

heading of this document can be used to cross reference this action with the Unified Agenda.

List of Subjects in 14 CFR Part 221

Agents, Air carriers, Foreign air carriers, Tariffs.

This rule is being issued under authority delegated in 49 CFR 1.56(j)(2)(ii). For the reasons set forth in the preamble, 14 CFR Part 221 would be amended to read as follows:

PARTS 221—TARIFFS

Subpart W—Electronically Filed Tariffs

1. The authority citation for part 221 would continue to read as follows:

Authority: 49 USC 40101, 40109, 40113, 46101, 46102, Chapter 411, Chapter 413, Chapter 415, and Subchapter I of Chapter 417, unless otherwise noted.

2. Section 221.251 Applicability of the subpart is amended by revising Paragraph (a) to read as follows:

§ 221.251 Applicability of subpart.

(a) Any carrier, consistent with the provisions of this subpart, and this part 221 generally, may file its international passenger fares tariffs and international passenger rules tariffs electronically in machine-readable form as an alternative to the filing of printed paper tariffs as provided for elsewhere in this part 221. This subpart applies to all carriers and tariff publishing agents and may be used by either if the carrier or agent complies with the provisions of this subpart W. Any carrier or agent that files electronically under this subpart must transmit to the Department the remainder of the tariff in a form consistent with this part 221, subparts A–V on the same day that the electronic tariff would be deemed received under § 221.270(b).

* * * * *

3. Paragraph (b)(7) of § 221.260, *Requirements for filing*, is revised to read as follows:

§ 221.260 Requirements for filing.

* * * * *

(b) * * *

(7) The filer shall maintain all fares and rules with the Department and all Departmental approvals, disapprovals and other actions, as well as all Departmental notations concerning such approvals, disapprovals or other actions, in the on-line tariff database for a period of two (2) years after the fare or rule becomes inactive. After this period of time, the carrier or agent shall provide the Department, free of charge, with a copy of the inactive data on a machine-

readable tape or other mutually acceptable electronic medium.

* * * * *

4. Paragraph (b)(8) of § 221.283, *The filing of tariffs and amendments to tariffs*, is amended by revising the introductory text, and by adding a new paragraph (b)(9) to read as follows:

§ 221.283 The filing of tariffs and amendments to tariffs.

* * * * *

(b) * * *

(8) Fares tariff, or proposed changes to the fares tariffs, including:

* * * * *

(9) Rules tariff, or proposed changes to the rules tariffs, including:

(i) Title: General description of fare rule type(s) and geographic area(s) under the rule;

(ii) Application: Specific description of fare class(es), geographic area(s), type of transportation (one way, round-trip, etc.);

(iii) Period of Validity: Specific description of permissible travel dates and any restrictions on when travel is not permitted;

(iv) Reservations/ticketing: Specific description of reservation and ticketing provisions, including any advance reservation/ ticketing requirements, provisions for payment (including prepaid tickets), and charges for any changes;

(v) Capacity Control: Specific description of any limitation on the number of passengers, available seats, or tickets;

(vi) Combinations: Specific description of permitted/restricted fare combinations;

(vii) Length of Stay: Specific description of minimum/maximum number of days before the passenger may/must begin return travel;

(viii) Stopovers: Specific description of permissible conditions, restrictions, or charges on stopovers;

(ix) Routing: Specific description of routing provisions, including transfer provisions, whether on-line or inter-line;

(x) Discounts: Specific description of any limitations, special conditions, and discounts on status fares, e.g. children or infants, senior citizens, tour conductors, or travel agents, and any other discounts;

(xi) Cancellation and Refunds: Specific description of any special conditions, charges, or credits due for cancellation or changes to reservations, or for request for refund of purchased tickets;

(xii) Group Requirements: Specific description of group size, travel

conditions, group eligibility, and documentation;

(xiii) Tour Requirements: Specific description of tour requirements, including minimum price, and any stay or accommodation provisions;

(xiv) Sales Restrictions: Specific description of any restrictions on the sale of tickets;

(xv) Rerouting: Specific description of rerouting provisions, whether on-line or inter-line, including any applicable charges; and

(xvi) Miscellaneous provisions: Any other applicable conditions.

5. Paragraph (c) of § 221.283 is amended by redesignating existing paragraphs (c) (8) through (15) as paragraphs (c) (9) through (16), respectively, and by adding a new paragraph (c) (8) to read as follows:

§ 221.283 The filing of tariffs and amendments to tariffs.

* * * * *

(c) * * *

(8) Rule text;

* * * * *

Issued in Washington DC, on May 15, 1995.

Patrick V. Murphy

Acting Assistant Secretary for Aviation and International Affairs.

[FR Doc. 95–12372 Filed 5–18–95; 8:45 am]

BILLING CODE 4910–62–P

INTERNATIONAL TRADE COMMISSION

19 CFR Part 201

Rules of General Application

AGENCY: U.S. International Trade Commission.

ACTION: Notice of proposed rulemaking and request for comments.

SUMMARY: The Commission is proposing to amend Part 201 of the Commission's Rules of Practice and Procedure (the "Commission's Rules") to clarify those sections of the Commission's Rules dealing with the Freedom of Information Act (FOIA) and Privacy Act Officers' initial denial authority. This proposed amendment will also reflect the Inspector General's authority, under both the Inspector General Act of 1978, as amended, (the "IG Act") and under Section 552a(b) of the Privacy Act to disclose Privacy Act information to contractor personnel who function as federal employees.

DATES: Comments on the proposed rules will be considered if received on or before June 19, 1995.

ADDRESSES: A signed original and 14 copies of each set of comments, along

with a cover letter addressed to Donna R. Koehnke, Secretary, should be sent to the U.S. International Trade Commission, Room 112, 500 E Street SW, Washington, DC 20436.

FOR FURTHER INFORMATION CONTACT:

Hilaire R. Henthorne, Esq., Counsel to the Inspector General, Office of Inspector General, U.S. International Trade Commission, telephone 202-205-2210. Hearing impaired persons are advised that information on the matter can be obtained by contacting the Commission's TDD terminal on 202-205-1810.

SUPPLEMENTARY INFORMATION: Section 335 of the Tariff Act of 1930 (19 U.S.C. 1335) authorizes the Commission to adopt such reasonable procedures and rules and regulations as it deems necessary to carry out its functions and duties. This amendment will bring the Commission's Rules into conformity with Section 6 of the IG Act (5 U.S.C. app. 3) and with Section 552a(b) of the Privacy Act of 1974, as amended (5 U.S.C. 552a(b)).

Section 6 of the IG Act authorizes Inspectors General to "enter into contracts and other arrangements for audits, studies, analyses, and other services with * * * private persons * * *." See 5 U.S.C. app. 3. When contractor personnel are employed to perform the authorized functions of an Office of Inspector General, and are, in the judgment of the Inspector General, performing such functions, they serve in the capacity of government employees. See generally *Coakley v. United States Dep't of Transportation*, No. 93-1420, slip op. at 3 (D.D.C. Apr. 7, 1994); and *Hulett v. Dep't of the Navy*, No. TH 85-310-C, slip op. at 3-4 (S.D. Ind. Oct. 26, 1987); *aff'd* 866 F.2d 432 (7th Cir. 1988) (table cite), *cert. denied*, 490 U.S. 1068 (1989). Section 552a(b) of the Privacy Act stipulates that Privacy Act disclosures are permissible when made to "employees of the agency * * * who have a need for the record in the performance of their duties * * *." See 5 U.S.C. § 552a(b).

Section 552a(c) of the Privacy Act specifically exempts disclosure to government employees from the Privacy Act's recordkeeping requirement. Thus, this amendment to the Commission's Rules clarifies the three categories of disclosure that are exempt, under the Privacy Act, from the recordkeeping provisions: (1) Disclosures made to officers and employees of the Commission who have a need for the information in the performance of their duties; (2) disclosures made to contractor personnel, pursuant to the IG Act or any other law, when such

personnel are performing the functions of government employees; and (3) other contractor personnel who, in the judgment of the Director of Personnel, are acting as Commission employees.

Commission rules ordinarily are promulgated in accordance with the rulemaking provisions of section 553 of the Administrative Procedure Act (5 U.S.C. 551 *et seq.*) (APA). Under the APA, rulemaking entails the following steps: (1) publication of a notice of proposed rulemaking; (2) solicitation of public comment on the proposed rules; (3) Commission review of such comments prior to developing final rules; and (4) publication of the final rules thirty days prior to their effective date. See 5 U.S.C. 553. This notice of proposed rulemaking is the first step in that procedure.

The Commission has determined that this proposed amendment does not meet the criteria described in section 3f of Executive Order (EO) 12866 (58 FR 51735, Oct. 4, 1993) and does not constitute a "significant regulatory action" for purposes of the EO. In accordance with the Regulatory Flexibility Act (5 U.S.C. § 601 note), the Commission hereby certifies pursuant to 5 U.S.C. § 605(b) that the proposed amendment set forth in this notice is not likely to have a significant economic impact on a substantial number of small business entities. This conclusion is premised on the fact that the proposed amendment merely conforms to existing IG Act and Privacy Act provisions. Thus, it is not expected to have any significant economic impact.

Proposed Changes to 19 CFR Part 201

1. Section 201.2(b)-(j) is revised to include a definition of the term "Inspector General" and redesignate existing definitions as follows:

§ 201.2 Definitions.

(b) *Inspector General* means the Inspector General of the Commission;

(c) *Tariff Act* means the Tariff Act of 1930, 19 U.S.C. 1202-1677j;

(d) *Trade Expansion Act* means the Trade Expansion Act of 1962, 19 U.S.C. 1801-1991;

(e) *Trade Act* means the Trade Act of 1974, 19 U.S.C. 2101-2487;

(f) *Trade Agreements Act* means the Trade Agreements Act of 1979, Public Law 96-39, 93 Stat. 144;

(g) *Rule* means a section of the Commission Rules of Practice and Procedure (19 CFR chapter II);

(h) *Secretary* means the Secretary of the Commission;

(i) Except for adjudicative investigations under subchapter C of this chapter, *party* means any person

who has filed a complaint or petition on the basis of which an investigation has been instituted, or any person whose entry of appearance has been accepted pursuant to § 201.11 (a) or (c). Mere participation in an investigation without an accepted entry appearance does not confer party status.

(j) *Person* means an individual, partnership, corporation, association, or public or private organization.

2. Paragraph (a) of § 201.18 is revised to read as follows:

§ 201.18 Denial of requests, appeals from denial.

(a) Written requests for inspection or copying of records shall be denied only by the Secretary or Acting Secretary, or, for records maintained by the Office of Inspector General, the Inspector General. Denials of written requests shall be in writing, shall specify the reason therefor, and shall advise the person requesting of the right to appeal to the Commission. Oral requests may be dealt with orally, but if the requester is dissatisfied he shall be asked to put the request in writing.

3. Paragraph (d) of § 201.24 is revised to read as follows:

§ 201.24 Procedures for requests pertaining to individual records in a records system.

(d) The Director of Personnel, or, the Inspector General, if such records are maintained by the Inspector General, shall ascertain whether the systems of records maintained by the Commission contain records pertaining to the individual, and whether access will be granted. Thereupon the Director of Personnel shall:

(1) Notify the individual whether or not the requested record is contained in any system of records maintained by the Commission; and

(2) Notify the individual of the procedures as prescribed in §§ 201.25 and 201.26 of these regulations by which the individual may gain access to those records maintained by the Commission which pertain to him or her. Access to the records will be provided within 30 days (excluding Saturdays, Sundays, and legal public holidays).

4. Paragraph (b) of § 201.28 is revised to read as follows:

§ 201.28 Request for correction or amendment of record.

(b) Not later than 10 days (Saturdays, Sundays and Federal legal public holidays excluded) after the date of receipt of a Privacy Act request for amendment of records, the Director of Personnel shall acknowledge such receipt in writing. Such a request for

amendment will be granted or denied by the Director of Personnel or, for records maintained by the Inspector General, the Inspector General. If the request is granted, the Director of Personnel, or the Inspector General, for records maintained by the Inspector General, shall promptly make any correction of any portion of the record which the individual believes is not accurate, relevant, timely, or complete. If, however, the request is denied, the Director of Personnel shall inform the individual of the refusal to amend the record in accordance with the individual's request and give the reason(s) for the refusal. In cases where the Director of Personnel or the Inspector General has refused to amend in accordance with an individual's request, he or she also shall advise the individual of the procedures under § 201.29 of these regulations for the individual to request a review of that refusal by the full Commission or by an officer designated by the Commission.

5. Paragraphs (a) through (d) of § 201.29 are revised to read as follows:

§ 201.29 Commission review of request for correction or amendment to record.

(a) The individual who disagrees with the refusal of the Director of Personnel or the Inspector General to amend the record may request a review of the refusal by the Commission. All requests for review of refusals to amend records should be addressed to the Chairman, United States International Trade Commission, 500 E Street, SW., Washington, DC 20436, and shall clearly indicate both on the envelope and in the letter that it is a Privacy Act review request.

(b) Not later than 30 days (Saturdays, Sundays, and Federal legal public holidays excluded) from the date on which the Commission receives a request for review of the Director of Personnel's or the Inspector General's refusal to amend the record, the Commission shall complete such a review and make a final determination thereof unless, for good cause shown, the Commission extends the 30-day period.

(c) After the individual's request to amend his or her records has been reviewed by the Commission, if the Commission agrees with the Director of Personnel's or the Inspector General's refusal to amend the record in accordance with the individual's request, the Commission shall: (1) Notify the individual in writing of the Commission's decision; (2) advise the individual that he or she has the right to file a concise statement of disagreement with the Commission

which sets forth his or her reasons for disagreement with the refusal of the Commission to amend the records; and (3) notify the individual of his or her legal right to judicial review of the Commission's final determination.

(d) In any disclosure, containing information about which the individual has filed a statement of disagreement, the Director of Personnel, or, for records maintained by the Inspector General, the Inspector General, shall clearly note any portion of the record which is disputed and shall provide copies of the statement and, if the Commission deems it appropriate, copies of a concise statement of the reasons of the Commission for not making the amendments requested, to persons or other agencies to whom the disputed record has been disclosed.

6. Paragraph (b) of § 201.30 is revised to read as follows:

§ 201.30 Commission disclosure of record to person other than the individual to whom it pertains.

(b) Except for disclosures either to officers and employees of the Commission, or, to contractor employees who, in the Inspector General's or the Director of Personnel's judgment, are acting as federal employees, who have a need for the record in the performance of their duties, and any disclosure required by 5 U.S.C. § 552, the Director of Personnel shall keep an accurate accounting of: (1) The date, nature, and purpose of each disclosure of a record to any person or to another agency under paragraph (a) of this section; and (2) the name or address of the person or agency to whom the disclosure is made.

Issued: May 15, 1995.

By order of the Commission.

Donna R. Koehnke,

Secretary.

[FR Doc. 95-12360 Filed 5-18-95; 8:45 am]

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 146

[Docket No. 94N-0452]

RIN 0905-AC48

Canned Fruit Nectars; Proposal to Revoke the Stayed Standard of Identity; Correction

AGENCY: Food and Drug Administration, HHS.

ACTION: Proposed rule, correction.

SUMMARY: The Food and Drug Administration (FDA) is correcting a proposed rule that appeared in the **Federal Register** of April 21, 1995 (60 FR 19866). The document proposed to revoke the standard of identity for canned fruit nectars. The document was published with an inadvertent error in the preamble section. This document corrects that error.

FOR FURTHER INFORMATION CONTACT: Nannie H. Rainey, Center for Food Safety and Applied Nutrition (HFS-158), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-205-5099.

In FR Doc. 95-9949, appearing on page 19866 in the **Federal Register** of Friday, April 21, 1995, the following correction is made:

1. On page 19867, in the third column, under "**IV. Request for Comments**", line 2, "June 20" is corrected to read "July 5".

Dated: May 10, 1995.

William B. Schultz,

Deputy Commissioner for Policy.

[FR Doc. 95-12294 Filed 5-18-95; 8:45 am]

BILLING CODE 4160-01-F

21 CFR Part 201

[Docket No. 92N-0311]

Topical Drug Products Containing Benzoyl Peroxide; Required Labeling; Extension of Comment Period

AGENCY: Food and Drug Administration, HHS.

ACTION: Proposed rule; extension of comment period.

SUMMARY: The Food and Drug Administration (FDA) is extending to July 17, 1995, the comment period for the proposed rule to include additional labeling (warning and directions) for all topically-applied acne treatment drug products containing benzoyl peroxide, which appeared in the **Federal Register** of February 17, 1995 (60 FR 9554). FDA is taking this action in response to a request to extend the comment period.

DATES: Written comments by July 17, 1995.

ADDRESSES: Submit 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: William E. Gilbertson, Center for Drug Evaluation and Research (HFD-810), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-594-5000.