

data submission under this paragraph, the expiration period set out in paragraph (a) of this section shall be stayed. If the decision or finding by the Department on the issue of the carrier's fitness is favorable, the date or that decision or finding shall be the date considered in applying paragraph (a) of this section.

(c) For purposes of this section, the date of a Department decision or finding shall be the service date of the Department's order containing such decision or finding, or, in cases where the Department's decision or finding is made by letter, the date of such letter.

(d) For purposes of this section, references to operations and to the providing of air transportation shall refer only to the actual performance of flight operations under an operating certificate issued to the carrier by the FAA.

(Approved by the Office of Management and Budget under control number 2106-0023)

PART 291—[AMENDED]

4. The authority citation for part 291 is revised to read as follows:

Authority: 49 U.S.C. 1301, 1302, 1324, 1371, 1377, 1378, 1386, 1388, unless otherwise noted.

5. Subpart B of part 291 is revised to read as follows:

PART 291—DOMESTIC CARGO TRANSPORTATION

Subpart B—All-Cargo Air Service Certificates

Sec.
291.10 Applications.

Subpart B—All-Cargo Air Service Certificates

§ 291.10 Applications.

Applications for all-cargo air service certificates shall comply with the provisions of part 201 and subpart Q of part 302 of this chapter with regard to filing procedures, and with the provisions of part 204 of this chapter with regard to evidentiary requirements.

(Approved by the Office of Management and Budget under control number 2106-0023)

6. Subparts C, D, E, and F of part 291 are amended as follows:

§§ 291.20, 291.23, 291.24, 291.34, 291.50 [Amended]

(a) In §§ 291.20, 291.23(b), 291.24, 291.34, and 291.50, remove the word "Board" and add, in its place, the word "Department".

§ 291.42 [Amended]

(b) In § 291.42(a)(2), remove the words "Office of the Comptroller, Information Management Division, B-46a, Civil Aeronautics Board, Washington, DC 20428" and add, in their place, the words "Data Administration Division, DAI-20, room 4125, Office of Airline Statistics, Research and Special Programs Administration, Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590-0001".

PART 302—[AMENDED]

7. The authority citation for part 302 is revised to read as follows:

Authority: 5 U.S.C. *et seq.*, 39 U.S.C. 5402; 42 U.S.C. 4321, 49 U.S.C. Subtitle I, 1301, 1302, 1324, 1371, 1372, 1373, 1374, 1376, 1382, 1471, 1481, 1482, 1485; Reorganization Plan No. 3 of 1961, 75 Stat. 637, 26 FR 5989.

8. In § 302.1701 of subpart Q, paragraph (d) is added to read as follows:

§ 302.1701 Applicability.

(d) Applications for all-cargo air service certificates, and renewals, alterations, amendments, modifications, suspensions, and transfers of such certificates under section 418 of the Act.

Issued in Washington, DC, on August 20, 1992.

Jeffrey N. Shane,

Assistant Secretary for Policy and International Affairs.

[FR Doc. 92-20423 Filed 8-26-92; 8:45 am]

BILLING CODE 4910-62-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 1220

[Docket No. 92N-0304]

Regulations Under the Tea Importation Act; Tea Standards

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is announcing the establishment of tea standards for the year beginning May 1, 1992, and ending April 30, 1993. The tea standards are provided for under the Tea Importation Act (the Act). The Act prohibits the importation of a tea that is inferior to the annual tea standard. Under the Act, the importation of a tea may be withheld until FDA examines the tea and is sure

that it complies with the annual standard.

DATES: Effective May 1, 1992; written comments by September 28, 1992.

ADDRESSES: Written comments to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 1-23, 12420 Parklawn Dr., Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Michelle A. Smith, Center for Food Safety and Applied Nutrition (HFF-414), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-205-5106.

SUPPLEMENTARY INFORMATION: Because of the unique nature of the decisionmaking process for establishing annual standards for tea, the procedural protections that are part of this process, and the short period within which a standard must be set, FDA has never, since the enactment in 1897 of the Act (21 U.S.C. 41), used notice and comment rulemaking for tea standards.

Each final rule setting the standards is based on the recommendations of the Board of Tea Experts (the board), which is comprised of tea experts who are representative of the tea trade. The board selects standards each year according to the provisions of the Act. The board bases its selection on tea samples submitted by members of the tea trade to the board. Relying primarily on organoleptic examination, the board selects one tea to represent the standard for each major type of tea imported into the United States. In choosing a standard, the board tries to select one at least equal in quality to that of the previous year. The Act prohibits the importation of a tea that is inferior to the annual tea standard. Under the Act, the importation of a tea may be withheld until FDA examines the tea and is sure that it complies with the annual standard.

The annual meeting of the board is open to the public and is announced in advance in the Federal Register. At the annual meeting any interested person may present data, information, or views orally or in writing regarding new standards.

The annual tea standards are prepared and submitted to the Secretary of Health and Human Services by the board (21 CFR 1220.41).

Should a tea importer be dissatisfied with an FDA tea examiner's rejection of a shipment of tea, the importer can refer its complaint to the U.S. Board of Tea Appeals and then to the U.S. Court of Appeals. FDA is unaware of any complaints or arguments having ever occurred concerning a designated

standard, despite the many years since the enactment of the Act.

FDA concludes that notice and comment rulemaking to set tea standards is impracticable, contrary to the public interest, and unnecessary by virtue of the factors discussed above, i.e., the unique, longstanding procedures that apply to establishing a standard, the fact that standards are based principally on organoleptic examinations by tea experts, the public participation opportunities already provided, and the timeframes required for issuing annual standards. Hence, the agency is not following notice and comment rulemaking procedures in establishing the final tea standards for 1992.

Environmental Impact

The agency has determined under 21 CFR 25.24(b)(1) that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

Economic Impact

The impact of this rule on small entities, including small businesses, was reviewed in accordance with the Regulatory Flexibility Act (Pub. L. 96-354) (5 U.S.C. 601). This rule announces the establishment of tea standards for the year beginning May 1, 1992, and ending April 30, 1993. Only teas that meet or exceed the standards will be permitted entry into the United States. These standards protect industry and consumers from acceptance of unfit tea. FDA has concluded that this action will not result in a significant economic impact on a substantial number of small entities. Therefore, FDA certifies, in accordance with section 605(b) of the Regulatory Flexibility Act, that no significant economic impact on a substantial number of small entities will derive from this action.

Interested persons may, on or before September 28, 1992, submit to the Dockets Management Branch (address above) written comments regarding this regulation. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday. Any changes in this regulation justified by such comments will be the subject of a further amendment.

List of Subjects in 21 CFR Part 1220

Administrative practice and procedure, Customs duties and inspection, Imports, Public health, Tea.

Therefore, under the authority delegated to the Secretary of Health and Human Services by the Tea Importation Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR Part 1220 is amended as follows:

PART 1220—REGULATIONS UNDER THE TEA IMPORTATION ACT

1. The authority citation for 21 CFR Part 1220 continues to read as follows:

Authority: 21 U.S.C. 41-50; 19 U.S.C. 1311.

2. Section 1220.40 is amended by revising paragraph (a) to read as follows:

§ 1220.40 Tea standards.

(a) Samples for standards of the following teas, prepared, identified, and submitted by the Board of Tea Experts on March 20, 1992, are hereby fixed and established as the standards of purity, quality, and fitness for consumption under the Tea Importation Act for the year beginning May 1, 1992, and ending April 30, 1993:

(1) Black Tea (for all teas except those from the People's Republic of China (China), Taiwan (Formosa), Iran, Japan, Russia, Turkey, and Argentina).

(2) Black Tea (for Argentina teas).

(3) Black Tea (for teas from the People's Republic of China (China), Taiwan (Formosa), Iran, Japan, Russia, and Turkey).

(4) Green Tea (of all origins).

(5) Formosa Oolong.

(6) Canton Oolong (for all Canton types from the People's Republic of China (China) and Taiwan (Formosa)).

(7) Scented Black Tea.

(8) Spiced Tea.

These standards apply to tea shipped from abroad on or after May 1, 1992.

Dated: August 21, 1992.

Michael R. Taylor,

Deputy Commissioner for Policy.

[FR Doc. 92-20504 Filed 8-26-92; 8:45 am]

BILLING CODE 4160-01-F

DEPARTMENT OF JUSTICE

Office of the Attorney General

28 CFR Part 0

[AG Order No. 1617-92]

Delegations of Authority; Bureau of Prisons

AGENCY: Department of Justice.

ACTION: Final rule.

SUMMARY: This order updates the delegations of authority to the Director of the Bureau of Prisons (Director) to reflect changes made by the Comprehensive Crime Control Act of 1984, the recodification of title 31 of the United States Code, and an increase in the dollar value amount of settlement authority delegated to the Director to settle claims brought under the Federal Tort Claims Act. This order also adds specific reference to provisions regarding Federal prisoners boarded in state institutions, and deletes reference to certain authority over the provision of pretrial services no longer vested by statute in the Attorney General. Overall, this order is necessary to clarify and update the general statement of delegated authority to the Director.

EFFECTIVE DATE: August 27, 1992.

FOR FURTHER INFORMATION CONTACT:

Roy Nanovic, Office of General Counsel, Bureau of Prisons, HOLC Room 754, 320 First Street NW., Washington, DC 20534, telephone (202) 307-3062.

SUPPLEMENTARY INFORMATION:

The Comprehensive Crime Control Act of 1984, Public Law 98-473, 98 Stat. 1976-2193, vested certain authority in the Director regarding the confinement of convicted persons with respect to offenses committed on or after November 1, 1987. This authority previously had been vested in the Attorney General and delegated to the Director. This order revises 28 CFR 0.96 to indicate those delegations of authority made before the passage of the Comprehensive Crime Control Act of 1984, and now applicable only to offenses committed prior to November 1, 1987.

This order also clarifies the general statement of delegated authority to the Director relating to the commitment, control, or treatment of persons charged with or convicted of offenses against the United States by adding a paragraph (v) which contains specific reference to the authority for contracting with the proper authorities of any state, territory, or political subdivision thereof, for the imprisonment, subsistence, care, and proper employment of persons convicted of offenses against the United States.

In addition, this order makes minor editorial changes and updates references to recodified sections contained in title 31 of the United States Code and deletes reference (contained in old subsection (o)) to authority to approve certain contracts for the operation of pretrial services facilities no longer vested by statute in the

Attorney General. Prior to its amendment in 1982 by Public Law 97-267, 96 Stat. 1137, 18 U.S.C. 3154 provided that pretrial services agencies had to obtain the approval of the Attorney General to operate, or to contract for the operation of, "facilities for the custody or care of persons released" pending judicial proceedings. 18 U.S.C. 3154 (1976).

Finally, the order eliminates the redundant reference in § 0.96(1) to the dollar value amount of settlement authority delegated to the Director to settle claims brought under the Federal Tort Claims Act. This amount is specified in 28 CFR 0.172, and was raised to \$10,000 in an order published in the Federal Register, 56 FR 48734, September 26, 1991.

This order is a matter of internal department management. In accordance with 5 U.S.C. 605(b) the Attorney General certifies that this rule will not have a significant economic impact on a substantial number of small entities. It is not a major rule within the meaning of or subject to Executive Order 12291, and does not have Federalism implications warranting the preparation of a Federalism Assessment in accordance with section 6 of E.O. 12612.

List of Subjects in 28 CFR Part 0

Authority delegations (Government agencies), Government employees, Organization and functions (Government agencies), Whistleblowing.

Accordingly, by virtue of the authority vested in the Attorney General by law, including 5 U.S.C. 301 and 28 U.S.C. 509-510, part 0 of title 28 of the Code of Federal Regulations is amended as follows:

PART 0—[AMENDED]

1. The authority citation for 28 CFR part 0 continues to read as follows:

Authority: 5 U.S.C. 301; 28 U.S.C. 509, 510, 515-519.

2. Section 0.96 is revised to read as follows:

§ 0.96 Delegations.

The Director of the Bureau of Prisons is authorized to exercise or perform any of the authority, functions, or duties conferred or imposed upon the Attorney General by any law relating to the commitment, control, or treatment of persons (including insane prisoners and juvenile delinquents) charged with or convicted of offenses against the United States, including the taking of final action in the following-described matters:

(a) Requesting the detail of Public Health Service officers for the purpose

of furnishing services to Federal penal and correctional institutions (18 U.S.C. 4005).

(b) Consideration, determination, adjustment, and payment of claims in accordance with 31 U.S.C. 3722.

(c) Designating places of imprisonment or confinement where the sentences of prisoners shall be served and ordering transfers from one institution to another, whether maintained by the Federal Government or otherwise, pursuant to 18 U.S.C. 4082 as it existed before the enactment of Pub. L. 98-473 (applicable to offenses committed prior to November 1, 1987).

(d) Extending the limits of the place of confinement of prisoners for the purposes specified, and within the limits established, by 18 U.S.C. 4082(c) as it existed before the enactment of Public Law 98-473, and otherwise performing the functions of the Attorney General under that section (applicable to offenses committed prior to November 1, 1987).

(e) Designation of agents for the transportation of prisoners (18 U.S.C. 4008).

(f) Accepting gifts or bequests of money for credit to the "Commissary Funds, Federal Prisons" (31 U.S.C. 1321 and 18 U.S.C. 4043).

(g) Prescribing regulations for the use of surplus funds in "Commissary Funds, Federal Prisons" to provide advances not in excess of \$150 to prisoners at the time of their release pursuant to 18 U.S.C. 4284 as it existed before the enactment of Public Law 98-473 (applicable to offenses committed prior to November 1, 1987).

(h) Allowance, forfeiture, and restoration of all good time pursuant to 18 U.S.C. 4161, 4162, 4165, and 4166 as those sections existed before the enactment of Public Law 98-473 (applicable to offenses committed prior to November 1, 1987).

(i) Release of prisoners held solely for nonpayment of fine as provided in 18 U.S.C. 3569 as it existed before the enactment of Public Law 98-473 (applicable to offenses committed prior to November 1, 1987).

(j) Furnishing transportation, clothing, and payments to released prisoners pursuant to 18 U.S.C. 4281 as it existed before the enactment of Public Law 98-473 (applicable to offenses committed prior to November 1, 1987).

(k) Performing the functions of the Attorney General under the provisions of 18 U.S.C. Chapter 313, Offenders with Mental Disease or Defect (18 U.S.C. 4241-4247).

(l) Settlement of claims arising under the Federal Tort Claims Act as provided in 28 CFR 0.172.

(m) Entering into reciprocal agreements with fire organizations for mutual aid and rendering emergency assistance in connection with extinguishing fires within the vicinity of a Federal correctional facility, as authorized by sections 2 and 3 of the Act of May 27, 1955 (42 U.S.C. 1856a, 1856b).

(n) Deciding upon requests by states for temporary transfers of custody of inmates for prosecution under Article IV of the Interstate Agreement on Detainers (84 Stat. 1399) and pursuant to other available procedures; and receiving and reviewing requests by the executive authority of states or the District of Columbia for, and authorizing the transfer of, inmates pursuant to 18 U.S.C. 4085 as it existed before the enactment of Public Law 98-473 (applicable to offenses committed prior to November 1, 1987).

(o) Prescribing rules and regulations applicable to the carrying of firearms by Bureau of Prisons officers and employees (18 U.S.C. 3050).

(p) Promulgating rules governing the control and management of Federal penal and correctional institutions and providing for the classification, government, discipline, treatment, care, rehabilitation, and reformation of inmates confined therein (18 U.S.C. 4001, 4041, and 4042).

(q) Establishing and designating Bureau of Prisons Institutions (18 U.S.C. 4001, 4042).

(r) Granting permits to states or public agencies for rights-of-way upon lands administered by the Director in accordance with the provisions of 43 U.S.C. 931c and 43 U.S.C. 961 (18 U.S.C. 4001, 4041, 4042, 43 U.S.C. 931c, 961).

(s) Authority to accept donations for use by the Bureau of Prisons, including Federal Prison Industries, and to promulgate rules concerning these donations (18 U.S.C. 4044).

(t) Authority under the provisions of 18 U.S.C. 4082(b) to provide law enforcement representatives with information on Federal prisoners who have been convicted of felony offenses and who are confined at a residential community treatment center located in the geographical area in which the requesting agency has jurisdiction (18 U.S.C. 4082).

(u) Approving inmate disciplinary and good time regulations (18 U.S.C. 3624).

(v) Contracting, for a period not exceeding three years, with the proper authorities of any State, Territory, or political subdivision thereof, for the imprisonment, subsistence, care, and proper employment of persons convicted of offenses against the United States (18 U.S.C. 4002).

Dated: August 20, 1992.

William P. Barr,

Attorney General.

[FR Doc. 92-20552 Filed 8-26-92; 8:45 am]

BILLING CODE 4410-01-M

28 CFR Part 40

[AG Order No. 1618-92]

Standards for Inmate Grievance Procedures

AGENCY: Department of Justice.

ACTION: Final rule.

SUMMARY: This final rule modifies the minimum standards for state prison inmate grievance procedures promulgated by the Attorney General pursuant to section 7 of the Civil Rights of Institutionalized Persons Act. The regulations had required states that wished to be certified pursuant to section 7 to permit inmates to participate in an advisory capacity in the disposition of grievances challenging general policy and practices, and in certain cases, to have an opportunity for such participation before the initial adjudication of the grievance. Some have incorrectly construed the regulations to require that inmates sit on panels adjudicating other inmate grievances, and have therefore concluded that the regulations go beyond the strict language of the statute. This amendment is intended to clarify that the regulations do not contain such a requirement.

EFFECTIVE DATE: September 28, 1992.

ADDRESSES: Office of General Counsel, Bureau of Prisons, HOLC room 754, 320 First Street, NW., Washington, DC 20534.

FOR FURTHER INFORMATION CONTACT: John Megathlin, Administrator, National Inmate Appeals, Federal Bureau of Prisons, 320 First Street, NW., Washington, DC 20534, telephone (202) 514-6655.

SUPPLEMENTARY INFORMATION:

Background

Section 7(b)(1) of the Civil Rights of Institutionalized Persons Act, 42 U.S.C. 1997e(b)(1), provides that "the Attorney General shall, after consultation with persons, State and local agencies, and organizations with background and expertise in the area of corrections, promulgate minimum standards for the development and implementation of a plain, speedy, and effective system for the resolution of grievances of adults confined in any jail, prison, or other correctional facility." Pursuant to section 7(c)(1) of the Act, 42 U.S.C.

1997e(c)(1), the Attorney General "shall develop a procedure for the prompt review and certification of [grievance] systems." In accordance with these provisions, the Department of Justice promulgated 28 CFR part 40 on October 1, 1981, 46 FR 48186.

On May 7, 1992, the Department of Justice published a proposed rule in order to amend the foregoing regulations to clarify that the states need not permit inmates to sit on panels adjudicating the grievances of other inmates. At the same time, the proposed amendment was designed to ensure inmate participation in the formulation, implementation, and operation of the grievance system in a manner that would encourage state and local authorities to develop grievance procedures pursuant to section 7 of the Act.

The Department received one response to the published proposed rule. That response came from a state's Department of Justice and was "wholeheartedly in agreement with the proposed revisions." Upon due consideration and in light of the comment received, the Department is adopting the proposed rule as a final regulation without change.

Regulatory Process Matters

This rule is not a major rule within the meaning of section 1(b) of Executive Order 12291, and it does not have Federalism implications warranting the preparation of a Federalism Assessment in accordance with section 6 of Executive Order 12612. The Attorney General certifies that this rule, for purposes of the Regulatory Flexibility Act (Pub. L. 96-354), 5 U.S.C. 605(b), does not have a significant impact on a substantial number of small entities. The standards for inmate grievance procedures serve only as a model for the development of grievance systems by state and local authorities. While some local jurisdictions may come under the definition of small entity, adoption of the standards by any entity remains voluntary.

List of Subjects in 28 CFR Part 40

Administrative practice and procedure, Civil rights, Inmate grievance procedures, Prisoners.

Accordingly, by virtue of the authority vested in the Attorney General by law, including 5 U.S.C. 301 and 28 U.S.C. 509-510, part 40 of Chapter I of title 28 of the Code of Federal Regulations is amended as follows:

PART 40—STANDARDS FOR INMATE GRIEVANCE PROCEDURES

1. The authority citation for part 40 is revised to read as follows:

Authority: 42 U.S.C. 1997e.

2. Section 40.7 is amended by revising paragraph (b) to read as follows:

§ 40.7 Operation and decision.

(b) *Inmate and employee participation.* The institution shall provide for an advisory role for employees and inmates in the operation of the grievance system. In-person hearings and committees consisting of either inmates or employees or both are not required by this paragraph, but they are permitted so long as no inmate participates in the resolution of any other inmate's grievance over the objection of the grievant.

Dated: August 20, 1992.

William P. Barr,

Attorney General.

[FR Doc. 92-20551 Filed 8-26-92; 8:45 am]

BILLING CODE 4410-01-M

DEPARTMENT OF THE TREASURY

Fiscal Service; Bureau of the Public Debt

31 CFR Part 357

Regulations Governing Book-Entry Treasury Bonds, Notes and Bills [Department of the Treasury Circular, Public Debt Series No. 2-86]

AGENCY: Bureau of the Public Debt, Fiscal Service, Department of the Treasury.

ACTION: Final rule.

SUMMARY: This amendment sets forth the forms of registration that have been authorized in the TREASURY DIRECT Book-Entry Securities System ("TREASURY DIRECT") (a) for Individual Retirement Accounts ("IRA's"), and (b) for owners who wish to provide, upon their death, that the proceeds of their Treasury securities be used to reduce the public debt of the United States. In addition, the amendment removes from the regulations duplicate provisions relating to direct deposit payments, which are now contained in 31 CFR part 370, Regulations Governing Payments by Automated Clearing House Method on Account of United States Securities ("ACH"); adds a provision that refers the investor to part 370; and, revises the

ACH prenotification provision that takes into account the fact that check payments are made under special circumstances.

EFFECTIVE DATE: August 27, 1992.

FOR FURTHER INFORMATION CONTACT: Sharon Separ, Attorney-Adviser, Washington, DC, Office of the Chief Counsel, Bureau of the Public Debt, (202) 874-4123.

SUPPLEMENTARY INFORMATION: The Bureau of the Public Debt has received a number of inquiries about the possibility of placing Individual Retirement Accounts in TREASURY DIRECT. The Bureau of the Public Debt, under the governing regulations, has always permitted registration in the name of an IRA trustee where the trustee was named, and where the agreement or document, pursuant to which the trust was established, was identified. In doing so, it was made clear that the issue as to whether the beneficiary of the IRA would receive the desired tax benefits was dependent on whether the Internal Revenue Service's ("IRS") IRA requirements has been met. These include a written agreement and approval by the Internal Revenue Service for trustees other than banks (as defined at 26 U.S.C. 408(n)) seeking to hold such accounts.

Section 357.21 of Title 31, Code of Federal Regulations, provides that, with the exception of partnership nominees, the TREASURY DIRECT registration of a security conclusively establishes its ownership. Although the Internal Revenue Service has also permitted an IRA to be held in the name of a custodian, the Bureau of the Public Debt had not permitted such registration, as custodians are usually bailees, not owners. However, since, under the IRS regulations, both IRA trustees and custodians are deemed to be fiduciaries, and given the fact that the trust and custodial agreements published by the IRS are virtually identical, like treatment of IRA trustees and custodians appears appropriate. Moreover, it is recognized that the custodian agreements permit those that cannot qualify as trustees to nevertheless hold IRA accounts. Also, under the Internal Revenue Code, any would-be IRA trustee or custodian, other than banks, as defined in section 408(n), must obtain IRS approval.

Investor inquiries have also been received from time to time asking how they might register their TREASURY DIRECT accounts so that upon their death the account balance could be used to reduce the public debt of the United States. A form of registration to accomplish this result has been

authorized. Specific reference is made in the registration to the statute which authorizes the United States Government to accept gifts made subject to the condition that they be used to reduce the public debt.

In addition, with the adoption of regulations, i.e., 31 CFR part 370, governing ACH payments made in connection with United States securities, many of the provisions relating to direct deposit, or ACH payments, in part 357 have become redundant. This amendment removes such duplicative provisions, retaining only those that apply solely to the securities covered by this part. A change has also been made to refer the investor to the part 370 regulations. Finally, the paragraph dealing with ACH prenotification has been revised to take into account situations where there is insufficient time to respond to a prenotification message. In such event, payment is made by check.

Special Analysis

Because this amendment relates to the terms and conditions of marketable Treasury securities, the notice and public procedures, and the delayed effective date requirements of the Administrative Procedure Act (5 U.S.C. 553(a)(2)) are inapplicable. It has been determined that the rule does not constitute a "major rule" for purposes of Executive Order No. 12291. A regulatory impact analysis, therefore, is not required. Because no notice of proposed rulemaking is required, the provisions of the Regulatory Flexibility Act (5 U.S.C. 601, *et seq.*) do not apply to this rule.

List of Subjects in 31 CFR Part 357

Banks, Banking, Bonds, Electronic funds transfer, Government securities.

Accordingly, part 357 is amended, as follows:

PART 357—[AMENDED]

1. The authority citation for part 357 continues to read as follows:

Authority: 31 U.S.C. Chapter 31; 12 U.S.C. 391.

2. Section 357.21 is amended by adding 3 new paragraphs to the end of paragraph (c), and by adding a new paragraph (f) at the end of the section, to read as follows:

§ 357.21 Registration.

(c) * * *
An organization (other than a bank) or individual seeking to act as trustee or custodian of an Individual Retirement Account ("IRA"), must be authorized to so act by the Internal Revenue Service.

As appropriate, registration of the security should be in the form shown below:

Examples: ABC Bank, trustee for John Doe IRA, under agreement dated December 21, 1990.

EFG Broker, Inc., custodian for Mary Smith IRA, under agreement dated September 4, 1991.

(f) *The United States Treasury* A security may be registered in the name of an individual, with the United States Treasury as beneficiary, provided a reference to the statute which authorizes gifts to be made to the United States to reduce the public debt, is included.

Example: John S. Green, payable on death (or P.O.D.) to U.S. Treasury to reduce the public debt (31 U.S.C. 3113).

3. In § 357.26, paragraphs (b)(1) (vii), (viii), (b)(4), (b)(5), (b)(6), (d), and (e), are removed, paragraph (f) is redesignated as paragraph (d) and paragraphs (b)(2) and (b)(3) are revised to read as follows:

§ 357.26 Payments.

(b) * * *
(2) *Rules.* Direct deposit (electronic funds transfer) payments are governed by the regulations at 31 CFR part 370.

(3) *Prenotification.* Prenotification messages will be sent and responses will be received in accordance with the provisions in 31 CFR 370.5. Where the circumstances indicate that there is insufficient time to effect the change received in response to the prenotification message, payment will be made by check, in accordance with paragraph (c) of this section.

Dated: August 21, 1992.

Gerald Murphy,

Fiscal Assistant Secretary.

[FR Doc. 92-20526 Filed 8-26-92; 8:45 am]

BILLING CODE 4810-35-M

DEPARTMENT OF DEFENSE

Office of the Secretary of Defense

32 CFR Part 292

[DIA Regulation 12-39]

Defense Intelligence Agency (DIA) Freedom of Information Act

AGENCY: Defense Intelligence Agency, DoD.

ACTION: Final rule.

SUMMARY: As a result of a reorganization of the Defense Intelligence Agency (DIA) as well as various substantive changes to the