(2) The person agrees to safeguard the information, to authorize a review of the person's notes to assure that classified information is not contained therein, and that the classified information will not be further disseminated or published.

§ 8.31   Industrial security.

(a) *Background.* The National Industrial Security Program was established by Executive Order 12829 of January 6, 1993 for the protection of information classified pursuant to Executive Order 12356 of April 2, 1982, National Security Information, or its predecessor or successor orders, and the Atomic Energy Act of 1954, as amended. The Secretary of Defense serves as the Executive Agent for inspecting and monitoring contractors, licensees, grantees, and certificate holders that require or will require access to, or that store or will store, classified information, and for determining the eligibility for access to classified information of contractors, licensees, certificate holders, and grantees, and their respective employees.

(b) *Implementing regulations.* The Secretary of Transportation has entered into agreement for the Secretary of Defense to render industrial security services for the Department of Transportation. Regulations prescribed by the Secretary of Defense to fulfill the provisions of Executive Order 12829 have been extended to protect release of classified information for which the Secretary of Transportation is responsible. Specifically, this regulation is DOD 5220.22–M, National Industrial Security Program Operating Manual. This regulation is effective within the Department of Transportation, which functions as a User Agency as prescribed in the regulation. Appropriate security staffs, project personnel, and contracting officers assure that actions required by the regulation are taken.

Issued in Washington, DC, on March 24, 1997.

Rodney E. Slater,

Secretary of Transportation.

[FR Doc. 97–9787 Filed 4–30–97; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Office of the Secretary

49 CFR Part 10

RIN 2105–AC57

Maintenance of and Access to Records Pertaining to Individuals

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

SUMMARY: DOT revises its regulations in implementing the Privacy Act, 5 U.S.C. 552a. This revision updates organizational changes since the last revision and streamlines the regulations in order to make the regulations more useful.

DATES: This rule is effective June 30, 1997.

FOR FURTHER INFORMATION CONTACT: Dorothy A. Chambers, Office of the General Counsel, C–12, Department of Transportation, Washington, DC 20590, telephone (202) 366–4542, FAX (202) 366–7152.

SUPPLEMENTARY INFORMATION: The President instituted a Regulatory Review initiative, for the reinvention of regulations by eliminating duplicate, redundant or unnecessary language and revising regulations to meet the need of users. In response to this initiative, we reviewed Part 10 and proposed to revise this section to update and streamline information on maintenance and access to records pertaining to individuals. The main revision is to remove from the Code of Federal Regulations Appendices B through J to this part and remove references to the appendices throughout the Part. These appendices contain information that is available through the Notice of Records Systems published by the **Federal Register**, National Archives and Records Administration, which describes the systems of records maintained by all Federal agencies, including the Department and its components. Therefore, it is unnecessary to repeat this information in the regulations. Several other housekeeping corrections were also made. Public comment was invited (61 FR 29522; June 11, 1996), but none was received. Upon review, we have decided to issue the proposal without change, except to reflect that the Inspector General has the same authority under this part as does any Administrator; and that the Surface Transportation Board (STB), a successor to the Interstate Commerce Commission within DOT, is not covered by these Privacy Act regulations, but, rather, by its own, except to the extent that any system of records notice provides otherwise. That

is, if the STB is included in a DOT system of records, then these regulations apply to that system, including STB's participation in it.

Analysis of Regulatory Impacts.

This amendment is not a ''significant regulatory action'' within the meaning of Executive Order 12866. It is also not significant within the definition in DOT's Regulatory Policies and Procedures, 49 FR 11034 (1979), in part because it does not involve any change in important Departmental policies. Because the economic impact should be minimal, further regulatory evaluation is not necessary.

Under the Regulatory Flexibility Act, the only group of persons who will be directly affected by this amendment are those members of the public who are the subjects of any of our Privacy Act systems of records. These qualify as small entities and will have burdens lessened by this amendment, as the effect of the amendment will be to make our Privacy Act regulations easier to understand; however, it is not likely that any such burden reduction will be large nor that it will be convertible into economic equivalents. Hence, I certify that this amendment will not have a significant economic impact on a substantial number of small entities.

This amendment does not significantly affect the environment, and therefore an environmental impact statement is not required under the National Environmental Policy Act of 1969. It has also been reviewed under Executive Order 12612, Federalism, and it has been determined that it does not have sufficient implications for federalism to warrant preparation of a Federalism Assessment.

Finally, the amendment does not contain any collection of information requirements, requiring review under the Paperwork Reduction Act, as amended.

List of Subjects in 49 CFR Part 10

Privacy.

In accordance with the above, DOT amends 49 CFR Part 10 as follows:

PART 10—[AMENDED]

1. The authority citation for Part 10 continues to read as follows:

Authority: 5 U.S.C. 552a; 49 U.S.C. 322.

§ 10.1   [Amended]

2. Section 10.1 is amended by deleting paragraphs (b), (c), and (d), and by removing the paragraph designation ''(a)'' from the remaining text.

3. In § 10.5, within the definition of Department, the introductory text and paragraph (f) are revised, and a new paragraph (i) is added at the end to read as follows:

§ 10.5   Definitions.

*   *   *   *   *

Department means the Department of Transportation, including the Office of the Secretary, the Office of Inspector General, and the following operating administrations: This definition specifically excludes the Surface Transportation Board, which has its own Privacy Act regulations (49 CFR Part 1007), except to the extent that any system of records notice provides otherwise.

*   *   *   *   *

(f) Federal Transit Administration.

*   *   *   *   *

(i) Bureau of Transportation Statistics.

4. In § 10.11, the first sentence is revised to read as follows:

§ 10.11   Administration of part.

Authority to administer this part in connection with the records of the Office of the Secretary is delegated to the Assistant Secretary for Administration.

*   *   *   *   *

5. In § 10.23 the introductory text is revised to read as follows:

§ 10.23   Accounting of disclosures.

Each operating administration, the Office of Inspector General, and the Office of the Secretary, with respect to each system of records under its control:

*   *   *   *   *

6. In § 10.31, paragraph (a) is revised to read as follows:

§ 10.31   Requests for records.

(a) Ordinarily, each person desiring to determine whether a record pertaining to him/her is contained in a system of records covered by this part or desiring access to a record covered by this part, or to obtain a copy of such a record, shall make a request in writing addressed to the system manager. The ''Privacy Act Issuances'' published by the Office of the **Federal Register**, National Archives and Records Administration, describes the systems of records maintained by all Federal agencies, including the Department and its components. In exceptional cases oral requests are accepted. A description of DOT Privacy Act systems notices is available through the Internet free of charge at http://www.access.gpo.gov/ su—docs/aces/PrivacyAct. shtml?desc015.html. See § 10.13(b)

regarding inquiries concerning Privacy Act matters or requests for assistance.

*   *   *   *   *

7. In § 10.35, paragraph (a) introductory text is revised and paragraph (a)(12) is added to read as follows:

§ 10.35   Conditions of disclosure.

(a) No record that is contained within a system of records of the Department is disclosed by any means of communication to any person, or to another agency, except pursuant to a written request by, or with the prior written consent of, the individual to whom the record pertains, unless disclosure of the record would be:

*   *   *   *   *

(12) To a consumer reporting agency in accordance with 31 U.S.C. 3711(f).

*   *   *   *   *

8. In § 10.37, the last sentence is revised to read as follows:

§ 10.37   Identification of individual making request.

*   *   *   *   *

In such cases, these additional requirements are listed in the public notice for the system.

9. Section 10.39 is revised to read as follows:

§ 10.39   Location of records.

Each record made available under this subpart is available for inspection and copying during regular working hours at the place where it is located, or, upon reasonable notice, at the document inspection facilities of the Office of the Secretary or each administration. Original records may be copied but may not be released from custody. Upon payment of the appropriate fee, copies are mailed to the requester.

10. Section 10.41 is revised to read as follows:

§ 10.41   Requests for correction of records.

Any person who desires to have a record pertaining to that person corrected shall submit a written request detailing the correction and the reasons the record should be so corrected. Requests for correction of records shall be submitted to the System Manager.

11. In § 10.51, paragraphs (c) and (h) are revised, to read as follows:

§ 10.51   General.

*   *   *   *   *

(c) Each application for review must be made in writing and must include all information and arguments relied upon by the person making the request, and be submitted within 30 days of the date of the initial denial; exceptions to this

time period are permitted for good reason.

*   *   *   *   *

(h) Any final decision by an Administrator or his/her delegate not to grant access to or amend a record under this part is subject to concurrence by the General Counsel or his or her delegate.

12. In § 10.63 introductory text is revised to read as follows:

§ 10.63   Specific exemptions.

The Secretary or his or her delegee, in the case of the Office of the Secretary; or the Administrator or his or deluge, in the case of an operating administration; or the Inspector General or his or her deluge, in the case of the Office of Inspector General, may exempt any system of records that is maintained by the Office of the Secretary, an operating administration, or the Office of Inspector General, as the case may be, from subsections (c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f) of the Act and implementing §§ 10.23(c); 10.35(b); 10.41; 10.43; 10.45; 10.21(a) and 10.21(d)(6), (7), and (8), under the following conditions:

*   *   *   *   *

13. ''Appendix A to part 10'' is redesignated as ''Appendix to part 10''.

14. Appendices B through J are removed.

Issued in Washington, DC, on March 24, 1997.

Rodney E. Slater,

Secretary of Transportation.

[FR Doc. 97–11305 Filed 4–30–97; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 600

[Docket No. 970410085–7085–01; I.D. 022197E]

RIN 0648–AJ72

Procedures Governing Establishment and Operation of Fishery Negotiation Panels

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Final rule.

SUMMARY: The Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) directs the Secretary of Commerce (Secretary) to implement regulations providing for the optional use of ''fishery negotiation