

competition, employment, investment, productivity, innovation, or on the ability of United States-based companies to compete with foreign-based companies in domestic and export markets.

Plain Language Instructions

The Drug Enforcement Administration makes every effort to write clearly. If you have suggestions as to how to improve the clarity of this regulation, call or write Patricia M. Good, Chief, Liaison and Policy Section, Office of Diversion Control, Drug Enforcement Administration, Washington, DC 20537, telephone (202) 307-7297.

List of Subjects in 21 CFR Part 1313

Administrative practice and procedure, Drug traffic control, Exports, Imports, List I and List II chemicals, Reporting and recording requirements.

For the reasons set out above, 21 CFR Part 1313 is proposed to be amended as follows:

PART 1313—[AMENDED]

1. The authority citation for Part 1313 continues to read as follows:

Authority: 21 U.S.C. 802, 830, 871(b), 971.

2. Section 1313.12 is proposed to be amended by revising paragraphs (b) and (f) to read as follows:

§ 1313.12 Requirement of authorization to import.

* * * * *

(b) A completed DEA Form 486 must be received at the following address not later than 15 days prior to the importation: Drug Enforcement Administration, P.O. Box 28346, Washington, DC 20038. A copy of the completed DEA Form 486 may be transmitted directly to the Drug Enforcement Administration, Chemical Control Section, through electronic facsimile media not later than 15 days prior to the importation.

* * * * *

(f) The 15 day advance notification requirement set forth in paragraph (a) has been waived for imports of the following listed chemicals:

- (1) Acetone
- (2) 2-Butanone (or Methyl Ethyl Ketone or MEK)
- (3) Toluene.

3. Section 1313.21 is proposed to be amended by revising paragraphs (b) and (e) to read as follows:

§ 1313.21 Requirement of authorization to export.

* * * * *

(b) A completed DEA Form 486 must be received at the following address not

later than 15 days prior to the exportation: Drug Enforcement Administration, P.O. Box 28346, Washington, DC 20038. A copy of the completed DEA Form 486 may be transmitted directly to the Drug Enforcement Administration, Chemical Control Section, through electronic facsimile media not later than 15 days prior to the exportation.

* * * * *

(e) For exportations where advance notification is waived pursuant to paragraph (c)(2) of this section, no DEA Form 486 is required, however, the regulated person shall file quarterly reports to the Drug Enforcement Administration, Chemical Control Section, P.O. Box 28346, Washington, DC 20038, by no later than the 15th day of the month following the end of each quarter. The report shall contain the following information regarding each individual exportation:

* * * * *

Dated: October 12, 2000.

John H. King,

Deputy Assistant Administrator, Office of Diversion Control.

[FR Doc. 00-27426 Filed 10-24-00; 8:45 am]

BILLING CODE 4410-09-U

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[REG-117162-99]

RIN 1545-AY23

Tax Treatment of Cafeteria Plans; Correction

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Correction to notice of proposed rulemaking.

SUMMARY: This document contains a correction to proposed regulations that were published in the **Federal Register** on Thursday, March 23, 2000 (65 FR 15587) relating to tax treatment of cafeteria plans.

FOR FURTHER INFORMATION CONTACT: Christine L. Keller, (202) 622-6080 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

The notice of proposed rulemaking that is the subject of this correction is under section 125 of the Internal Revenue Code.

Need for Correction

As published, the proposed regulations contain an error that may prove to be misleading and is in need of clarification.

Correction of Publication

Accordingly, the publication of the proposed regulations (REG-117162-99), that were the subject of FR Doc. 00-5818, is corrected as follows:

On page 15587, column 2, the regulation heading in the middle of the column, line 5, the “RIN 1545-AX59” is corrected to read “RIN 1545-AY23”.

Cynthia E. Grigsby,

Chief, Regulations Unit, Office of Special Counsel (Modernization and Strategic Planning).

[FR Doc. 00-27311 Filed 10-24-00; 8:45 am]
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DEPARTMENT OF THE TREASURY

31 CFR Part 1

Internal Revenue Service: Privacy Act; Proposed Implementation

AGENCY: Office of the Secretary, Department of the Treasury.

ACTION: Proposed Rule.

SUMMARY: In accordance with the requirements of the Privacy Act of 1974, 5 U.S.C. 552a, as amended, the Department of the Treasury, Internal Revenue Service, gives notice of a proposed amendment to this part to exempt a new system of records, the Third Party Contact Reprisal Records—Treasury/IRS 00.334, from certain provisions of the Privacy Act. The exemptions are intended to comply with the legal prohibitions against the disclosure of certain kinds of information and to protect certain information about individuals, maintained in this system of records.

DATES: Comments must be received no later than November 24, 2000.

ADDRESSES: Please submit comments to Office of Governmental Liaison and Disclosure, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224. Persons wishing to review the comments should call 202-622-6240 to make an appointment with the Office of Governmental Liaison and Disclosure.

FOR FURTHER INFORMATION CONTACT: David Silverman, Tax Law Specialist, 6103/Privacy Operations, Governmental Liaison and Disclosure, Internal Revenue Service at 202-622-3607.

SUPPLEMENTARY INFORMATION: Under 5 U.S.C. 552a(k)(2), the head of an agency

may promulgate rules to exempt a system of records from certain provisions of 5 U.S.C. 552a, if the system is investigatory material compiled for law enforcement purposes. The Internal Revenue Service compiles records in this system for law enforcement purposes. The Third Party Contact Reprisal Records—Treasury/IRS 00.334, contains records of third party contacts whose names are not revealed to the taxpayer because 7602(c) provides for an exception to third party contact notification when such notice may involve reprisal against any person.

The Internal Revenue Service is hereby giving notice of a proposed rule to exempt Treasury/IRS, 00.334—Third Party Contact Reprisal Records, from certain provisions of the Privacy Act pursuant to 5 U.S.C. 552a(k)(2). The provisions of the Privacy Act of 1974 from which exemption is claimed is as follows: 5 U.S.C. 552a(c)(3), 5 U.S.C. 552a(d)(1), (2), (3), and (4), 5 U.S.C. 552a(e)(1), 5 U.S.C. 552a(e)(4)(G), 5 U.S.C. 552a(e)(4)(H), 5 U.S.C. 552a(e)(4)(I), 5 U.S.C. 552a(f).

Pursuant to the provisions of 5 U.S.C. 552a(k)(2), it is proposed to exempt Treasury/IRS 00.334—Third Party Contact Reprisal Records, from certain provisions of the Privacy Act of 1974, because the system contains investigatory material compiled for law enforcement purposes. The data will be utilized to enforce 26 U.S.C. 6103 and 7602(c). The following are the reasons why this system of records maintained by the Internal Revenue Service is exempt pursuant to 5 U.S.C. 552a(k)(2) of the Privacy Act of 1974.

(1) 5 U.S.C. 552a(c)(3)

This provision of the Privacy Act provides for the release of the disclosure accounting required by 5 U.S.C. 552a(c)(1) and (2) to the individual named in the record at his/her request. The reasons for exempting this system of records from the foregoing provision are:

(i) Such release may lead to reprisal by the taxpayer against the third party contact or another person if the taxpayer guesses (correctly or incorrectly) who the third party contact was.

(ii) Such release would provide the subject of an investigation with an accurate accounting of the date, nature, and purpose of each disclosure and the name and address of the person or agency to whom the disclosure was made. The release of such information to the subject of an investigation would provide the subject with significant information concerning the nature of the investigation and could result in the altering or destruction of documentary

evidence, the improper influencing of witnesses, and other activities that could impede or compromise the investigation.

(iii) Release to the individual of the disclosure accounting would alert the individual as to which agencies were investigating the subject and the scope of the investigation and could aid the individual in impeding or compromising investigations by those agencies.

(2) 5 U.S.C. 552a(d)(1), (d)(2), (d)(3), (d)(4), (e)(4)(G), (H), and (f)

These provisions of the Privacy Act relate to an individual's right to be notified of the existence of records pertaining to such individual; requirements for identifying an individual who requested access to records; the agency procedures relating to access to records and the contest of the information contained in such records and the administrative remedies available to the individual in the event of adverse determinations by an agency concerning access to or amendment of information contained in record systems. The reasons for exempting this system of records from the foregoing provisions are as follows: To notify an individual at the individual's request of the existence of an investigative file pertaining to such individual or grant access to an investigative file could lead to reprisal against the third party contact and/or others; interfere with investigative and enforcement proceedings; deprive co-defendants of a right to a fair trial or an impartial adjudication; constitute an unwarranted invasion of the personal privacy of others; disclose the identity of confidential sources and reveal confidential information supplied by such sources; and, disclose investigative techniques and procedures.

(3) 5 U.S.C. 552a(e)(4)(I)

This provision of the Privacy Act requires the publication of the categories of sources of records in each system of records. The reasons an exemption from this provision has been claimed are as follows:

(i) Revealing categories of sources of information could disclose investigative techniques and procedures;

(ii) Revealing categories of sources of information could cause sources who supply information to investigators to refrain from giving such information because of fear of reprisal, or fear of breach of promises of anonymity and confidentiality.

(4) U.S.C. 552a(e)(1)

This provision of the Privacy Act requires each agency to maintain in its records only such information about an individual as is relevant and necessary to accomplish a purpose of the agency required to be accomplished by statute or executive order. The reasons for exempting this system of records from the foregoing provision are as follows:

(i) The Internal Revenue Service will limit its inquiries to information that is necessary for the enforcement and administration of the Federal tax law. However, an exemption from the foregoing provision is needed because, particularly in the early stages of an investigation, it is not possible to determine the relevance or necessity of specific information.

(ii) Relevance and necessity are questions of judgment and timing. What appears relevant and necessary when collected may subsequently be determined to be irrelevant or unnecessary. It is only after the information is evaluated that the relevance and necessity of such information can be established with certainty.

(iii) When information is received by the Internal Revenue Service relating to violations of law within the jurisdiction of other agencies, the Internal Revenue Service processes this information through the Service systems in order to forward the material to the appropriate agencies.

The Department of the Treasury has determined that this proposed rule is not a "significant regulatory action" under Executive Order 12866.

Pursuant to the requirements of the Regulatory Flexibility Act, 5 U.S.C. 601–612, it is hereby certified that these regulations will not significantly affect a substantial number of small entities. The proposed rule imposes no duties or obligations on small entities.

List of Subjects in 31 CFR Part 1

Privacy.

Part 1 of Title 31 of the Code of Federal Regulations is amended as follows:

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

Authority: 5 U.S.C. 301, 31 U.S.C. 321, Subpart A also issued under 5 U.S.C. 552, as amended. Subpart C also issued under 5 U.S.C. 552a.

§ 1.36 [Amended]

2. Section 1.36 of Subpart C is amended by adding the following text in numerical order to the table in paragraph (b)(1) under the heading THE INTERNAL REVENUE SERVICE:

* * * * *

(b) *	*	*
(1)	*	*
Name of system	Number	
*	*	*
IRS Third Party Contact Reprisal Records	00.334	*
*	*	*
*	*	*

Dated: August 29, 2000.

W. Earl Wright, Jr.,
Chief Management and Administrative Programs Officer.

[FR Doc. 00-27416 Filed 10-24-00; 8:45 am]

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DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 311

[OSD Privacy Program]

Privacy Act of 1974; Implementation

AGENCY: Office of the Secretary, DoD.

ACTION: Proposed rule.

SUMMARY: The Defense Department is amending its Privacy Act regulations to include specific language for providing periodic Privacy Act training for DoD personnel who may be expected to deal with the news media or the public. This amendment is triggered by a change made to its Privacy Program.

DATES: Comments must be received by December 26, 2000 to be considered by the agency.

ADDRESSES: Send comments to the OSD Privacy Act Officer, Washington Headquarter Services, Correspondence and Directives Division, Records Management Division, 1155 Defense Pentagon, Washington, DC 20301-1155.

FOR FURTHER INFORMATION CONTACT: Mr. David Bosworth at (703) 588-0159.

SUPPLEMENTARY INFORMATION:

Executive Order 12866

It has been determined that this Privacy Act rule for the Department of Defense does not constitute 'significant regulatory action.' Analysis of the rule indicates that it does not have an annual effect on the economy of \$100 million or more; does not create a serious inconsistency or otherwise interfere with an action taken or planned by another agency; does not materially alter the budgetary impact of entitlements,

grants, user fees, or loan programs or the rights and obligations of recipients thereof; does not raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in Executive Order 12866.

Regulatory Flexibility Act

It has been determined that this Privacy Act rule for the Department of Defense does not have significant economic impact on a substantial number of small entities because it is concerned only with the administration of Privacy Act systems of records within the Department of Defense.

Paperwork Reduction Act

It has been determined that this Privacy Act rule for the Department of Defense imposes no information requirements beyond the Department of Defense and that the information collected within the Department of Defense is necessary and consistent with 5 U.S.C. 552a, known as the Privacy Act, and 44 U.S.C. Chapter 35.

List of Subjects in 32 CFR Part 311

Privacy.

Part 311 is amended as follows:

1. The authority citation for 32 CFR part 311 continues to read as follows:

Authority: Pub. L. 93-579, 88 Stat. 1896 (5 U.S.C. 552a).

2. Section 311.5(a)(7)(ii) is revised to read as follows:

§ 311.5 Responsibilities.

* * * * *

(a) *

(7) *

(ii) Provide guidance and training to organizational entities as required by 5 U.S.C. 552a and OMB Circular A-130. Periodic training will be provided to public affairs officers and others who may be expected to deal with the news media or the public.

* * * * *

Dated: October 18, 2000.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 00-27322 Filed 10-24-00; 8:45 am]

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DEPARTMENT OF DEFENSE

Department of the Air Force

32 CFR Part 935

RIN 0701-AA65

Wake Island Code

AGENCY: Department of the Air Force, DoD.

ACTION: Proposed rule.

SUMMARY: The Department of the Air Force proposes to revise the Wake Island Code. The current Wake Island Code was promulgated in 1972 when the Air Force had a significant military and civilian presence on the island. In 1994, the Air Force terminated operations on the island and removed its personnel. The small number of personnel currently on the island work for the Department of the Army or its contractors. It is not anticipated that Wake Island will again host a large permanent population. Because of the change in use and the passage of time, it is necessary to revise and update the Code to reflect current and anticipated use. The public is invited to submit comments on these changes to the point of contact listed below.

DATES: Submit comments on or before December 26, 2000.

ADDRESSES: Address all comments concerning this proposed rule to Mr. Philip Sheuerman, Associate General Counsel, Department of the Air Force, SAF/GCN, Room 4C921, 1740 Air Force Pentagon, Washington, DC 20330-1740.

FOR FURTHER INFORMATION CONTACT: Mr. Philip Sheuerman, 703-695-4691.

SUPPLEMENTARY INFORMATION: This action is authorized by Sec. 48, Act of 12 July 1960, 74 Stat. 424, Pub. L. 86-624; E.O. 11048, Sept. 1, 1962, 27 FR 8851; agreement between the Department of Interior and Department of the Air Force, dated June 19, 1972, 37 FR 12255; and Secretary of the Air Force Order 111.1, dated April 26, 1999.

Wake Island, including Peale and Wilkes Islands, is a possession of the United States. It is owned by the United States and is currently under the real property accountability of the Department of the Air Force. Wake Island does not have any aboriginal population and has been occupied intermittently since its accession to the United States by United States military and civilian personnel (excluding the period of Japanese occupation during World War II). The Air Force assumed jurisdiction and control from the Federal Aviation Administration in 1972 and operated an air base there