

PART 123—CUSTOMS RELATIONS WITH CANADA AND MEXICO

1. The general authority citation for part 123 is revised to read as follows:

Authority: 19 U.S.C. 66, 1202 (General Note 20, Harmonized Tariff Schedule of the United States (HTSUS)), 1431, 1433, 1624;
* * * * *

PART 128—EXPRESS CONSIGNMENTS

1. The authority citation for part 128 continues to read as follows:

Authority: 19 U.S.C. 66, 1202 (General Note 20, Harmonized Tariff Schedule of the United States (HTSUS)), 1321, 1484, 1498, 1551, 1555, 1556, 1565, 1624.

§ 128.24 [Amended]

2. In § 128.24, the second sentence in paragraph (e) is amended by adding the words “on the manifest” following the words “Such shipments must be segregated”.

PART 143—SPECIAL ENTRY PROCEDURES

1. The authority for part 143 continues to read as follows:

Authority: 19 U.S.C. 66, 1481, 1484, 1498, 1624.

2. In § 143.23, paragraph (j)(5) is amended by removing the word “and”; paragraph (j)(6) is redesignated paragraph (j)(7); and by adding a new paragraph (j)(6) to read as follows:

§ 143.23 Form of entry.

* * * * *
(j) * * *
(6) Shipping weight; and
* * * * *

§ 143.26 [Amended]

3. In § 143.26, paragraphs (a) and (b) are each amended by adding the words “, using reasonable care,” after the words “may be entered”.

PART 159—LIQUIDATION OF DUTIES

1. The authority citation for part 159 is revised to read as follows:

Authority: 19 U.S.C. 66, 1500, 1504, 1624. Subpart C also issued under 31 U.S.C. 5151. Additional authority and statutes interpreted or applied are cited in the text or following the sections affected.

PART 178—APPROVAL OF INFORMATION COLLECTION REQUIREMENTS

1. The authority citation for part 178 continues to read as follows:

Authority: 5 U.S.C. 301; 19 U.S.C. 1624; 44 U.S.C. 3501 *et seq.*

2. Section 178.2 is amended by adding, in appropriate numerical order according to the section number under the column indicated, the following information to read as follows:

	19 CFR section description	OMB control No.
* * * * *		
§ 128.21	Specific description of merchandise.	1515-0069
§ 128.23	Requirement of submission of Customs-approved bar-coded entry numbers for ACS processing.	1515-0069
§ 128.24	Requirement for Invoice, Advance Manifest, or Immediate Delivery application form.	1515-0069
* * * * *		
§ 141.4	Requirement to make entry unless specifically exempt.	1515-0065
§ 143.23	Requirement to file entry summary form.	1515-0065

Michael H. Lane,
Acting Commissioner of Customs.
Approved: March 20, 1995.
John P. Simpson,
Deputy Assistant Secretary of the Treasury.
[FR Doc. 95-9192 Filed 4-13-95; 8:45 am]
BILLING CODE 4820-02-P

SOCIAL SECURITY ADMINISTRATION

20 CFR Chapter III and Part 423

RIN 0960-AE07

Service of Process

AGENCY: Social Security Administration.
ACTION: Final rules.

SUMMARY: The Social Security Independence and Program Improvements Act of 1994 (SSIPIA), established the Social Security Administration (SSA) as an independent agency in the Executive Branch of the U.S. Government effective March 31, 1995. The Social Security Administration will continue to be responsible for the administration of the old-age, survivors, and disability insurance (OASDI) and the Supplemental Security Income (SSI) programs. The SSA is also required to continue to assist in the administration of the Medicare program, the Black Lung program, and the Coal Industry Retirees Health Benefits Act. Prior to

March 31, 1995, SSA was an operating component of the Department of Health and Human Services (DHHS). These final rules generally adopt as SSA rules the same procedures and practices on service of legal process applicable to DHHS. These final rules also remove “Department of Health and Human Services” from the heading of Chapter III of title 20 of the Code of Federal Regulations.

EFFECTIVE DATE: April 14, 1995.

FOR FURTHER INFORMATION CONTACT: Harry J. Short, Legal Assistant, 3-B-1 Operations Building, 6401 Security Boulevard, Baltimore, MD 21235, (410) 965-6243.

SUPPLEMENTARY INFORMATION:

Background

The rules at 45 CFR Part 4, entitled Service of Process, prescribe the procedures DHHS follows regarding service of legal process in lawsuits brought against the Department and its employees and in other process directed at the Department or its employees. These final rules adopt, with minor changes, the same procedures and practices set out in 45 CFR Part 4 that were applicable to SSA when it was a component of DHHS. All changes are technical, that is, changes in names, titles, addresses and legal citations. The changes in legal citations are due to changes to the Federal Rules of Civil Procedure (FRCP) effective December 1, 1993.

DHHS Policies Continued by SSA

These final rules contain SSA’s method of service of legal process and reflect Rule 4 of the FRCP regarding service of process in civil litigation in Federal courts, including service on Federal agencies and officials. Rule (4)(i) specifies that service on a Federal agency or officer is to be made by sending a copy of the summons and complaint to the officer or agency by registered or certified mail.

These final rules also provide that service of a summons and complaint on SSA or on any SSA official sued in his or her official capacity may be made by mailing a copy to SSA’s General Counsel. Such service will constitute service on SSA or the official, as required by Rule 4 of the FRCP. Process mailed directly to SSA’s General Counsel will avoid the delays encountered when documents must be transferred from other offices.

The General Counsel will also accept service of subpoenas and other process served on the Commissioner or on SSA. These final rules specify certain employees in the Office of the General

Counsel who are authorized to accept such process when it is served by an individual personally rather than mailed. Subpoenas and other legal process directed to other than the specified officials of SSA will not be accepted unless special arrangements for acceptance of process are made in a particular case.

The Office of the General Counsel is authorized, but not required, to accept service of summonses and complaints initiating lawsuits against an SSA employee when the employee is sued in his or her individual capacity and the suit relates to the employee's official duties. Such service must nevertheless be accomplished in accordance with the provisions of Rule 4 applicable to service on individual defendants or, in the case of suits brought in State courts, in accordance with the applicable State requirements.

These final rules state that SSA will not ordinarily provide a receipt or other acknowledgment of process received, except for a return receipt associated with certified mail. Plaintiffs mailing a summons and complaint sometimes have enclosed a form by which they seek acknowledgment of receipt of the process. Completion of such forms is not required or contemplated by Rule 4. Since completion of the forms is time-consuming and creates unnecessary work for SSA employees, these rules reiterate the continuing practice of not returning such forms. Where an SSA official is sued in his or her individual capacity however, and service is accomplished pursuant to Rule 4(e) of the FRCP, SSA may return the acknowledgment form described in Rule 4(e).

Regulatory Procedures

SSA follows the Notice of Proposed Rulemaking and public comment procedures specified in the Administrative Procedure Act (the APA), 5 U.S.C. 553 (b) and (c), in the development of its regulations. The APA provides exceptions to its notice and public comment procedures when an agency finds there is good cause for dispensing with such procedures on the basis that they are impracticable, unnecessary, or contrary to the public interest. We have determined that, since these final rules generally reflect a continuation of the procedures and practices in effect when SSA was a component of DHHS, notice of proposed rulemaking and public comment procedures are unnecessary. The only changes are revisions in names, addresses, titles, legal citations and a heading. In addition, these final rules provide only rules of practice and

procedure which do not require public comment procedures.

Executive Order (E.O.) No. 12866

We have consulted with the Office of Management and Budget (OMB) and determined that these rules do not meet the criteria for a significant regulatory action under E.O. 12866. Thus, they were not subject to OMB review.

Regulatory Flexibility Act

We certify that these final rules will not have a significant economic impact on a substantial number of small entities because these rules affect only individuals and States. Therefore, a regulatory flexibility analysis as provided in Pub. L. 96-354, the Regulatory Flexibility Act, is not required.

Paperwork Reduction Act

These final rules impose no additional reporting and recordkeeping requirements subject to OMB clearance.

(Catalog of Federal Domestic Assistance Program Nos. 93.802, Social Security-Disability Insurance; 93.803, Social Security-Retirement Insurance; 93.805, Social Security-Survivors Insurance; 93.806, Special Benefits for Disabled Coal Miners; 93.807, Supplemental Security Income)

List of Subjects in 20 CFR Part 423

Courts.

Approved: March 30, 1995.
Shirley S. Chater,

Commissioner of Social Security.

For the reasons set out in the preamble and under the authority of 42 U.S.C. 1302, Chapter III of Title 20 of the Code of Federal Regulations is amended as follows:

1. The heading for Chapter III of Title 20 of the Code of Federal Regulations is revised to read as follows:

CHAPTER III—SOCIAL SECURITY ADMINISTRATION

2. A new part 423 is added to read as follows:

PART 423—SERVICE OF PROCESS

Sec.

- 423.1 Suits against the Social Security Administration and its employees in their official capacities.
 - 423.3 Other process directed to the Social Security Administration or the Commissioner.
 - 423.5 Process against Social Security Administration officials in their individual capacities.
 - 423.7 Acknowledgment of mailed process.
 - 423.9 Effect of regulations in this part.
- Authority: 42 U.S.C. 901.

§ 423.1 Suits against the Social Security Administration and its employees in their official capacities.

Summonses and complaints to be served by mail on the Social Security Administration, the Commissioner of Social Security, or other employees of the Social Security Administration in their official capacities should be sent to the General Counsel, Social Security Administration, Room 611, Altmeyer Building, 6401 Security Boulevard, Baltimore, MD 21235.

§ 423.3 Other process directed to the Social Security Administration or the Commissioner.

Subpoenas and other process (other than summonses and complaints) that are required to be served on the Social Security Administration or the Commissioner of Social Security in his or her official capacity should be served as follows:

(a) If authorized by law to be served by mail, any mailed process should be sent to the General Counsel, Social Security Administration, Room 611, Altmeyer Building, 6401 Security Boulevard, Baltimore, MD 21235.

(b) If served by an individual, the process should be delivered to the mail room staff in the Office of the General Counsel, Room 611, 6401 Security Blvd., Baltimore, MD 21235 or, in the absence of that staff, to any Deputy General Counsel or secretary to any Deputy General Counsel of the Social Security Administration.

§ 423.5 Process against Social Security Administration officials in their individual capacities.

Process to be served on Social Security Administration officials in their individual capacities must be served in compliance with the requirements for service of process on individuals who are not governmental officials. The Office of the General Counsel is authorized but not required to accept process to be served on Social Security Administration officials in their individual capacities if the suit relates to an employee's official duties.

§ 423.7 Acknowledgment of mailed process.

The Social Security Administration will not provide a receipt or other acknowledgment of process received, except for a return receipt associated with certified mail and, where required, the acknowledgment described in rule 4(e) of the Federal Rules of Civil Procedure (28 U.S.C. App. 4(e)).

§ 423.9 Effect of regulations in this part.

The regulations in this part are intended solely to identify Social

Security Administration officials who are authorized to accept service of process. Litigants must comply with all requirements pertaining to service of process that are established by statute and court rule even though they are not repeated in this part.

[FR Doc. 95-9030 Filed 4-13-95; 8:45 am]
BILLING CODE 4190-29-P

DEPARTMENT OF LABOR

Employment and Training Administration

20 CFR Part 638

Job Corps: Allowances and Allotments

AGENCY: Employment and Training Administration, Labor.

ACTION: Final rule.

SUMMARY: Job Corps is amending its regulations on student allowances and allotments. The objectives are: to increase the length of enrollment requirements for readjustment allowance eligibility, in order to encourage students to lengthen their enrollment and maximize Job Corps offerings and benefits; and to amend the allotment section to coincide with revisions in readjustment allowance accrual.

EFFECTIVE DATE: May 15, 1995.

FOR FURTHER INFORMATION CONTACT: Dana Davidson Johnson, Office of Job Corps, Division of Program Management and Review. Telephone: (202) 219-6568 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION: Job Corps is implementing a new pay and allotment system which will provide students with enough money to meet their basic needs, while adding greater incentives than are available in the current system to encourage student retention, performance, program completion, and length of enrollment. The rule enables the Job Corps Director to increase the number of paid days for eligibility for readjustment allowances. This will encourage students to stay in the program longer. Students thus can be better prepared for employment, particularly because this added time will encourage students to acquire social skills along with vocational and academic training.

Payroll will be conducted on a biweekly schedule versus the current twice-monthly procedure. The rule ties into the implementation of the new Student Pay, Allowance and Management Information System (SPAMIS) utilized by Job Corps. The

new pay system will be much more responsive than the current system, with individual student pay levels and leave status maintained on a current basis and status changes made by the Job Corps Centers as they occur. The rule allows the accrual of readjustment allowances to be set for each paid day and allotments to be processed on a biweekly basis.

This was published as a proposed rule, with a request for comments, on November 1, 1994, 59 FR 54539-54540. Only one comment was received in response to the proposed rule—the Georgia Department of Labor encourages Job Corps to promulgate the rule in final as proposed. The Department of Labor agrees and in this document is doing so.

This rule applies only to allowances and allotments for Job Corps students. The rule is not classified as a "significant regulatory action" under Executive Order 12866, "Regulatory Planning and Review". It does not (1) materially alter the budgetary impact of entitlements or the rights and obligations of recipients thereof; or (2) raise novel legal or policy issues arising out of legal mandates in the President's priorities. It is not likely (3) to result in having an annual effect on the economy of \$100 million or more; or (4) to create a serious inconsistency or interfere with action taken or planned by another agency. As required by the Regulatory Flexibility Act, the Department of Labor at the time the proposed rule was published, notified the Chief Counsel for Advocacy, Small Business Administration, and made the certification pursuant to 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 20 CFR Part 638

Contract programs, Labor, Training and employment programs.

Final Rule

Accordingly, 20 CFR part 638 is amended as follows:

1. The authority for part 638 continues to read as follows:

Authority: 29 U.S.C. 1579(a).

2. In § 638.524, paragraphs (b) and (c) are revised to read as follows:

§ 638.524 Allowances and allotments.

* * * * *

(b) The Job Corps Director shall ensure that each student receives a readjustment allowance for each paid day of satisfactory participation in Job Corps after termination from the program if he/she terminates after 210 days in pay status or after 180 days if

he/she is a maximum benefits or vocational completer. In the event that a student receives a medical termination, he/she shall be eligible for the accrued readjustment allowance, regardless of length of stay or other considerations. See also paragraph (d) of this section. (Section 429(c)).

(c) The Job Corps Director shall establish procedures to allow students to authorize deductions from their readjustment allowance, which shall be matched by an equal amount from Job Corps funds and sent biweekly as an allotment by the SPAMIS Data Center to the student's spouse, child(ren) or other dependent, if such spouse, child(ren) or other dependent resides in any State in the United States.

* * * * *

Signed at Washington, DC, this 3rd day of April 1995.

Robert B. Reich,
Secretary of Labor.

[FR Doc. 95-9277 Filed 4-13-95; 8:45 am]
BILLING CODE 4510-30-M

Occupational Safety and Health Administration

29 CFR Part 1960

Basic Program Elements for Federal Employee Occupational Safety and Health Programs; Recordkeeping Requirements

AGENCY: Occupational Safety and Health Administration, Labor.

ACTION: Final rule.

SUMMARY: OSHA is amending the recordkeeping requirements of its basic program element for Federal employee occupational safety and health programs. The changes hereby being made in 29 CFR part 1960 reflect the reporting requirements for private sector employers set forth at 29 CFR 1904.8.

EFFECTIVE DATE: This regulation is effective April 14, 1995.

FOR FURTHER INFORMATION CONTACT: Mr. John E. Plummer, Director, Office of Federal Agency Programs, Room N3112, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C., 20210 (202-219-9329).

SUPPLEMENTARY INFORMATION: This modification to the requirements for reporting of fatalities and catastrophes occurring in Federal agencies set forth at 29 CFR 1960.70 is undertaken to make the reporting of such occurrences involving employees of the Federal government the same as those in private industry. The Federal workers should enjoy the same level of protection afforded an employee in the private