

§ 239.28 Form S-18, optional form for the registration of securities to be sold to the public by the issuer for an aggregate cash price not to exceed \$7,500,000.

II. Place of Filing

A. At the election of the registrant, all registration statements on Form S-18 and related papers filed with the Commission should be filed either at its principal office in Washington, DC or in the Regional Office for the region in which the registrant's principal business operations are conducted, or are proposed to be conducted; *Provided, however,* that if the registrant's principal business operations are conducted or are proposed to be conducted in the region covered by the Philadelphia Regional Office, the registration statement may be filed either with the Atlanta or the New York Regional Office. The registration statement of any registrant having or proposing to have its principal business operations in Canada may file with the Regional Office nearest the place where the registrant's principal business operations are conducted, or are proposed to be conducted; *Provided, however,* that if the offering is to be made through a principal underwriter located in the United States, the registration statement may be filed with the Regional Office for the region in which such underwriter has its principal office. If the application of the previous sentence would require a filing with the Philadelphia Regional Office, such filing may be made with the Atlanta or the New York Regional Office.

By the Commission.

John Wheeler,

Secretary.

April 14, 1986.

[FR Doc. 86-8667 Filed 4-15-86; 9:28 am]

BILLING CODE 8010-01-M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 101

[T.D. 86-76]

Customs Regulations Amendment Relating to the Customs Field Organization; Davenport, IA, and Rock Island and Moline, IL

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: Final rule.

SUMMARY: This notice changes the field organization of the Customs Service by establishing a new port of entry, on a 2-year trial basis, at Davenport, Iowa, and Rock Island and Moline, Illinois. This change is being made as part of Customs continuing program to obtain more efficient use of its personnel, facilities, and resources, and to provide better

service to carriers, importers, and the public.

EFFECTIVE DATE: May 16, 1986.

FOR FURTHER INFORMATION CONTACT: Richard Coleman, Office of Inspection and Control, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, DC 20229 (202-566-8157).

SUPPLEMENTARY INFORMATION:

Background

Customs ports of entry are places (seaports, airports, or land border ports) designated by the Secretary of the Treasury where Customs officers or employees are assigned to accept entries of merchandise, clear passengers, collect duties, and enforce the various provisions of Customs and related laws.

The Quad-City Development Group filed an application with Customs requesting the establishment of a new Customs port of entry at Davenport, Iowa, and Rock Island and Moline, Illinois. A review of that application confirmed that the proposed port met the minimum Customs criteria for establishing ports of entry. These standards, published as T.D. 82-37 in the *Federal Register* on March 9, 1982 (47 FR 10137), list 2,500 consumption entries per year as the minimum, potential Customs workload for establishment of a port of entry. The Davenport-Rock Island-Moline port committed itself to 3738 consumption entries per year in its application, approximately 150 percent of the 2,500 minimum required.

A notice proposing the establishment of the Davenport-Rock Island-Moline port of entry was published in the *Federal Register* on October 17, 1985 (50 FR 42035). In that notice, Customs stated that it was not certain if the major importers in the proposed port area would choose to incur the extra expense of importing their merchandise by in-bond shipments to the proposed port area, rather than to continue the simple and less expensive clearance of the merchandise at the first port of arrival at the U.S.-Canadian border or elsewhere. Therefore, the notice indicated that the port, if established, would be done so on a 2-year trial basis. Customs believes that a 2-year period will provide sufficient time for the port to establish itself and attract business. At the end of the 2-year period, the practicality of maintaining a port of entry at Davenport-Rock Island-Moline will be reevaluated in light of the actual Customs workload. The notice solicited public comment on the matter.

By T.D. 86-14, published in the *Federal Register* on February 5, 1986 (51 FR 4559), the criteria used in evaluating

applications to establish ports of entry and stations were revised. The revisions reflect the increased minimum value for commercial entries, delete references to informal entries, and require a commitment by any applicant that is attempting to qualify for port or station status by satisfying the cargo workload standard (2,500 consumption entries), to make optimal use of electronic data transfer capability to permit integration with Customs Automated Commercial System (ACS). Future port and station applicants must comply with T.D. 86-14, as well as with the applicable criteria in T.D. 82-37.

Discussion of Comments

All of the comments received in response to the notice favored establishment of the port. The commenters cited the benefits that such a port would provide to the regions' growing international trade business as well as the over-all positive effect on the area's economic and employment outlook.

After analysis of the comments and further review of the matter, Customs is establishing, on a 2-year trial basis, a port of entry at Davenport, Iowa, and Rock Island and Moline, Illinois.

Changes in the Customs Field Organization

The Secretary of the Treasury is advised by the Commissioner of Customs in matters affecting the establishment, abolishment, or other change in ports of entry. Customs ports of entry are established under the authority vested in the President by section 1 of the Act of August 1, 1914, 38 Stat. 623, as amended (19 U.S.C. 2), and delegated to the Secretary of the Treasury by Executive Order No. 10289, September 17, 1951 (3 CFR 1949-1953 Comp., Ch. II), and pursuant to authority provided by Treasury Department Order No. 101-5 (47 FR 2449).

Customs has determined that it is in the public interest to establish, on a 2-year trial basis, a port of entry at Davenport, Iowa, and Rock Island and Moline, Illinois. The limits of the port of entry of Davenport-Rock Island-Moline are as follows:

In Rock Island County, Illinois, the Townships of Andalusia, Blackhawk, Rock Island, South Rock Island, Moline, South Moline, Coal Valley, Hampton, Zuma, and Coe; in Henry County, Illinois, the Townships of Colona, Hanna, and Edford; and in Scott County, Iowa, the Townships of Buffalo, Blue Grass, Hickory Grove, Sheridan, Lincoln, LeClaire, Pleasant Valley, Bettendorf, and that area of the City of

Davenport enclosed within the present limits of these townships.

List of Subjects in 19 CFR Part 101

Customs duties and inspection, Exports, Imports, Organization and functions (Government agencies).

PART 101—GENERAL PROVISIONS

To reflect this change, the list of Customs regions, districts, and ports of entry in § 101.3(b), Customs Regulations (19 CFR 101.3(b)), is amended by adding, "Davenport, Iowa, and Rock Island and Moline, Ill., including the territory described in T.D. 86-76." directly below, "CHICAGO, ILL., including territory described in T.D. 71-121." in the column headed, "Ports of entry" in the Chicago, Illinois district.

Executive Order 12291

Because this will not result in a "major rule" as defined in section 1(b) of E.O. 12291, the regulatory impact analysis and review prescribed by section 3 of that E.O. is not required.

Regulatory Flexibility Act

Pursuant to the provisions of section 605(b) of the Regulatory Flexibility Act (Pub. L. 96-354, 5 U.S.C. 601 *et seq.*), it is certified that the regulations set forth in this document will not have a significant economic impact on a substantial number of small entities. Accordingly, the regulation is not subject to the regulatory analysis or other requirements of 5 U.S.C. 603 and 604.

Customs routinely establishes and expands Customs ports of entry throughout the U.S. to accommodate the volume of Customs-related activity in various parts of the country. Although this amendment may have a limited effect upon some small entities in the area affected, it is not expected to be significant because establishing and expanding port limits at Customs ports of entry in other areas has not had a significant economic impact upon a substantial number of small entities to the extent contemplated by the Act. Nor is it expected to impose, or otherwise cause, a significant increase in the reporting, recordkeeping, or other compliance burdens on a substantial number of small entities.

Drafting Information

The principal author of this document was John E. Doyle, Regulations Control Branch, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other Customs offices participated in its development.

Approved: April 3, 1986.

Francis A. Keating, II,
Assistant Secretary of the Treasury.

William von Raab,
Commissioner of Customs.

[FR Doc. 86-8513 Filed 4-15-86; 8:45 am]

BILLING CODE 4820-02-M

RAILROAD RETIREMENT BOARD

20 CFR Part 295

Railroad Retirement Annuities

AGENCY: Railroad Retirement Board.

ACTION: Final rule.

SUMMARY: The Railroad Retirement Board adds a new Part 295 to Chapter II of the Board's regulations implementing section 419 of the Railroad Retirement Solvency Act of 1983, which amended section 14 of the Railroad Retirement Act to provide that, with respect to annuity amounts payable for months beginning with September 1983, the Board must comply with a court decree of divorce, annulment or legal separation, or with the terms of any court-approved property settlement incident to any such decree, which characterizes specified benefits as property subject to distribution.

EFFECTIVE DATE: April 16, 1986.

FOR FURTHER INFORMATION CONTACT: Karl Blank, General Attorney, Railroad Retirement Board, Bureau of Law, 844 Rush Street, Chicago, Illinois 60611, (312) 751-4941 (FTS 387-4941).

SUPPLEMENTARY INFORMATION: Retirement and survivor annuities under the Railroad Retirement Act are composed of independently calculated segments known as tiers. The tier I amount combines both railroad and non-railroad earnings, and is calculated using social security benefit formulas. The tier II amount is calculated under different formulas, generally representing railroad earnings alone. In addition, certain annuitants receive a dual benefit component based on non-railroad wages earned through December 1974, or in some cases through an earlier date. Finally, carrier railroad employees may receive a supplemental annuity ranging from \$23 to \$43 per month.

In 1979, the United States Supreme Court held that section 14 of the Railroad Retirement Act, which generally provided that no benefit under the Act may be assigned or subjected to other legal process, prohibited a court from awarding one spouse a community interest in any benefits, whether present or expected in the future, to which the

other spouse may become entitled under the Railroad Retirement Act. *Hisquierdo v. Hisquierdo*, 439 U.S. 572.

Section 419 of Pub. L. 98-76 (97 Stat. 411), enacted on August 12, 1983, amends section 14 of the Act by adding new section 14(b)(2), which provides that non-tier I annuity components are subject to property divisions set forth in state court divorce decrees and court-approved property settlements, effective with respect to benefits payable for months beginning in September 1983. Pursuant to section 14(b)(2), the Board will now honor a final decree of divorce, annulment or legal separation which is issued in accordance with the laws of the jurisdiction of that court and which provides for the division of benefits under the Act, to the extent that: (1) The decree is intended to obligate the Board to make direct payments to the spouse or former spouse, and (2) the employee is entitled to an annuity or annuity component which is subject to division under that section (*i.e.*, a tier II, dual benefit, or supplemental annuity). Similarly, the Board will honor a court-approved property settlement incident to such a decree. As the amendment to section 14 of the Act specifically exempts that tier I annuity component from division, *Hisquierdo* remains applicable to this component.

The Board published this rule as a proposed rule on September 3, 1985, and invited public comment (50 FR 35568-35571).

The Board received one comment on the proposed regulation. The commenter expressed concern that the definition of "court" found in proposed § 295.2 did not appear to include Indian (native American) tribal courts. The commenter believed that as proposed, the definition could have the effect of undermining the jurisdiction of these courts. To address this concern, and to clarify that the Board will honor a court decree or property settlement issued in connection with a proper proceeding in such a tribunal, § 295.2 has been amended to include all Indian tribal courts subject to chapter 15 of title 25 of the United States Code, pertaining to the Constitutional rights of Indians.

The Board has determined that this is not a major rule under Executive Order 12291. Therefore, no regulatory analysis is required. The information collections associated with this rule have been approved by the Office of Management and Budget.

List of Subjects in 20 CFR Part 295

Railroad employees, Railroad retirement.

Title 20 CFR Chapter II is revised as follows:

1. Title 20 CFR, Chapter II is amended by adding a new Part 295, reading as follows:

PART 295—PAYMENTS PURSUANT TO COURT DECREE OR COURT-APPROVED PROPERTY SETTLEMENT

Sec.

- 295.1 Introduction.
- 295.2 Definitions.
- 295.3 Documentation and service.
- 295.4 Review of documentation.
- 295.5 Limitations.
- 295.6 Disclosure of information.
- 295.7 Miscellaneous.

Authority: 45 U.S.C. 231f; 45 U.S.C. 231m.

§ 295.1 Introduction.

(a) *Purpose.* This part implements section 419 of Pub. L. 98-76 (97 Stat. 438), which amended section 14 of the Railroad Retirement Act to provide that, with respect to annuity amounts payable for months beginning with September 1983, the Board must comply with a court decree of divorce, annulment or legal separation, or with the terms of any court-approved property settlement incident to any such decree, which characterizes specified benefits as property subject to distribution. Garnishment of benefits for alimony or child support is dealt with in Part 350 of this chapter.

(b) *Benefits subject to this part.* Only the following benefits or portions of benefits under the Railroad Retirement Act are subject to this part:

- (1) Employee annuity net tier II benefit component as provided under section 3(b) of the Railroad Retirement Act;
- (2) Employee annuity vested dual benefit component as provided under section 3(h) of the Act;
- (3) Employee annuity net proportionate share of the annuity increases as provided under section 3(f) of the Act; and
- (4) Supplemental annuities as provided under section 2(b) of the Act.

§ 295.2 Definitions.

As used in this part—

Act means the Railroad Retirement Act.

Court means any court of competent jurisdiction of any state, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands; any court of the United States (as defined in section 451 of title 28 of the United States Code) having competent jurisdiction; any Indian court as defined by section 1301 of title 25 of the United States Code; or any court of

competent jurisdiction of a foreign country with which the United States has an agreement requiring the United States to honor any court order of such country.

Court Decree means a final decree of divorce, dissolution, annulment, or legal separation issued by a court (including a final decree or order modifying the terms of a previously issued decree of divorce, dissolution, annulment, or legal separation), which is issued in accordance with the laws of the jurisdiction of that court and which provides for the division of property.

Division of Property means any transfer of property or its value by an individual to his or her spouse or former spouse in compliance with any community property settlement, equitable distribution of property, or other distribution of property between spouses or former spouses, which is intended as a present and complete settlement of the property rights of the parties.

Employee means an individual who is or was formerly an employee as defined by Part 203 of this chapter.

Final Decree means a decree from which no appeal may be taken or from which no appeal has been taken within the time allowed for taking such appeals under the laws applicable to such appeals, or a decree from which timely appeal has been taken and such appeal has been finally decided under the laws applicable to such appeals.

Property Settlement means an agreement between the parties to a suit for divorce, dissolution, annulment or legal separation in which they expressly agree to a division of their property rights, and which is incorporated in the final decree; is filed with the court in connection with a suit for divorce, dissolution, annulment or legal separation; or is otherwise presented to the court in a suit in accordance with the law of the jurisdiction. An agreement assigning or transferring property between spouses is not within the purview of this part unless it is subsequently approved by a court in connection with a suit for divorce, dissolution, annulment or legal separation.

Spouse or Former Spouse means the husband or wife, or former husband or wife, respectively, of an employee who, on or before the date of a court order, was married to the employee.

§ 295.3 Documentation and service.

(a) *Court decree or property settlement.* The Board will honor a court decree or a property settlement which meets the following criteria:

(1) The court decree or property settlement must provide that the spouse or former spouse is awarded payments from railroad retirement annuities payable to the railroad employee.

(2) The court decree or property settlement must specify an amount to be paid to the spouse or former spouse.

(3) The court decree or property settlement must obligate the Board to make payments directly to the spouse or former spouse.

(4) The court decree or property settlement must clearly identify both the employee and the spouse or former spouse to whom payments are to be made.

(5) The court decree or property settlement submitted to the Board must be a recently certified copy of the document filed with the court. Where the award is made in an order modifying and earlier court decree, copies of both the original decree and the subsequent order must be furnished. In the case of a court-approved property settlement, both the settlement and any decree or order incorporating or approving the settlement must be provided.

(b) *Date of decree.* While only benefits payable for months after August, 1983 are subject to this part, the date the decree is entered or the property settlement is approved may precede September 1, 1983. A subsequent modification of a decree which was entered or a property settlement which was approved prior to September 1, 1983 must be in accord with the law of the jurisdiction in which the original decree was entered or the property settlement was approved.

(c) *Supporting documentation.* The spouse or former spouse shall submit such additional documentation as the Board shall require, including but not limited to:

(1) Identifying information concerning the employee such as social security number, railroad retirement claim number, full name, date of birth, and current address.

(2) Identifying information concerning the spouse or former spouse such as social security number, full name, and current address.

(3) A statement that—

(i) No condition of the law of the jurisdiction in which the decree was entered or the property settlement approved and no condition contained in the decree or agreement which requires termination of payment has occurred;

(ii) If any such condition does occur, the spouse or former spouse will immediately notify the Board; and

(iii) The spouse or former spouse agrees to repay any erroneous payment

arising from occurrence of any such condition.

(d) *Delivery.* Any court decree or property settlement must be delivered by certified or registered mail, return receipt requested, or by personal service, to the Deputy General Counsel of the Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611. Where the decree or property settlement is delivered to any other office of the Board, it shall not be considered delivered until the date it is received by the Deputy General Counsel. Where the decree or property settlement was furnished to any office of the Board prior to September 1, 1983, delivery is not accomplished until a copy is received by the Deputy General Counsel subsequent to August 30, 1983.

(Approved by the Office of Management and Budget under Control No. 3220-0042)

§ 295.4 Review of documentation.

(a) *Regularity.* The Deputy General Counsel or his or her designee shall review the court decree or property settlement to determine that it complies with both the law of the jurisdiction, and with Federal law and these regulations.

(b) *Amount.* Ambiguities in the amount to be paid the spouse or former spouse shall be resolved in accord with expressed indications of the court's intent, except that:

(1) Where the amount is expressed in terms of a dollar figure:

(i) If the figure exceeds the total benefits which may be allocated under this part, the excess will be disregarded, provided that any future increase in the benefits subject to this part will be prospectively applied to the excess effective with the date of the benefit increase.

(ii) If the figure is less than the total benefits which may be allocated under this part, only the amount specified will be paid.

(2) Where the amount is expressed as a fraction, percentage, or ratio:

(i) The amount specified shall be applied only against benefits subject to this part, irrespective of the wording of the decree or property settlement.

(ii) When the amount is expressed in terms of a fraction or ratio referring to the length of railroad service, years shall be converted into the equivalent months. If the length of railroad service specified in the decree or property settlement exceeds the number of creditable service months used by the Board to determine the employee's years of service for calculating an annuity, the actual number used by the Board shall be substituted. If the decree understates the actual number of creditable railroad service months, the number of years or

months set forth in the decree or property settlement will be used.

(3) An amount may be expressed in any other fashion only to the extent to which it may be readily ascertained from records maintained by the Board in the regular course of administration of the Act.

(c) *Notification.* The Deputy General Counsel or his or her designee shall make reasonable effort to notify the spouse or former spouse and the employee of a determination that the decree or property settlement does or does not qualify as a decree or property settlement which will be honored pursuant to this part. This notice will be mailed to the most recent address of each party or representative of each party as shown in the Board's records. A copy of the decree or property settlement will be provided to the employee with this notice. The notice must state:

(1) The rationale for a determination that the decree or property settlement does not comply with this part; or

(2) The dollar amount or proportion of benefits which will be paid to the spouse or former spouse.

(d) *Withholding after notification.*

(1) Where the Deputy General Counsel or his or her designee has notified the spouse or former spouse that a decree or property settlement will be honored under this part, but where the employee is not then entitled to any benefits subject to division under this part, the Associate Executive Director for Retirement Claims will notate the Board's records to reflect both the amount of benefits awarded to the spouse or former spouse pursuant to the decree or property settlement and his or her current address. Where the employee is currently entitled to benefits subject to this part, and the spouse or former spouse has furnished all additional documentation required, the Associate Executive Director for Retirement Claims will take action to withhold from the employee's monthly benefit the amount stated in the Deputy General Counsel's notice under paragraph (c) of this section that the Board will honor the decree or property settlement.

(2) Where the employee was not entitled to benefits subject to this part at the time of the notice by the Deputy General Counsel that the Board will honor the decree or property settlement, but the employee becomes so entitled at a later time, the Board will attempt to contact the spouse or former spouse at the most recent address shown in the Board's records. The notice will inform the spouse or former spouse that an annuity has been awarded, that the

spouse or former spouse may, upon submission of all required documentation, receive a portion of the annuity, and that the spouse or former spouse should contact the Board within three months from the date of the notice. The Associate Executive Director for Retirement Claims will initiate withholding of the amount awarded to the spouse or former spouse from the employee's monthly benefit, and will continue to withhold this amount for three successive months; provided, that an initial annuity payment for a retroactive period shall count as one monthly benefit payment. If after the third month's payment has been withheld the Board has received no response from the spouse or former spouse, the amount withheld from the employee's benefit shall be paid to the employee, and the Board take no further action regarding the decree until the spouse or former spouse contacts the board.

(3) Benefits withheld from the employee may not be paid to a spouse or former spouse until the spouse or former spouse has furnished all supporting documentation required pursuant to § 295.3 above. The Board shall allow a reasonable time, not to exceed three months from the date of the initial response from the spouse or former spouse, for the submission of all required documentation. If the documentation is not furnished within the time allowed, payment of the amounts withheld shall be made to the employee.

(4) Any payments made to the employee subsequent to the three-month notice period specified in paragraphs (d)(2) and (d)(3) above, and prior to receipt of a response or required documentation from the spouse or former spouse, shall be considered properly paid to the employee and the board shall have no further liability to the spouse or former spouse with respect to such amounts.

§ 295.5 Limitations.

(a) *Employee benefit entitlement.* Payments will be made to a spouse or former spouse under this part only if the employee has been awarded an annuity under the Railroad Retirement Act. Payments to a spouse or former spouse shall be made only for months and from such amounts with respect to which an annuity is payable to the employee, and shall be suspended or terminated for any month in which the annuity of the employee is suspended or terminated. No arrearage accrues to the spouse or former spouse with respect to any month for which the annuity of the

employee is suspended or reduced as required under the Act.

(b) *Minimum amount.* The amount of payment to a spouse or former spouse may not be less than one dollar per month.

(c) *Prospective payment.* Payment to a spouse or former spouse may accrue no earlier than the later of the date of delivery, pursuant to § 295.3 of this part, of a court decree or property settlement which will be honored under this part, or from October 1, 1983. The amount to be paid the spouse or former spouse under this part will not be increased to satisfy an arrearage due from the employee.

(d) *Payees.* Payment of an amount awarded to a spouse or former spouse by a court decree or property settlement will be made only to the spouse or former spouse except where the Board determines that another person shall be recognized to act in behalf of the spouse or former spouse as provided by Part 266 of this chapter, relating to incompetence. Payment will not be made to the heirs, legatees, creditors or assignees of a spouse or former spouse, except that where an amount is payable to a spouse or former spouse pursuant to this part, but is unpaid at the death of that spouse or former spouse, the unpaid amount may be paid in accordance with § 234.1 of this chapter, pertaining to employee annuities unpaid at death.

(e) *Net amount of benefits.* Notwithstanding the terms of the decree or property settlement, the amount of benefits payable to the employee which are subject to this part shall not include:

(1) Amounts deducted to satisfy a debt due the United States, including any amount withheld to recover erroneous payments under the Railroad Retirement Act, Railroad Unemployment Insurance Act, or any other acts administered by the Board, and the amount of any Medicare Part B premium; and

(2) Benefits which are waived pursuant to § 262.6 of this chapter.

(f) *Termination.* Payments to a spouse or former spouse terminate on the earlier of—

(1) The date on which the employee annuity terminates;

(2) The date required by the court decree or property settlement or the law of the jurisdiction in which the court decree or property settlement was entered; or

(3) The last day of the month before the month in which the spouse or former spouse dies.

(g) *Priority.* In the event that the Deputy General Counsel receives more than one decree or property settlement from competing parties, benefits shall be

available to satisfy the decrees or property settlements on a first come, first served basis governed by the date of receipt by the Deputy General Counsel. Conflicting decrees or property settlements received on the same day shall be accorded priority based upon the earliest date upon which the decree or property settlement became final.

§ 295.6 Disclosure of information.

(a) *Immunity from process.* The provision for the payment of benefits under this part pursuant to a court decree or property settlement shall not be construed to be a waiver of the sovereign immunity of the Railroad Retirement Board as an agency of the United States Government. The Board may not be joined in a suit for divorce, dissolution, annulment or legal separation, or otherwise subjected to the jurisdiction of any state court. Subpoenas, notices of joinder, interrogatories, orders for production of documents, and like state process issued in connection with a suit for divorce, dissolution, annulment or legal separation will be treated as requests for disclosure of information under this section.

(b) *Request for information.* A response to request for information to be used in connection with a suit for divorce, dissolution, annulment or legal separation may be made by the Deputy General Counsel or his or her designee, by the Associate Executive Director for Retirement Claims, or by a contact representative of the Board's field service.

(c) *Information available.* In the absence of signed authorization from the employee, a spouse or former spouse who is a party to a suit for divorce, dissolution, annulment or legal separation, or his or her legal representative, may be furnished the amount of benefits the employee is currently receiving. If the employee is not currently entitled to benefits, the Board may furnish the amount of any estimated benefit to which the employee would be entitled if he or she were of retirement age at the time of the request, as reflected by the records of the Board, to the extent it is possible for the Board to compute such amount. The Board shall not be required to furnish the present value of future benefits, the amount of benefits payable at a future date, or any other computations based on statistics or procedures not maintained by the Board in the normal course of administration of the Act.

(d) *Certification.* A letter or statement prepared by a Board official in the regular course of duty from the official records of the Board, which refers to the

authority of this section and bears his or her signature, shall be a sufficient response for purposes of discharging the responsibilities of the Board under this section. A certification in accordance with this section may be considered a public document for purposes of admissibility as evidence of present or potential benefits under the Act for use in a divorce, dissolution, annulment or legal separation proceeding.

§ 295.7 Miscellaneous.

(a) *Disbursement cycle.* In honoring and complying with a court decree or property settlement, the Board shall not be required to disrupt its normal disbursement cycle, despite any special schedule of accrual or payment of amounts due the spouse or former spouse set forth in the decree or settlement. A decree or settlement received too late to be honored during the disbursement cycle in which it was received shall be honored with respect to the next payment due the employee.

(b) *Liability for payments.* Neither the Board nor any of its employees shall be liable with respect to any payment made to any individual from moneys due from or payable by the Board pursuant to a court decree or property settlement regular on its face, if such payment is made in accordance with this part.

(c) *Liability for disclosures.* No employee of the Board whose duties include responding to requirements contained in this part shall be subject under any law to any disciplinary action or civil or criminal liability or penalty for, or on account of, any disclosure of information made by such employee in connection with the performance of the employee's duties in making such response.

(d) *Applicable law.* For purposes of a proceeding under this part, the Board will apply the law of the jurisdiction in which the court decree or property settlement was issued unless it comes to the attention of the Board that the state of issuance has no contact with the plaintiff or defendant in the action; in which case, the Board may, in its sole discretion, apply the law of any jurisdiction with significant interest in the matter.

(e) *Erroneous payments.* If a spouse or former spouse receives a payment pursuant to this part from an employee's benefit, and the Board later determines that the employee was not entitled to all or part of those benefits for any month, the amount of the employee's benefits which was paid to the spouse or former spouse in excess of the amount which was actually payable shall be an erroneous payment to the spouse or

former spouse within the meaning of section 10 of the Railroad Retirement Act.

Dated: April 8, 1986.

By Authority of the Board.
For the Board.

Beatrice Ezerski,

Secretary to the Board.

[FR Doc. 86-8408 Filed 4-15-86; 8:45 am]

BILLING CODE 7905-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

24 CFR Parts 42, 43, 58, 280, 571, 850, 880, 881, 882, 883, and 941

[Docket No. R-86-1273; FR-2205]

Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970; Technical Amendments, Correction

AGENCY: Office of the Secretary, HUD.

ACTION: Technical rule, correction.

SUMMARY: This document corrects a technical rule published in the Federal Register on Thursday, February 27, 1986 (51 FR 6911), that conformed cross-references in the Department's regulations to the new sections in the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Uniform Act). This action is necessary to correct a section contained in the rule to reflect addition of an Office of Management and Budget approved control number.

FOR FURTHER INFORMATION CONTACT: Melvin Geffner, Deputy Director, Relocation and Real Estate Division, Room 7174, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410. Telephone, (202) 755-6336. (This is not a toll-free number.)

Accordingly, the following correction is being made in FR Doc. 86-4216 appearing on page 6911 in the issue of February 27, 1986:

On page 6912, third column, item 2, "section 42.20" is corrected to read "section 42.10".

Dated: April 11, 1986.

Grady J. Norris,

Assistant General Counsel for Regulations.

[FR Doc. 86-8531 Filed 4-15-86; 8:45 am]

BILLING CODE 4210-32-M

DEPARTMENT OF JUSTICE

28 CFR Part 0

[Order No. 1130-86]

Delegations of Authority

AGENCY: Department of Justice.

ACTION: Final Rule.

SUMMARY: The Land and Natural Resources Division seeks to update the Code of Federal Regulations to include directives issued within the past five years delegating authority from the Assistant Attorney General for the Land and Natural Resources Division to the Deputy Assistant Attorneys General, Section Chiefs and United States Attorneys. These directives delegate authority pursuant to the authority delegated to the Assistant Attorney General by the Attorney General at 28 CFR Chapter 1, Part 0, Subpart M and Subpart Y, §§ 0.160, 0.162, 0.164, 0.168.

EFFECTIVE DATE: The amendments to Directive No. 7-76 (3-83, 3-86) became effective February 3, 1983, and January 13, 1986. Directive 1-86 became effective January 9, 1986. Directive No. 6-85 became effective February 4, 1985. Directive 6-83 became effective April 12, 1983. Directive 6-81 became effective April 27, 1981.

FOR FURTHER INFORMATION CONTACT: Anne H. Shields, Acting Chief, Policy, Legislation and Special Litigation Section, Land and Natural Resources Division, Room 2615, 9th and Pennsylvania Avenue, Washington, DC 20530, (202)-633-2714.

SUPPLEMENTARY INFORMATION: The directives delegate various types of authority from the Assistant Attorney General for the Land and Natural Resources Division to the Deputy Assistant Attorneys General and Section Chiefs of that Division and to United States Attorneys. The amendments to Directive No. 7-76 increase the authority of the Deputy Assistant Attorneys General, Section Chiefs and United States Attorneys to accept offers in compromise of monetary claims. Directive 1-86 delegates authority to deny or grant Freedom of Information Act requests or Privacy Act requests to the Deputy Assistant Attorney General responsible for supervising the Policy, Legislation and Special Litigation Section. Directive 6-85 delegates authority to the Chief of the Land Acquisition Section to stipulate or agree in behalf of the United States to exclude any property that may have been or may be taken on behalf of the

United States by a declaration of taking. Directive 6-83 delegates authority to the Chief of the Wildlife and Marine Resources Section to rule upon petitions for remission or mitigation of civil or criminal forfeitures filed with the Attorney General pursuant to various wildlife and fisheries statutes. Directive 6-81 establishes the Division's policy of notice to appropriate state officials of action against the states. This order is not a rule within the meaning of Executive Order 12291, section 1(a) because it is a regulation related to agency management under section 1(a)(3), and therefore, exempted under 1(a). This order is not covered by the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, because it will not have an undue impact on small businesses.

List of Subjects in 28 CFR Part 0

Administrative practice and procedure, Authority delegations (Government agencies), Organization and functions (Government agencies).

By virtue of the authority invested in me by 5 U.S.C. 301 and 28 U.S.C. 509, 510, the appendix to subpart Y of Part 0 of Title 28 of the Code of Federal Regulations is amended as follows:

PART 0—ORGANIZATION OF THE DEPARTMENT OF JUSTICE

Appendix to Subpart Y—[amended]

1. The authority citation for Part 0 of Chapter 1 of title 28 of the Code of Federal Regulations continues to read as follows:

Authority: 5 U.S.C. 301, 2303; 8 U.S.C. 1103; 15 U.S.C. 644(k); 18 U.S.C. 4201 *et seq.*, 6003(b); 21 U.S.C. 871, 881(d), 904; 22 U.S.C. 263a, 1621-1645o, 1622 note; 28 U.S.C. 509, 510, 515, 524, 542, 543, 552, 552a, 568; 31 U.S.C. 200(c); 50 U.S.C. app. 2001-2017p; Pub. L. No. 91-513, sec. 501; EO 11919; EO 11267; EO 11300.

2. In the Section headed Land and Natural Resources Division, Directive 7-76, effective October 29, 1976, is amended as follows:

a. In Section I, paragraph A.1 (Delegation to United States Attorneys), the figure "\$100,000" is removed and the figure "\$200,000" is inserted in the seven places the figure appears.

b. In Section II, paragraph A (Delegation to Deputy Assistant Attorneys General), the figure "\$250,000" is removed and the figure "\$500,000" is inserted in the two places the figure appears.

c. In Section II, paragraph B (Delegation to Section Chiefs), the figure "\$200,000" is removed and the figure "\$300,000" is inserted in the two places the figure appears.

d. In Section II, paragraph C (Delegations to United States Attorneys), the figure "\$100,000" is removed and the figure