§ 1.338–5T [Amended]

Par. 3. In § 1.338–5T(c), on page 5174, third column, paragraph (2)(iii)(A), line twenty, the word "his" is removed and the word "this" is added in its place.

Par. 4. In § 1.338–5T(c)(6), on page 5178, second column, *Example (8)*, first sentence, the language "FS" is removed and the language "FS and FT does not satisfy the 50 percent gross income test of paragraph (c)(5)(i) of this section for the 3-year period preceding 1986" is added in its place.

Par. 5. In § 1.338–5T(c)(6), on page 5179, second column, *Example (17)* (iv), line seven, the word "had" is added between "been" and "FT2".

Par. 6. In § 1.338–5T(j)(6)(ii)(A), page 5188, first column, the period is removed at the end of the paragraph and the language, "that is not subject to the special asset consistency rule of paragraph (c)(4)(i) of this section (applicable in the case of a regular exclusion election)." is added in its place.

Par. 7. In the amendatory language for § 1.338–4T, on page 5194, second column, paragraph (8)(l), the language "January 1, 1986' " that appears at the end of that paragraph is removed and the language " 'January 1, 1986' " is added in its place.

Paul A. Francis,

Acting Director, Legislation and Regulations Division.

[FR Doc. 86–7202 Filed 3–31–86; 8:45 am]

BILLING CODE 4830–01–M

DEPARTMENT OF JUSTICE

Parole Commission

28 CFR Part 2

Paroling, Recommitting and Supervising Federal Prisoners

AGENCY: United States Parole Commission, Justice.

ACTION: Final rule.

SUMMARY: The U.S. Parole Commission is amending its procedure in regard to the submission of supervision reports by U.S. Probation Officers. Instead of submitting the initial supervision report on a parolee after completion of twelve (12) months of continuous supervision, 28 CFR 2.42 (Probation Officer's Reports to Commission) will now require that that first report be submitted after the completion of twenty-four (24) months of continuous supervision. Subsequent reports will continue to be submitted on an annual basis. Such change will result in considerable workload savings for both the Parole Commission and the Probation Service while continuing to conform to the statutory requirement that the Parole Commission review the status of parolees to determine the need for continued supervision (42 U.S.C. 4211(b)).

EFFECTIVE DATE: May 1, 1986.

FOR FURTHER INFORMATION CONTACT: Alan J. Chaset, Deputy Director of Research and Program Development, U.S. Parole Commission, 5550 Friendship Blvd., Chevy Chase, Maryland 20815, Telephone (301) 492–5980.

SUPPLEMENTARY INFORMATION: Under current procedures, the Probation Service is required to prepare and submit to the Parole Commission a supervision report on each parolee after the completion of the first year of supervision and for each year thereafter. 28 CFR 2.42. The Parole Commission is changing the requirement as regards to submission of the initial supervision report: that first report will now be submitted after completion of two years of supervision. Such supervision reports provide the Commission with, among other things, information to be reviewed in determining whether to continue or terminate parole supervision per 42 U.S.C 4211(b). Since that statutory subsection calls upon the Parole Commission to review parolees' status two years after release and at least annually thereafter, this procedural revision will continue to comport with the Congressional mandate.

The change in procedure will result, however, in a considerable workload savings for both the Parole Commission and the Probation Service, a savings now necessitated because of budgetary constraints and deficit reduction legislation. Since early termination of supervision is not normally considered until after two years of continuous supervision and since requests for warrants, conditions modifications, and other negative actions generally are submitted by separate memoranda, the preparation, submission and review of the approximately 6,000 initial supervision reports each year serves minimal purposes. Furthermore, since the Probation Service has enhanced its internal procedures to require a supervisory case review every six months, whatever activity may be summarized in these initial reports will have already been brought to the attention of the Commission if action on the part of the Commission is warranted.

It is to be stressed, however, that although the Parole Commission will now require initial reports only after twenty-four months of supervision, those Youth Correction Act cases that fall under the special provisions imposed by *Watts* v. *Hadden*, 651 F.2d 1354 (10th Cir. 1981), are not affected by this revision: A supervision report after the first year of supervision will continue to be required in those cases.

This rule change will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act.

List of Subjects in 28 CFR Part 2

Administrative practice and procedure, Prisoners, Probation and Parole.

Part 2—[AMENDED]

1. The authority citation for 28 CFR Part 2 continues to read:

Authority: 18 U.S.C. 4203(a)(1) and 4204(a)(6).

2. 28 CFR 2.42 is revised to read as follows:

§ 2.42 Probation Officer's Reports to Commission.

A supervision report shall be submitted by the responsible probation officer to the Commission for each parolee after the completion of 24 months of continuous supervision and annually thereafter. The probation officer shall submit such additional reports as the Commission may direct.

Dated: March 11, 1986.

Benjamin F. Baer,

Chairman, U.S. Parole Commission.

[FR Doc. 86–6883 Filed 3–31–86; 8:45 am]

BILLING CODE 4410–01–M

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

29 CFR Part 1602

Records and Reports; Local Union Equal Employment Opportunity Report (EEO–3)

AGENCY: Equal Employment Opportunity Commission.

ACTION: Final rule.

SUMMARY: The Equal Employment Opportunity Commission is amending its reporting regulations that cover unlawful employment practices by local unions. The amendment will reduce the filing requirements from once a year to once every two years for these unions. This change will reduce the reporting burden on local unions. This action is consistent with the goal of the Paperwork Reduction Act to minimize the federal paperwork burden.

EFFECTIVE DATE: April 1, 1986.

FOR FURTHER INFORMATION CONTACT: Joachim Neckere, Director, Survey Division, phone: (703) 756–6020.

SUPPLEMENTARY INFORMATION: EEOC published a notice of proposed rulemaking (50 FR 31196) on August 1, 1985, proposing to amend the Regulation set forth at 29 CFR 1602.22. This action makes final the amendment of that regulation exactly as proposed in the August 1, 1985 notice. Section 709(c) of Title VII of the Civil Rights Act of 1964, 42 U.S.C. 2000e–8(c), requires employers to make and keep records relevant to a determination of whether unlawful employment practices have been or are being committed and to make reports therefrom as required by the Equal Employment Opportunity Commission. Accordingly, the Commission has issued regulations which set forth the reporting requirements for various kinds of employers. Local unions in their capacity as employers have been required to submit annual reports to the EEOC. The Commission's experience with the use of local union reports indicates that a biennial collection of this information will adequately serve the Commission's needs and purposes for collecting the data. The change to biennial reporting is intended to reduce the reporting burden on local unions. This action is consistent with the goal of the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.*, to minimize the federal paperwork burden. The Commission will require affected unions to file reports every other year thus substantially reducing the reporting burden. Note, however, that the recordkeeping requirements of § 1602.27 remain unchanged.

Comments: No comments were received by the Commission concerning the change in this regulation.

Since the decreased reporting requirement will not prejudice but will benefit local unions, the Commission concludes that a formal public hearing is not necessary.

This regulation has been reviewed in accordance with Executive Order 12291. It does not require a regulatory impact analysis under Section 3 of that Order.

Similarly, the Commission certifies under 5 U.S.C. 3605 (b), enacted by the Regulatory Flexibility Act (Pub. L. 96–354), that this rule will not result in a significant impact on a substantial number of small entities. Therefore, a regulatory flexibility analysis is not required.

List of Subjects in 29 CFR Part 1602

Equal employment opportunity reporting requirements, Recordkeeping requirements.

OMB Control Number: 3047–0006.

The amended regulation appears below.

By virtue of the authority vested in the Commission under section 709(c) of Title VII of the Civil Rights Act of 1964, 42 U.S.C. 2000e–8(c), the Equal Employment Opportunity Commission hereby publishes the amendment to § 1602.22 of its regulations on Recordkeeping and Reports at Title 29 of The Code of Federal Regulations.

Signed at Washington, DC this 19th day of March 1986.

For the Commission.

Clarence Thomas,

Chairman.

PART 1602—RECORDS AND REPORTS

Accordingly, EEOC amends 29 CFR—Part 1602 as follows:

1. The authority citation for Part 1602 is revised to read as set forth below and the authority citations following all the sections in Part 1602 are removed.

Authority: Secs. 709, 713, 78 Stat. 263, 265; 42 U.S.C. 2000e–8–12; 44 U.S.C. 3501 et seq.

2. Section 1602.22 is revised to read as follows:

§ 1602.22 Requirements for filing and preserving copy of report.

On or before December 31, 1986, and biennially thereafter, every labor organization subject to Title VII of the Civil Rights Act of 1964, as amended, shall file with the Commission or its delegate an executed copy of Local Union Report EEO–3 in conformity with the directions set forth in the form and accompanying instructions, provided that the labor organization has 100 or more members at any time during the 12 months preceding the due date of the report, and is a "local union" (as that term is commonly understood) or an independent or unaffiliated union. Labor organizations required to report are those which perform, in a specific jurisdiction, the functions ordinarily performed by a local union, whether or not they are so designated. Every local union or a labor organization acting in its behalf, shall retain at all times among the records maintained in the ordinary course of its affairs a copy of the most recent report filed, and shall make the same available if requested by an officer, agent, or employee of the Commission under the authority of section 709 of Title VII. It is the responsibility of all persons required to file to obtain from the Commission or its delegate necessary supplies of the form.

(Approved by the Office of Management and Budget under control number 3046–0006)

[FR Doc. 86–7161 Filed 3–31–86; 8:45 am]

BILLING CODE 6570–06–M

DEPARTMENT OF DEFENSE

Department of the Navy

32 CFR Part 701

Availability of Department of the Navy Records and Publication of Department of the Navy Documents Affecting the Public

AGENCY: Department of the Navy, DoD.

ACTION: Final Rule; Amendment.

SUMMARY: The Navy is amending its rules to permit the specific exemption from certain provisions of the Privacy Act for a new record system established under the Privacy Act. This exemption will permit the withholding of certain information from a particular Navy record system.

EFFECTIVE DATE: April 1, 1986.

FOR FURTHER INFORMATION CONTACT: Gwendolyn R. Aitken, Privacy Act Coordinator, Office of the Chief of Naval Operations (OP–09B30), Department of the Navy, The Pentagon, Washington, D.C. 20350–2000, tele: (202) 694–2004, Autovon: 224–2004.

SUPPLEMENTARY INFORMATION: On February 28, 1986, at 51 FR 7090, the Department of the Navy published a proposed rulemaking amendment for a specific exemption from certain provisions of the Privacy Act of 1974 (5 U.S.C. 552a) for a new system of records established under the Privacy Act. This new record system, identified as N05330–3, is entitled: "Faculty Professional Files" and was published at 51 FR 6779 on February 26, 1986. The new specific exemption rule under 5 U.S.C. 552a(k)(5) will exempt disclosure of investigatory material in the record system compiled for determining suitability for employment.

No comments were received from the proposed rulemaking at 51 FR 7090 on February 28, 1986, and therefore, the rule amendment is adopted as final by the Navy.

List of Subjects in 32 CFR Part 701

Privacy, Exemption, Investigative information, Records.

PART 701—[AMENDED]

Accordingly, Subpart G of 32 CFR Part 701 is amended as follows:

1. The authority citation for Part 701 continues to read as follows:

Authority: Privacy Act of 1974, Pub. L. 93–579, 88 Stat. 1896 (5 U.S.C. 552a), 32 CFR 286a.

2. Add paragraph (n) to § 701.117

Subpart G—Privacy Act Exemptions

* * * * *

§ 701.117 Exemption for specific Navy records systems.

* * * * *

(n) *Naval Postgraduate School.*

(1) *ID–N05300–3.*

System name. Faculty Professional Files.

Exemption. Portions of this system of records are exempt from the following subsections of Title 5 U.S.C. 552a: (c)(3), (d), e(4), (G) and (H), and (f).

Authority: 5 U.S.C. 552a(k)(5).

Reasons. Exempted portions of this system contain information considered relevant and necessary to make a determination as to the qualifications, eligibility, or suitability for Federal employment, and was obtained by providing an express or implied promise to the source that his/her identity would not be revealed to the subject of the record.

Patricia H. Means,

OSD Federal Register Liaison Officer, Department of Defense.

March 27, 1986.

[FR Doc. 86–7199 Filed 3–31–86; 8:45 am]

BILLING CODE 3810–01–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[COTP Wilmington, NC Reg. 86–03]

Safety Zone Regulations; the Atlantic Intracoastal Waterway Between Mile 228 and Mile 332 and the Shallotte River From the Atlantic Intracoastal Waterway to Its Confluence With Mill Pond Creek

AGENCY: Coast Guard, DOT.

ACTION: Emergency rule.

SUMMARY: The Coast Guard is establishing a safety zone which encompasses an area on the Atlantic Intracoastal Waterway between mile 228 and mile 332, and the Shallotte River from Atlantic Intracoastal Waterway to its confluence with Mill Pond Creek. This zone is needed to protect vessel traffic in the vicinity from a safety hazard associated with a barge grounding and personnel cleaning up an oil spill. Entry into this zone is prohibited unless authorized by the Captain of the Port.

EFFECTIVE DATES: This regulation becomes effective at 1:00 a.m., Eastern Standard Time, March 18, 1986. It terminates at 12:00 p.m., Eastern Standard Time, March 30, 1986.

FOR FURTHER INFORMATION CONTACT: LCDR K.A. MOLL, Chief of the Operations Department, U.S. Coast Guard Marine Safety Office, Suite 500, 272 N. Front Street, Wilmington, North Carolina 28401–3907, Phone: 919 343–4892.

SUPPLEMENTARY INFORMATION: In accordance with 5 U.S.C. 553, a notice of proposed rulemaking was not published for this regulation and good cause exists for making it effective in less than 30 days after **Federal Register** publication. Publishing an NPRM and delaying its effective date would have been contrary to the public interest since immediate action was needed to prevent possible loss of life or injury to personnel and damage to transiting vessels during this operation.

Drafting Information

The drafter of this regulation is Lieutenant Commander K.A. MOLL, Project Officer, for the Captain of the Port.

Discussion of Regulations

The hazard requiring this regulation resulted from damage to the tank barge Edgar O'Sikes and an oil spill resulting from this damage. The Safety Zone is being established until the barge is removed and cleanup operations completed.

List of Subjects in 33 CFR Part 165

Harbors Marine Safety, Navigation (water), Security Measures, Vessels, Waterways.

PART 165—[AMENDED]

Regulation

In consideration of the foregoing, Part 165 of Title 33, Code of Federal Regulations, is amended as follows:

1. The authority citation continues to read:

Authority: 33 U.S.C. 1225 and 1231; 50 U.S.C. 191; 49 C.F.R. 1.46, and 33 C.F.R. 1.05–1(g), 6.04–6 and 160.5.

2. A new § 165.T503 is added to read as follows:

§ 165.T503 Emergency temporary safety zone.

(a) *Location.* The following defines the safety zone: An area on the Atlantic Intracoastal Waterway between mile 328 and mile 332 and the Shallotte River from the Atlantic Intracoastal Waterway to its confluence with Mill Pond Creek.

(b) *Regulations.* In accordance with the general regulations in 165.23 of this part, entry into this zone is prohibited unless authorized by the Captain of the Port.

Dated: March 18, 1986.

D.H. Whitten,

Captain, U.S. Coast Guard, Captain of the Port, Wilmington, NC.

[FR Doc. 86–7015 Filed 3–31–86; 8:45 am]

BILLING CODE 4910–14–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A–1–FRL–2992–6]

Approval and Promulgation of Implementation Plans, Massachusetts; Temporary Sulfur-in-Fuel Revision for Phillips Academy in Andover

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is today approving a revision to the Massachusetts State Implementation Plan (SIP) which will allow Phillips Academy in Andover, Massachusetts to increase the sulfur content of its residual fuel oil for up to 30 months. The burning of less expensive, higher sulfur content fuel oil will provide this source with some of the capital needed to implement permanent energy conservation measures.

EFFECTIVE DATE: April 1, 1986.

FOR FURTHER INFORMATION CONTACT: Cynthia L. Greene, (617) 223–5133.

ADDRESSES: Copies of the Massachusetts submittal, which is incorporated by reference, are available for public inspection during regular business hours at the Environmental Protection Agency, Region I, Room 2313, JFK Federal Building, Boston, Massachusetts 02203; Public Information Reference Unit, Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460; Office of the Federal Register, 1100 L Street, NW., Room 8401, Washington, DC and the Department of Environmental Quality Engineering, 8th Floor, One Winter Street, Boston, Massachusetts 02108.

SUPPLEMENTARY INFORMATION: On February 8 and October 23, 1985, the Massachusetts DEQE submitted a SIP revision for Phillips Academy, in