

under Executive order 12291 or significant regulation under the regulatory policies and procedures of the Department of Transportation. Since the revision in this document is being issued for the purpose of literally complying with statutory language mandated by section 131 of the STURRA of 1987, public comment is impracticable and unnecessary. Therefore, the FHWA finds good cause to make the revisions final without notice and opportunity for comment and without a 30-day delay in effective date under the Administrative Procedure Act. Notice and opportunity for comment are not required under the regulatory policies and procedures of the Department of Transportation because it is not anticipated that such action could result in the receipt of useful information since the revisions incorporated in the regulation require no interpretation and provide for no discretion. It is anticipated that the economic impact of this rulemaking, although mandated by the statutory provisions themselves, will be minimal. Therefore, a full regulatory evaluation is not required. For this reason and under the criteria of the Regulatory Flexibility Act, the FHWA hereby certifies that this action will not have a significant economic impact on a substantial number of small entities.

In consideration of the foregoing, the FHWA is amending Part 260, Subpart D of Title 23, Code of Federal Regulations, as set forth below.

(Catalog of Federal Domestic Assistance Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

List of Subjects in 23 CFR Part 260

Grant programs—transportation, Highways and roads, Scholarships and fellowships.

Issued on: February 3, 1988.

R.D. Morgan,
Executive Director, Federal Highway Administration.

The Federal Highway Administration hereby amends Title 23, Code of Federal Regulations, Chapter I, Part 260, as set forth below.

PART 260—EDUCATION AND TRAINING PROGRAMS

1. The authority citation for Part 260 continues to read as follows:

Authority: 23 U.S.C. 315, 321 (b) and (c); 49 CFR 1.48(b).

Subpart D—State Education and Training Programs

2. Section 260.407 is amended by revising paragraph (a) and adding paragraph (c) to read as follows:

§ 260.407 Implementation and reimbursement.

(a) After execution of the fiscal agreement, the State may make grants and contracts with public and private agencies, institutions, individuals, and the National Highway Institute to provide highway-related training and education. The principal recipients of this training shall be employees who are engaged or likely to be engaged, in Federal-aid highway work.

(c) As provided in 23 U.S.C. 321(c), education and training for subject areas that are identified by the FHWA as Federal program responsibilities, shall be provided at no cost to State and local governments.

[FR Doc. 88-2641 Filed 2-8-88; 8:45 am]

BILLING CODE 4910-22-M

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Part 9

[T.D. ATF-267; Re: Notice No. 635]

Western Connecticut Highlands Viticultural Area; CT

AGENCY: Bureau of Alcohol, Tobacco and Firearms, Treasury.

ACTION: Final rule; Treasury decision.

SUMMARY: This final rule establishes a viticultural area in Connecticut known as Western Connecticut Highlands. The viticultural area is made up of all of Litchfield County and parts of Fairfield, New Haven and Hartford Counties. This final rule is based on a notice of proposed rulemaking published in the *Federal Register* on August 11, 1987, at 52 FR 29705, Notice No. 635. The establishment of viticultural areas and the subsequent use of viticultural area names as appellations of origin in wine labeling and advertising will help consumers better identify wines they purchase. The use of this viticultural area as an appellation of origin will also help winemakers distinguish their products from wines made in other areas.

EFFECTIVE DATE: March 10, 1988.

FOR FURTHER INFORMATION CONTACT: Edward A. Reisman, Wine and Beer Branch, Bureau of Alcohol, Tobacco and

Firearms, Ariel Rios Federal Building, 1200 Pennsylvania Avenue NW., Washington, DC 20226, (202-566-7626).

SUPPLEMENTARY INFORMATION:

Background

On August 23, 1978, ATF published Treasury Decision ATF-53 (43 FR 37672, 54624) revising regulations in 27 CFR, Part 4. These regulations allow the establishment of definite viticultural areas.

On October 2, 1979, ATF published Treasury Decision ATF-60 (44 FR 56692) which added a new Part 9 to 27 CFR, providing for the listing of approved American viticultural areas, the names of which may be used as appellations of origin.

Section 4.25a(e)(1), Title 27, CFR, defines an American viticultural area as a delimited grape-growing region distinguished by geographical features, the boundaries of which have been delineated in Subpart C of Part 9.

Section 4.25a(e)(2) outlines the procedure for proposing a viticultural area. Any interested person may petition ATF to establish a grape-growing region as a viticultural area. The petition should include—

(a) Evidence that the name of the proposed viticultural area is locally and/or nationally known as referring to the area specified in the petition;

(b) Historical or current evidence that the boundaries of the viticultural area are as specified in the petition;

(c) Evidence relating to the geographical characteristics (climate, soil, elevation, physical features, etc.) which distinguish the viticultural features of the proposed area from surrounding areas;

(d) A description of the specific boundaries of the viticultural area, based on features which can be found on United States Geological Survey (U.S.G.S.) maps of the largest applicable scale; and

(e) A copy of the appropriate U.S.G.S. maps with the boundaries prominently marked.

Petition

ATF received a petition for a viticultural area encompassing the western highlands area of Connecticut which borders on New York and Massachusetts. The viticultural area is known as Western Connecticut Highlands. The petition was submitted by Mr. & Mrs. William Hopkins of Hopkins Vineyard, New Preston, Connecticut.

Within the Western Connecticut Highlands viticultural area there are four wineries, with others being

established. In addition, there are six grape growers. Overall the area covers approximately 1,570 square miles or 1,004,550 acres.

Evidence of Name

The name Western Connecticut Highlands is descriptive of the rolling hills and small mountains in the western part of Connecticut which are different from the surrounding area in Connecticut, southwestern Massachusetts and southeastern New York state.

The petitioner provided documentation from various sources to support only the name Western Highlands. The name Western Highlands has been used by the Connecticut Agricultural Experimental Station, and the U.S. Soil Conservation Service in the publication *Soils of Connecticut*, Bulletin #787, Dec. 1980, by Hill, Sauter and Gonick, to describe the area. The name Western Highlands is also commonly referred to on the General Soil Map of Connecticut. The petitioner also included excerpts from the book *Connecticut: A New Guide* by William Bixby (Scribner's, 1974). The excerpts gave a description of the Western Highlands region as well as other regions of Connecticut.

The petitioner acknowledges that the area is locally called Western Highlands. However, the petitioner chose the viticultural area name Western Connecticut Highlands because that name would distinguish the area from all other highland areas in the United States. ATF has no objection to the viticultural area name Western Connecticut Highlands since evidence of the name Western Highlands was well documented in the petition and the further qualification "Connecticut" accurately describes the geographic location of this grape-growing region.

Evidence of Boundaries

The boundaries of the viticultural area are based on distinguishing geographic features as well as established and proposed grape-growing in the area. One U.S.G.S. map was submitted by the petitioner with the boundaries prominently marked on it. The basis for recognition of these boundaries is supported by the unique name, geography and climate found only in this section of Connecticut.

Evidence of Geographic Features

(a) Physical Features

The State of Connecticut can be divided into four physiographic zones: (1) The Coastal Lowlands or Coastal Plain (Long Island Sound influence), (2)

the Central Lowlands or Central Valley (Connecticut River influence), (3) the Western Highlands and (4) the Eastern Highlands.

The Coastal Lowlands and Central Valley have elevations ranging from 0 to less than 500 feet above sea level. The long broad Central Valley actually begins far to the north in New Hampshire, Vermont and Massachusetts.

The Western and Eastern Highlands are somewhat similar in climate and other features but are geographically separated by the Central Valley. There are some bonded wineries and grape growers in the Eastern Highlands. There are no bonded wineries located in the Central Valley.

The Western Highlands are an extension of the Green Mountain and Taconic Ranges to the north in Massachusetts with the general elevation in the viticultural area varying from 200 to 1,500 feet above sea level. The Western Highlands are generally more rugged than the corresponding Eastern Highlands which have altitudes varying from 200 to 1,000 feet above sea level.

(b) Precipitation

Snowfall is heavier in the Western Connecticut Highlands than anywhere else in the state, and ranges from 35 to 100 inches annually. Long-term records indicate that there is considerable variation in seasonal amounts of snowfall in the viticultural area; in one location more than 130 inches fell in one year, during another year at the same location only 37 inches fell. Snowfall varies throughout the State, lighter along the Coastal Lowlands and heavier in the northwest portion of the viticultural area. The northwestern portion of the viticultural area receives about 100 inches of snow annually. At the Coastal Lowlands the average annual rainfall is lower than in the Western Highlands.

(c) Temperature

The Eastern and Western Highlands have mean annual temperatures of 47 °F. and 46 °F., respectively. The mean annual temperature for the Coastal Lowlands is 50 °F. and the Central Valley is 49°. Because of their relatively low elevation the Coastal Lowlands and Central Valley have warmer climates than the viticultural area. The climate of the Coastal Lowlands and to some extent the climate of the Central Valley are also greatly influenced by the moderating effect of the Long Island Sound.

The winters in Connecticut are not as long, or as severe, as they are in the northern New England states. In the fall,

freezing temperatures throughout the Connecticut regions usually begin about the middle of November, and end by the last week in March along the Coastal Lowlands and early in April in the Western and Eastern Highlands.

The area to the west of the viticultural area is the Hudson River Region, a complex distinct geological region characterized by the Hudson River Valley and surrounding hills. This area has been a grape-growing region for over 300 years. In 1982, the Hudson River Region (encompassing approximately 3,500 square miles) was established as an American viticultural area.

Immediately north of the viticultural area is the Berkshire Mountain region of Massachusetts and further north is the Green Mountain Range. The Berkshire Mountain region is similar in broad physiography to the viticultural area.

However, it is further north than the Western Connecticut Highlands and has a slightly cooler climate. The elevation is higher in the Green Mountain Range which is further into the northern interior, resulting in a more rugged terrain, colder average temperatures, and a shorter growing season than the viticultural area and the Berkshire Mountain Range.

(d) Soils and Geography

The soils within the Western Connecticut Highlands viticultural area are predominantly formed in glacial till derived from gneiss, schist and granite. The Hollis-Charlton, Paxton-Woodbridge, Charlton-Hollis, and Stockbridge-Farmington-Amelia soils are the most commonly found soil series of the Western Connecticut Highlands. The Eastern Highlands also have the same soils except that the Stockbridge-Farmington-Amelia soils are only found in the Western Connecticut Highlands.

The north-south strip of lowland bisected by the Connecticut River comprises the Central Valley, which extends northerly from the Long Island Sound into Massachusetts. Although broken with occasional traprock ridges, most of the land is gently sloping with productive agricultural soils.

The Central Valley is dominated by soils formed in glacial till derived from sandstone, shale, conglomerate and basalt.

The Wethersfield-Holyoke-Broadbrook, Penwood-Manchester, Windsor-Ninigret-Merrimac, Elmwood-Buxton-Scantic, and Hadley-Winooski soils are the most commonly found soil series of the Central Valley. These soil series are not found in the Western or Eastern Highlands.

Connecticut's southern boundary is formed by 253 miles of irregular shoreline on the Long Island Sound. Along this shore stretches a narrow strip of fairly level land designated as the Coastal Lowlands. The coastline is characterized by alternating limited sections of sandy beach, rocky bluffs, and salt water marshes, indented with numerous small coves and inlets. This area is greatly influenced by the moderating temperatures of the Long Island Sound.

Notice of Proposed Rulemaking

On August 11, 1987, Notice No. 635 was published in the *Federal Register* with a 45-day comment period. In that Notice, ATF invited comments from all interested parties regarding the proposal to establish "Western Connecticut Highlands" as an American viticultural area. No comments were received from the public during the comment period.

Miscellaneous

ATF does not wish to give the impression by approving "Western Connecticut Highlands" as a viticultural area that it is approving or endorsing the quality of the wine derived from this area. ATF is approving this area as being distinct and not better than other areas. By approving this viticultural area, wine producers are allowed to claim a distinction on labels and advertisements as to the origin of the grapes. Any commercial advantage gained can only come from consumer acceptance of wines from "Western Connecticut Highlands."

Regulatory Flexibility Act

The provisions of the Regulatory Flexibility Act relating to a final regulatory flexibility analysis (5 U.S.C. 604) are not applicable to this final rule because it will not have a significant economic impact on a substantial number of small entities. The final rule will not impose, or otherwise cause, a significant increase in reporting, recordkeeping, or other compliance burdens on a substantial number of small entities. Accordingly, it is hereby certified under the provisions of section 3 of the Regulatory Flexibility Act (5 U.S.C. 605 (b)) that this final rule will not have a significant economic impact on a substantial number of small entities.

Executive Order 12291

In compliance with Executive Order 12291, ATF has determined that this final rule is not a "major rule" since it will not result in:

(a) An annual effect on the economy of \$100 million or more;

(b) A major increase in costs or prices for consumers, individual industries, Federal, state, or local government agencies, or geographic regions; or

(c) Significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Paperwork Reduction Act

The provisions of the Paperwork Reduction Act of 1980, Pub. L. 96-511, 44 U.S.C. Chapter 35, and its implementing regulations, 5 CFR Part 1320, do not apply to this final rule because no requirement to collect information is imposed.

Drafting Information

The principal author of this document is Edward A. Reisman, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms.

List of Subjects in 27 CFR Part 9

Administrative practice and procedure, Consumer protection, Viticultural areas, Wine.

Authority and Issuance

27 CFR Part 9—American Viticultural areas is amended as follows:

PART 9—[AMENDED]

Paragraph 1. The authority citation for Part 9 continues to read as follows:

Authority: 27 U.S.C. 205.

Par. 2. The table of contents in 27 CFR Part 9, Subpart C, is amended to add the title of 9.122 to read as follows:

Subpart C—Approved American Viticultural Areas

Sec.

* * * * *
9.122 Western Connecticut Highlands.

Par. 3. Subpart C is amended by adding § 9.122 to read as follows:

Subpart C—Approved American Viticultural Areas

§ 9.122 Western Connecticut Highlands.

(a) *Name.* The name of the viticultural area described in this section is "Western Connecticut Highlands."

(b) *Approved map.* The approved map for determining the boundaries of the "Western Connecticut Highlands" viticultural area is 1 U.S.G.S. 1:125,000 series map. It is titled State of Connecticut, Compiled in 1965, Edition of 1966.

(c) *Boundary description.* The boundaries of the proposed Western

Connecticut Highlands viticultural area are as follows:

(1) The beginning point is where Connecticut Route #15 (Merritt Parkway) meets the Connecticut-New York State line near Glenville, CT, in the Town of Greenwich.

(2) The boundary goes approximately 80 miles northerly along the Connecticut-New York State line to the northwest corner of Connecticut at the Town of Salisbury (Connecticut-New York-Massachusetts State line);

(3) The boundary proceeds approximately 32 miles east along the Connecticut-Massachusetts State line to the northeast border of the Town of Hartland;

(4) The boundary runs approximately 5 miles south along the eastern boundary of the Town of Hartland to the northeast corner of the Town of Barkhamstead (Litchfield-Hartford County line);

(5) The boundary then goes south approximately 25 miles along the Litchfield-Hartford County line to the southeast corner of the Town of Plymouth (Litchfield-Hartford-New Haven County line);

(6) The boundary then travels approximately 7 miles west along the Litchfield-New Haven County line to Connecticut Route #8 at Waterville in the Town of Waterbury;

(7) The boundary proceeds approximately 25 miles south along Connecticut Route #8 to the intersection of Connecticut Route 15 (Merritt Parkway) near Nichols in the Town of Trumbull;

(8) The boundary travels approximately 32 miles west along Connecticut Route 15 (Merritt Parkway) to the beginning point.

Signed: January 11, 1988.

Stephen E. Higgins,
Director.

Approved: January 19, 1988.

John P. Simpson,
Deputy Assistant Secretary (Regulatory,
Trade and Tariff Enforcement).

[FR Doc. 88-2541 Filed 2-8-88; 8:45 am]

BILLING CODE 4810-31-M

DEPARTMENT OF THE INTERIOR

National Park Service

36 CFR Part 7

Upper Delaware Scenic and Recreational River, Pennsylvania and New York; Fishing Regulations

AGENCY: National Park Service, Interior.

ACTION: Final rule.

SUMMARY: On August 24, 1987, the National Park Service, Department of the Interior, published in the *Federal Register* (52 FR 31788) a proposed rule to permit fishing methods at Upper Delaware Scenic and Recreational River which are authorized under applicable State laws. This proposal was made available for public review and comment for a period of thirty (30) days following publication in the *Federal Register*, and ending on September 23, 1987. Six comments were received, and all comments were positive. As a result, a final regulation, unchanged from the proposed rule, is published to permit a level of public use and enjoyment of park resources consistent with the legislation that established the Upper Delaware Scenic and Recreational River.

EFFECTIVE DATE: March 10, 1988.

FOR FURTHER INFORMATION CONTACT: Glenn H. Voss, Chief Ranger, Upper Delaware Scenic and Recreational River, P.O. Box C, Narrowsburg, NY 12764-0159, Telephone: (717) 729-7134.

SUPPLEMENTARY INFORMATION:**Background**

National Park Service General Regulations (36 CFR 2.3(d)(1)), which became effective on April 30, 1964, prohibit "Fishing in fresh water in any manner other than by hook and line, with the rod or line being closely attended." This regulation is in conflict with Pennsylvania and New York fishing regulations which have been in effect since Upper Delaware Scenic and Recreational River was authorized in 1978 and for many years prior to its authorization. Examples of conflicts include:

1. Pennsylvania permits the use of spears or gigs to take carp, gar, suckers and eels. New York regulations allow for the use of spears and long bows for the taking of bowfin, eels, carp, suckers, catfish, gar, turbot, redhorse, sheepshead, herring, and bullheads.

2. Both states permit the use of seines for getting bait, digging for lampreys, and a maximum of five (5) tip-ups or five (5) give devices (tip-ups, rods, handlines) for ice fishing.

Congress' stated intent in the enabling legislation for Upper Delaware Scenic and Recreational River was for the National Park Service to manage fishing in a manner consistent with State fishing laws, to the extent compatible with proper management of park resources. The National Park Service has determined that allowing recreational fishing at Upper Delaware Scenic and Recreational River in

accordance with methods permitted by the States of Pennsylvania and New York would be advantageous both to visitors use, as well as to the management of the park resources. The species of fish to be taken under Example 1 above consist of exotics as well as native species that cannot be taken effectively by traditional rod and reel methods. The use of seines for bait collection, digging of lamprey eels, and the use of tip-ups for ice fishing, as in Example 2 above, are all traditional uses by the Delaware River anglers. In addition, the regulations of both the New York Department of Environmental Conservation, and the Pennsylvania Fish Commission allow these methods of capture. Many years of using these traditional fishing methods have not been detrimental to the area, and the National Park Service anticipates no detrimental effects from continuing these methods. If these methods should cause harm to the fishery or other resources in the future, they can be prohibited by designating areas closed to certain fishing methods.

Drafting Information

The principal author of this rulemaking is Glenn H. Voss, Chief Ranger, Upper Delaware Scenic and Recreational River.

Paperwork Reduction Act

This rulemaking does not contain information collection requirements which require approval by the Office of Management and Budget under 44 U.S.C. 3501 *et seq.*

Compliance With Other Laws

The Department of the Interior has determined that this rulemaking is not a "major rule" within the meaning of E.O. 12291, and certifies that this document will not have a significant effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) This rule will contribute in some part to the local tourism of communities in the vicinity of the park by assuring the continued availability of the range of recreational activities that has been available to park users in the past. An Environmental Assessment has been prepared with a finding of No Significant Impact for this rulemaking. These documents are available for review at the address noted at the beginning of this rulemaking.

List of Subject in 36 CFR Part 7

National parks, Reporting and recordkeeping requirements.

In consideration of the foregoing, 36 CFR Chapter I is amended as follows:

PART 7—SPECIAL REGULATIONS, AREAS OF THE NATIONAL PARK SYSTEM

1. The authority citation continues to read as follows:

Authority: 16 U.S.C. 1, 3, 9a, 462(k). Section 7.96 also issued under DC Code 8-137 (1981) and DC Code 40-721 (1981).

2. By adding a new § 7.24, to read as follows:

§ 7.24 Upper Delaware Scenic and Recreational River.

(a) *Fishing.* Fishing in any manner authorized under applicable State law is allowed.

(b) [Reserved]

Susan Recce,

Acting Assistant Secretary for Fish and Wildlife and Parks.

Dated: January 6, 1988.

[FR Doc. 88-2680 Filed 2-8-88; 8:45 am]

BILLING CODE 4310-70-M

Office of the Secretary**43 CFR Part 2****Privacy Act of 1974; Implementation**

AGENCY: Office of the Secretary, Interior.
ACTION: Final rule.

SUMMARY: The Interior Department revises its regulations on the implementation of the Privacy Act of 1974, as amended, to make them compatible with regulations of the Office of Personnel Management (OPM) concerning personnel records maintained in the Department but under the jurisdiction of OPM.

EFFECTIVE DATE: March 10, 1988.

FOR FURTHER INFORMATION CONTACT: David R. DeAngelis, 202-343-6191.

SUPPLEMENTARY INFORMATION: The Department's regulations published in 43 CFR Part 2, Subpart D, provide guidelines and procedures for implementing the provisions of the Privacy Act of 1974. The rules require that all appeals submitted by individuals regarding the denial of access to, or amendment of their records are to be sent to the Department's Assistant Secretary—Policy, Budget and Administration. However, rules published by the Office of Personnel Management (OPM) in 5 CFR Part 297 require that any appeals filed by individuals pertaining to OPM Governmentwide personnel records being maintained in any agency are to be filed directly with OPM. This rule will amend the Department's regulations to make them consistent with the OPM

regulations by providing that any appeals regarding personnel records under the jurisdiction of OPM are to be submitted directly to OPM. Also, other technical amendments are being made at various places throughout the regulations to improve format and streamline the text.

Because the regulations pertain primarily to internal Departmental guidelines and procedures on the implementation of the Privacy Act of 1974, the changes being made will not have a substantial impact on the public. However, the public interest will be served by accelerated publication of the revised rules so that current and up-to-date guidelines are available, not only for Departmental officials to use in administering the provisions of the Privacy Act, but also to inform members of the public and ensure that pertinent Privacy Act appeals are handled in a proper manner. Also, the public interest will be served by publishing these changes as final rules and eliminating the redundant **Federal Register** publication cost involved in a proposed rulemaking and public comment procedure. For the foregoing reasons, and since these changes are strictly administrative in nature and pertain to this agency's procedures and practices, the proposed rulemaking process is determined to be unnecessary and impractical (5 U.S.C. 553(b)(B)).

Since this document concerns only agency management, it is not a rule as defined by E.O. 12291, and the Department of the Interior certifies that this document will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

This rule does not contain information collection requirements which require approval by the Office of Management and Budget under 44 U.S.C. 3501 *et seq.*

The author of this document is Mr. David R. DeAngelis, Office of Management Analysis.

List of Subjects in 43 CFR Part 2

Administrative practice and procedure, Classified information, Freedom of Information, Privacy.

Rick Ventura,

Assistant Secretary of the Interior.

Dated: January 30, 1988.

For the reasons set out in the preamble, 43 CFR Part 2, Subpart D, is amended as set forth below.

PART 2—[AMENDED]

1. The authority citation for Part 2 continues to read as follows:

Authority: 5 U.S.C. 301, 552 and 552a; 31 U.S.C. 9701; and 43 U.S.C. 1460, unless otherwise noted.

2. Section 2.46 is amended by adding paragraph (o) to read as follows:

§ 2.46 Definitions.

(o) *Working day.* As used in this subpart, "working day" means a regular Federal work day. It does not include Saturdays, Sundays or public legal holidays.

3. Section 2.61 is amended by revising paragraph (c)(2) and by adding new paragraphs (c)(3) and (c)(4) to read as follows:

§ 2.61 Request for notification of existence of records: Action on.

(c) * * *

(2) A decision declining to inform an individual whether or not a system of records contains records pertaining to him or her shall be in writing and shall:

(i) State the basis for denial of the request.

(ii) Advise the individual that an appeal of the declination may be made to the Assistant Secretary—Policy, Budget and Administration pursuant to § 2.65 by writing to the Privacy Act Officer, Office of the Assistant Secretary—Policy, Budget and Administration, U.S. Department of the Interior, Washington, DC 20240.

(iii) State that the appeal must be received by the foregoing official within twenty (20) working days of the date of the decision.

(3) If the decision declining a request for notification of the existence of records involves Department employee records which fall under the jurisdiction of the Office of Personnel Management, the individual shall be informed in a written response which shall:

(i) State the reasons for the denial.

(ii) Include the name, position title, and address of the official responsible for the denial.

(iii) Advise the individual that an appeal of the declination may be made only to the Assistant Director for Workforce Information, Personnel Systems Oversight Group, Office of Personnel Management, 1900 E Street NW., Washington, DC 20415.

(4) Copies of decisions declining a request for notification of the existence of records made pursuant to paragraphs (c)(2) and (c)(3) of this section shall be provided to the Departmental and Bureau Privacy Act Officers.

4. Section 2.64 is amended by revising paragraph (c)(2) and by adding new paragraphs (c)(3) and (c)(4) to read as follows:

§ 2.64 Requests for access to records: Initial decision.

(c) * * *

(2) A decision denying a request for access, in whole or part, shall be in writing and shall:

(i) State the basis for denial of the request.

(ii) Contain a statement that the denial may be appealed to the Assistant Secretary—Policy, Budget and Administration pursuant to § 2.65 by writing to the Privacy Act Officer, Office of the Assistant Secretary—Policy, Budget and Administration, U.S. Department of the Interior, Washington, DC 20240.

(iii) State that the appeal must be received by the foregoing official within twenty (20) working days of the date of the decision.

(3) If the decision denying a request for access involves Department employee records which fall under the jurisdiction of the Office of Personnel Management, the individual shall be informed in a written response which shall:

(i) State the reasons for the denial.

(ii) Include the name, position title, and address of the official responsible for the denial.

(iii) Advise the individual that an appeal of the denial may be made only to the Assistant Director for Workforce Information, Personnel Systems and Oversight Group, Office of Personnel Management, 1900 E Street NW., Washington, DC 20415.

(4) Copies of decisions denying requests for access made pursuant to paragraphs (c)(2) and (c)(3) of this section will be provided to the Departmental and Bureau Privacy Act Officers.

5. Section 2.65 is amended by revising paragraphs (a) and (b) to read as follows:

§ 2.65 Requests for notification of existence of records and for access to records: Appeals.

(a) *Right of appeal.* Except for appeals pertaining to Office of Personnel Management records, individuals who have been notified that they are not entitled to notification of whether a system of records contains records pertaining to them or have been denied access, in whole or part, to a requested record may appeal to the Assistant Secretary—Policy, Budget and Administration.

(b) *Time for appeal.* (1) An appeal must be received by the Privacy Act Officer no later than twenty (20)

working days after the date of the initial decision on a request.

(2) The Assistant Secretary—Policy, Budget and Administration may, for good cause shown, extend the time for submission of an appeal if a written request for additional time is received within twenty (20) working days of the date of the initial decision on the request.

6. Section 2.72 is amended by revising paragraphs (c) and (e)(2), and by adding new paragraphs (e)(3) and (e)(4) to read as follows:

§ 2.72 Petitions for amendment: Processing and initial decision.

(c) Acknowledgement of receipt. Unless processing of a petition is completed within ten (10) working days, the receipt of the petition for amendment shall be acknowledged in writing by the system manager to whom it is directed.

(e) * * * (2) If the petition for amendment is rejected, in whole or part, the petitioner shall be informed in a written response which shall:

- (i) State concisely the basis for the decision.
(ii) Advise the petitioner that the rejection may be appealed to the Assistant Secretary—Policy, Budget and Administration by writing to the Privacy Act Officer, Office of the Assistant Secretary—Policy, Budget and Administration, U.S. Department of the Interior, Washington, DC 20240.
(iii) State that the appeal must be received by the foregoing official within twenty (20) working days of the decision.

(3) If the petition for amendment involves Department employee records which fall under the jurisdiction of the Office of Personnel Management and is rejected, in whole or part, the petitioner shall be informed in a written response which shall:

- (i) State concisely the basis for the decision.
(ii) Advise the petitioner that an appeal of the rejection may be made pursuant to 5 CFR 297.306 only to the Assistant Director for Workforce Information, Personnel Systems and Oversight Group, Office of Personnel Management, 1900 E Street NW., Washington, DC 20415.

(4) Copies of rejections of petitions for amendment made pursuant to paragraphs (e)(2) and (e)(3) of this section will be provided to the

Departmental and Bureau Privacy Act Officers.

7. Section 2.73 is amended by revising paragraphs (a) and (b) to read as follows:

§ 2.73 Petitions for amendment: Time limits for processing.

(a) Acknowledgement of receipt. The acknowledgement of receipt of a petition required by § 2.72(c) shall be dispatched not later than ten (10) working days after receipt of the petition by the system manager responsible for the system containing the challenged record, unless a decision on the petition has been previously dispatched.

(b) Decision on petition. A petition for amendment shall be processed promptly. A determination whether to accept or reject the petition for amendment shall be made within thirty (30) working days after receipt of the petition by the system manager responsible for the system containing the challenged record.

8. Section 2.74 is amended by revising paragraphs (a) and (b) to read as follows:

§ 2.74 Petitions for amendment: Appeals.

(a) Right of appeal. Except for appeals pertaining to Office of Personnel Management records, where a petition for amendment has been rejected in whole or in part, the individual submitting the petition may appeal the denial to the Assistant Secretary—Policy, Budget and Administration.

(b) Time for appeal. (1) An appeal must be received no later than twenty (20) working days after the date of the decision on a petition.

(2) The Assistant Secretary—Policy, Budget and Administration may, for good cause shown, extend the time for submission of an appeal if a written request for additional time is received within twenty (20) working days of the date of the decision on a petition.

9. Section 2.75 is amended by revising paragraphs (a) and (b)(1) to read as follows:

§ 2.75 Petitions for amendment: Action on appeals.

(a) Authority. Appeals from decisions on initial petitions for amendment shall be decided for the Department by the Assistant Secretary—Policy, Budget and Administration or an official designated by the Assistant Secretary, after consultation with the Solicitor.

(b) Time limit. (1) A final determination on any appeal shall be

made within thirty (30) working days after receipt of the appeal.

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Bureau of Land Management

43 CFR Public Land Order 6663

[OR-943-07-4220-10-GP-07-292; OR-38296]

Withdrawal of Public Land for Wild Horse Administrative Site, Oregon

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order withdraws 122.59 acres of public land from surface entry and mining for a period of 20 years for the Bureau of Land Management to protect the Wild Horse Administrative Site. The land has been and remains open to mineral leasing.

EFFECTIVE DATE: February 9, 1988.

FOR FURTHER INFORMATION CONTACT: Champ Vaughan, BLM, Oregon State Office, P.O. Box 2965, Portland, Oregon 97208, 503-231-6905.

By virtue of the authority vested in the Secretary of the Interior by section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. Subject to valid existing rights, the following described public land is hereby withdrawn from settlement, sale, location, or entry under the general land laws, including the United States mining laws (30 U.S.C. Ch. 2), but not from leasing under the mineral leasing laws, to protect a Bureau of Land Management administrative site:

Willamette Meridian

T. 24 S., R. 30 E., Sec. 6, lot 2, E 1/2 of lot 3, NE 1/4 of lot 4, W 1/2 SE 1/4 NW 1/4, W 1/2 NE 1/4 SW 1/4, and NW 1/4 SE 1/4 SW 1/4.

The area described contains 122.59 acres in Harney County.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

3. This withdrawal will expire 20 years from the effective date of this order unless, as a result of a review conducted before the expiration date pursuant to section 204(f) of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714(f), the Secretary