of the ADI. Temporary tolerances have previously been established for the combined residues of this fungicide and its metabolite in or on wheat grain, apple pomace, grape pomace, raisin waste, and in fresh apples and grapes.

Residues resulting in fat, meat, meat byproducts of cattle, goats, hogs, horses, poultry, and sheep and in milk and eggs from use of these raw agricultural commodities as feed, are adequately covered by tolerances established by EPA (48 FR 5919, February 9, 1983).

There are no regulatory actions pending against the continued registration of the fungicide and there are no other considerations involved in establishing these tolerances. The metabolism of this fungicide and its metabolite is adequately understood, and an adequate analytical method, gas chromatography with scintillation spectrophotometry, is available for enforcement purposes.

Based on the information cited above, the Agency has determined that the establishment of tolerances for residues of this fungicide and its metabolite in or on the raw agricultural commodities seed grass cleanings, including hulls; seed grass straw, including chaff and grass forage will protect the public health. The pesticide is considered useful for the purposes for which the tolerances are sought and are therefore established as set forth below.

Any person adversely affected by this regulation may, within 30 days after publication of this notice in the **Federal Register**, file written objections with the Hearing Clerk, at the address given above. Such objections should specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing and the grounds for the objections. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

List of Subjects in 40 CFR Part 180

Administrative practice and procedure, Raw agricultural commodities, Pesticides and pests.

(Sec. 408(d)(2), 68 Stat. 512 (21 U.S.C. 346a(d)(2)))

Dated: March 10, 1983.

Edwin L. Johnson,

Director, Office of Pesticide Programs.

PART 180—[AMENDED]

Therefore, 40 CFR 180.410 is amended by adding and alphabetically inserting the following commodities to read as follows:

§ 180.410 1-(4-Chlorophenoxy)-3,3-dimethyl-1-(1H-1,2,4-triazol-1-yl)-butanone; tolerances for residues.

* * * * *

Commodities	Parts per million
* * * * *	
Grass, forage	0.2
Grass, seed cleanings (including hulls)	145.0
Grass, seed straw (including chaff)	105.0
* * * * *	

[FR Doc. 83-7096 Filed 3-22-83; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 180

[PP 0E2408/R524; PH-FRL 2327-2]

Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities; 5-Ethoxy-3-Trichloromethyl-1,2,4-Thiadiazole

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes tolerances for the combined residues of the fungicide 5-ethoxy-3-trichloromethyl-1,2,4-thiadiazole and its metabolite in or on the raw agricultural commodity tomatoes. This regulation to establish a maximum permissible level for residues of the fungicide in or on the commodity was requested, pursuant to a petition, by the Interregional Research Project No. 4 (IR-4).

EFFECTIVE DATE: Effective on March 23, 1983.

ADDRESS: Written objections may be submitted to the: Hearing Clerk (A-110), Environmental Protection Agency, Rm. 3708, 401 M St., SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Donald Stubbs, Emergency Response Section, Process Coordination Branch, Registration Division (TS-767C), Environmental Protection Agency, Rm. 716B, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-1192).

SUPPLEMENTARY INFORMATION: EPA issued a notice of proposed rulemaking published in the **Federal Register** of February 2, 1983 (48 FR 4680) that announced that the Interregional Research Project No. 4 (IR-4), New Jersey Agricultural Experiment Station, P.O. Box 231, Rutgers University, New Brunswick, NJ 08903, had submitted pesticide petition 0E2408 to EPA on behalf of the IR-4 Technical Committee and the Agricultural Experiment Station of Georgia proposing to amend 40 CFR 180.370 by establishing a tolerance for the combined residues of the fungicide 5-ethoxy-3-trichloromethyl-1,2,4-thiadiazole and its monoacid metabolite 3-carboxy-5-ethoxy-1,2,4-thiadiazole in or on the raw agricultural commodity tomatoes at 0.15 part per million (ppm).

There were no comments or requests for referral to an advisory committee received in response to the proposed rule.

The data submitted in the petition and other relevant material have been evaluated and discussed in the notice of proposed rulemaking. The pesticide is considered useful for the purpose for which the tolerance is sought. It is concluded that the tolerance would protect the public health and is established as set forth below.

Any person adversely affected by this regulation may, within 30 days after publication of this notice in the **Federal Register**, file written objections with the Hearing Clerk, at the address given above. Such objections should specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing and the grounds for the objections. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

(Sec. 408(e), 68 Stat. 514 (21 U.S.C. 346(a)(e)))

List of Subjects in 40 CFR Part 180

Administrative practice and procedure, Agricultural commodities, Pesticides and pests.

Dated: March 10, 1983.

Edwin L. Johnson,

Director, Office of Pesticide Programs.

PART 180—[AMENDED]

Therefore, 40 CFR 180.370 is amended by adding and alphabetically inserting the raw agricultural commodity tomatoes to read as follows:

§ 180.370 5-Ethoxy-3-trichloromethyl-1,2,4-thiadiazole; tolerances for residues.

* * * * *

Commodities	Parts per million
* * * * *	
Tomatoes	0.15
* * * * *	

[FR Doc. 83-7078 Filed 3-22-83; 8:45 am]

BILLING CODE 6560-50-M

GENERAL SERVICES ADMINISTRATION

41 CFR Part 101-49

[FPMR Amendment H-137]

Utilization, Donation, and Disposal of Foreign Gifts and Decorations—Miscellaneous Changes

AGENCY: General Services Administration.

ACTION: Final rule.

SUMMARY: This regulation amends FPMR Part 101-49 to require executive agencies to maintain security and physical custody of foreign gifts and decorations until conclusion of the screening period; to obtain commercial appraisals of foreign gifts to be offered for sale to an interested recipient; to annotate additional information on the reporting document, including an indication of the recipient's interest in designating a potentially eligible donee; and to provide additional information on the transfer document, including justification supporting the request. It further provides that GSA will assume physical custody of foreign gifts and decorations at the conclusion of the donation screening period, and specifies conditions under which foreign gifts will be considered for transfer for futher use by Federal agencies. These changes are made in response to a recent GSA audit report on security for foreign gifts and decorations and to expedite the disposition of this property by having agencies provide additional information on the reporting and transfer documents.

EFFECTIVE DATE: March 23, 1983.

FOR FURTHER INFORMATION CONTACT: Mr. Stanley M. Duda, Director, Utilization Division, (703) 557-0807.

SUPPLEMENTARY INFORMATION: The General Services Administration has determined that this rule is not a major rule for the purposes of Executive Order 12291 of February 17, 1981, because it is not likely to result in an annual effect on the economy of $100 million or more; a major increase in costs to consumers or others; or significant adverse effects. The General Services Administration has based all administrative decisions underlying this rule on adequate information concerning the need for, and consequences of, this rule; has determined that the potential benefits to society from this rule outweigh the potential costs and has maximized the net benefits; and has chosen the alternative approach involving the least net cost to society.

List of Subjects in 41 CFR Part 101-49

Conflict of interest, Decorations, Medals, Awards, Foreign relations, Government property, Government property management.

PART 101-49—UTILIZATION, DONATION, AND DISPOSAL OF FOREIGN GIFTS AND DECORATIONS

Subpart 101-49.1—General Provisions

1. The table of contents for Part 101-49 is amended by revising the following five entries:

2. Section 101-49.101(a) is revised to read as follows:

§ 101-49.101 Custody of gifts and decorations.

(a) GSA generally will not take physical possession of gifts and decorations during the utilization and donation screening period governed by this Part 101-49. Gifts and decorations shall remain in the physical custody and be the responsibility of the employing agency during the screening period.

* * * * *

3. Section 101-49.102 is revised to read as follows:

§ 101-49.102 Care and handling.

(a) Each employing agency shall be responsible for the security of gifts and decorations in its custody.

(b) Each employing agency shall be responsible for and bear the cost of delivery of gifts and decorations to the physical custody of GSA after the screening period.

4. Section 101-49.105 is revised to read as follows:

§ 101-49.105 Appraisals.

In those cases where the recipient has indicated an interest in purchasing a gift required to be reported to GSA, employing agencies shall obtain a commercial appraisal for each gift before GSA offers the gift for negotiated sale to recipient. The commercially appraised value plus the cost of the appraisal shall be annotated on a copy of the SF 120, Report of Excess Personal Property, at the time of delivery of the gift to GSA for sale and a copy of the commercial appraisal shall be attached.

§ 101-49.107 [Reserved]

5. Section 101-49.107 is removed and reserved.

6. Section 101-49.108 is revised to read as follows:

§ 101-49.108 Disposal of firearms.

Firearms received as foreign gifts that are reported to GSA may be offered for transfer to Federal agencies, including law enforcement activities. Firearms shall not be donated. Those firearms not transferred to a Federal activity shall be destroyed under Subpart 101-45.309-4.

Subpart 101-49.2—Utilization of Foreign Gifts and Decorations

7. Section 101-49.201-1 is amended by revising the introductory text of paragraph (a) and paragraph (a)(8) and adding paragraphs (a)(9) and (a)(10) to read as follows:

§ 101-49.201-1 Gifts and decorations required to be reported.

(a) Except as provided in §§ 101.49.106 and 101-49.201-2, tangible gifts and decorations that are not retained for official use or returned to the donor shall be reported to GSA within 30 calendar days after deposit of the gift or decoration with the employing agency. Tangible gifts and decorations that have been retained for official use and have not been returned to the donor shall be reported to GSA within 30 calendar days after termination of the official use. Gifts and decorations shall be reported on Standard Form 120, Report of Excess Personal Property (see § 101-43.4901-120), to the General Services Administration (FM), Washington, DC 20406. The Standard Form 120 shall be conspicuously marked "FOREIGN GIFTS AND/OR DECORATIONS" and include the following information:

* * * * *

(8) An indication whether the recipient is interested in having the gift or decoration, if it becomes available for donation, donated to an eligible public agency or nonprofit tax-exempt institution for public display or reference purposes. This interest shall be documented in a letter outlining any special significance of the gift to the proposed donee institution. The mailing address and telephone number of both the recipient and the proposed donee shall be provided.

(9) The appraised value plus the cost of the appraisal shall be added to a copy of the SF 120, Report of Excess Personal Property, before GSA offers gifts for sale to interested recipients. At the time of termination of agency use, GSA may direct that the foreign gift be appraised.

(10) Each foreign gift or decoration shall be identified as a separate line item.

* * * * *

8. Section 101–49.202 is amended to revise paragraph (b) and to add paragraphs (c), (d), and (e) to read as follows:

§ 101–49.202 Transfer to other Federal agencies.

* * * * *

(b) Transfers will be accomplished by submitting for approval a Standard Form (SF) 122, Transfer Order Excess Personal Property (see § 101–43.4901–122), or any other transfer order form approved by GSA, to the General Services Administration (FM), Washington, DC 20406. The SF 122, or other transfer order form shall be conspicuously marked "FOREIGN GIFTS AND/OR DECORATIONS" and include all information furnished by the employing agency as specified in § 101–49.201–1(a).

(c) Transfers of gifts and decorations shall be for public display or other bona fide agency use and not for the personal benefit of any individual. GSA will approve only transfers of foreign gifts of the type that would ordinarily be acquired through procurement channels, identified by a National Stock Number, and stocked in a Federal warehouse or purchased from authorized schedules. Gift items suitable as museum specimens will be made available to Federal museums. Transfers will not be approved for use in private or semi-private offices or dining rooms or for loan to a third agency.

(d) A brief justification of the display or official use of the gift or decoration shall be shown on or accompany the transfer document to support the request.

(e) The transfer document shall include the statement, "At such time as these items are no longer required, they will be reported to the General Services Administration, Office of Property Management (FM), Washington, DC 20426, and will be identified as foreign gift items, and cross-referenced to the original excess report number."

Subpart 101–49.3—Donation of Foreign Gifts and Decorations

9. Section 101–49.302 is revised and the caption changed as follows:

§ 101–49.302 Requests by public agencies and nonprofit tax-exempt institutions and organizations.

Requests for donation of gifts and decorations to public agencies and eligible nonprofit tax-exempt institutions and organizations shall be supported with a letter of intent, signed and dated by the authorized representative of the proposed donee, describing the intended use of the items and the manner in which they would be displayed or used for reference purposes. Donations of gifts and decorations will be accomplished by submitting for approval a SF 123, Transfer Order Surplus Personal Property (see § 101–44.4901–123), to the General Services Administration (FM), Washington, DC 20406. The SF 123, Transfer Order Surplus Personal Property, shall be prepared and distributed in accordance with the instructions in § 101–44.4901–123–1 and shall be conspicuously marked "FOREIGN GIFTS AND/OR DECORATIONS."

10. Section 101–49.303 is revised to read as follows:

§ 101–49.303 Allocation.

Allocation of gifts and decorations among the States will be made at the discretion of the Administrator of General Services. The employee recipient may recommend that a gift or decoration be allocated for donation through the State agency to a specific donee. A statement of this recommendation shall be entered on the SF 120, Report of Excess Personal Property, by the reporting agency. The request must be supported by a letter from the outlining any special significance of the gift or decoration to the proposed donee. The mailing address and telephone number of both the recipient and the proposed donee shall also be included in the letter. Such requests will receive consideration if it is determined that the item is to be donated.

11. Section 101–49.304 is amended by revising paragraphs (c), (e), (f), (g), (h), and (i) to read as follows:

§ 101–49.304 Conditions of donation.

* * * * *

(c) The donee shall place the gift or decoration into use for public display or reference purposes within 12 months following receipt and use the gift or decoration in accordance with this section in perpetuity.

(e) The donee shall submit an annual report to GSA through the State agency. The report shall contain a description of the current condition and use of all gifts or decorations that the donee has received, and a certification that the donee is in compliance with the conditions of donation imposed on the gifts and decorations.

(f) The State agency shall review the use made of the gifts or decorations for compliance by the donee with terms, conditions, reservations, and restrictions imposed on foreign gifts and decorations. The donee shall allow the right of access to the donee's premises at reasonable times for inspection of the gifts or decorations by duly authorized representatives of the U.S. Government or the State agency.

(g) The donee shall not sell, trade, lease, lend, bail, encumber, cannibalize, or dismantle for parts or otherwise dispose of the property; or remove it permanently for use outside the State; or transfer title to the gift or decoration directly or indirectly; or do or allow anything to be done that would cause the gift or decoration to be seized, taken into execution, attached, lost, stolen, damaged, or destroyed.

(h) In the event the donee no longer desires to use the gift or decoration for public display or reference purposes as provided in this section, the donee shall notify the General Services Administration (FM), Washington, DC 20406, through the State agency; and upon demand by GSA, title and right to possession of the gift or decoration shall revert to the U.S. Government. In this event, the donee shall comply with transfer or disposition instructions furnished by GSA through the State agency, with costs of transportation, handling, and reasonable insurance during transportation to be paid by the donee or as directed by GSA.

(i) Upon the donee's failure to comply with any of the above conditions, GSA may demand return of the gift or decoration and, upon demand, title and right to possession of the gift or decoration shall revert to the U.S. Government. In this event, the donee shall return the gift or decoration in accordance with instructions furnished by GSA, with costs of transportation, handling, and reasonable insurance during transportation to be paid by the donee or as directed by GSA. If the gift or decoration is lost, stolen, or cannot legally be recovered or returned for any other reason, the donee shall pay to GSA the fair market value of the gift or decoration at the time of this demand as determined by GSA. If the gift or decoration is damaged or destroyed, GSA may require the donee to (1) return the item and pay the difference between the fair market value of the item if it were not damaged or destroyed and the fair market value of the damaged or destroyed item, or (2) pay the fair market value of the item if it were not damaged or destroyed, as determined by GSA.

Subpart 101-49.4—Sale or Destruction of Foreign Gifts and Decorations

12. Subpart 101-49.4 is revised to read as follows:

Subpart 101-49.4—Sale or destruction of foreign gifts and decorations

Authority: Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c); and sec. 515, 91 Stat. 862; 5 U.S.C. 7342.

§ 101-49.400 Scope of subpart.

This subpart prescribes policies and procedures governing the disposal by sale or destruction of foreign gifts and decorations that GSA has determined are not needed for Federal utilization and donation.

§ 101-49.401 Approval by the Secretary of State on sales.

The approval of the Secretary of State or the Secretary's designee shall be obtained before offering any gift for public sale.

§ 101-49.402 Sale of gifts by GSA to interested recipients.

GSA shall offer gifts through negotiated sales only to a recipient who has indicated an interest in purchasing the item(s). The mailing address and telephone number of the recipient shall be provided on the SF 120, Report of Excess Personal Property. The sales price shall be the appraised value of the gift(s) plus the cost of the appraisal. Sales shall be documented in accordance with Part 101-45.

§ 101-49.403 Sale of gifts by GSA to the public.

GSA shall sell gifts in accordance with Part 101-45.

§ 101-49.404 Proceeds from sales.

The proceeds from the sale of gifts shall be deposited in the Treasury as miscellaneous receipts, unless other disposition is authorized by law or regulation.

§ 101-49.405 Destruction of gifts and decorations.

Gifts that are not sold under this Subpart 101-49.4 and decorations may be destroyed and disposed of as scrap or for their material content.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c) and sec. 515, 91 Stat. 862; 5 U.S.C. 7342)

Dated: March 3, 1983.

Ray Kline,

Acting Administrator of General Services.

[FR Doc. 83-7474 Filed 3-22-83; 8:45 am]

BILLING CODE 6820-96-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Public Health Service

42 CFR Part 110

Health Maintenance Organizations

Correction

In FR Doc. 83-815 beginning on page 1301 in the issue of Wednesday, January 12, 1983, make the following correction:

On page 1302, column three, § 110.603(b)(2)(i), line seven, close parenthesis after "services".

BILLING CODE 1505-01-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 6

Privacy Act of 1974; Solicitation of Social Security Numbers

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Final rule.

SUMMARY: This document amends FEMA Regulation 44 CFR 6.3(c) to modify a restriction on solicitation of social security numbers. The existing regulations prevent solicitation of social security numbers which are needed for administration of training programs and in connection with claims collection.

EFFECTIVE DATE: April 22, 1983.

ADDRESS: Rules Docket Clerk, Office of General Counsel, Federal Emergency Management Agency, Room 835, 500 C Street SW, Washington, DC 20472.

FOR FURTHER INFORMATION CONTACT: Thomas Ainora, Office of General Counsel, FEMA (202) 287-0379.

SUPPLEMENTARY INFORMATION: FEMA's Privacy Act Regulations presently effectively prohibit the obtaining of social security numbers. (44 CFR 6.3(c).) The statutes do not require such a rigorous provision but only provide that a benefit, right, or privilege cannot be denied for failure to disclose the social security number.

Use of such number can serve valid administrative purposes, and thus FEMA determined to revise its rule to conform to the statutory provision and to obtain social security numbers as identifiers in its forms used in training programs and in connection with claims collection. A notice of proposed rulemaking was published on January 6, 1983, at 48 FR 676. No comments were received. This final rule is the same as the proposed rule with very minor editorial changes.

This regulation deals with administrative matters and, hence, is categorically excluded from the requirements for an environmental assessment under 44 CFR Part 10. Further, it is not a major regulation under the terms of Executive Order 12291 and, since it deals with individuals, does not have impact on small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The regulation, as amended, does not require disclosure of any information and is not an information collection requirement. Any collection or attempt at collection of the social security number on any form or elsewhere must be justified in a separate process.

List of Subjects in 44 CFR Part 6

Privacy.

PART 6—IMPLEMENTATION OF PRIVACY ACT OF 1974

Accordingly, 44 CFR Part 6 is amended by revising paragraph (c) of § 6.3 to read as follows:

§ 6.3 Collection and use of information (Privacy Act Statements).

* * * * *

(c) *Solicitation of Social Security Numbers:* Before an employee of FEMA can deny to any individual a right, benefit, or privilege provided by law because such individual refuses to disclose his/her social security account number, the employee of FEMA shall ensure that either:

(1) The disclosure is required by Federal statute; or

(2) The disclosure of a social security number was required under a statute or regulation adopted before January 1, 1975, to verify the identity of an individual, and the social security number will become a part of a system of records in existence and operating before January 1, 1975. If solicitation of the social security number is authorized under paragraph (c) (1) or (2) of this section, the FEMA employee who requests an individual to disclose the social security account number shall first inform that individual whether that disclosure is mandatory or voluntary, by what statutory or other authority the number is solicited, and the use that will be made of it.

* * * * *