

determination with respect to the labeling of vodka. Therefore, the ATF is directed to conduct a study, in consultation with industry members, to determine whether a more reasonable industry standard can be established that better balances the interests of the consumer, the industry, and the government."

Accordingly, as a result of Public Law 104-52, ATF is amending 27 CFR § 5.23(a)(3) to remove the 300 ppm citric acid limitation requirement set by T.D. ATF-360 pending further study. During the pendency of such study, ATF will continue to allow the use of up to 1,000 ppm of citric acid in distilling vodka without changing its designation as "vodka," subject to the applicable formula requirements.

Notice and Public Procedure

Because this final rule implements a specific Federal statutory requirement prescribed by section 528 of Public Law 104-52, and in view of the immediate need for guidance to the industry with respect to compliance with applicable regulations, it is found to be impractical and contrary to the public interest to issue this rule with notice and public procedure under 5 U.S.C. 553(b) or subject to the effective date limitation of 5 U.S.C. 553(d).

Regulatory Flexibility Act

The provisions of the Regulatory Flexibility Act relating to a final regulatory flexibility analysis (5 U.S.C. 604) are not applicable to this final rule because the agency was not required to publish a general notice of proposed rulemaking under 5 U.S.C. 553 or any other law.

Executive Order 12866

It has been determined that this regulation is not a significant regulatory action as defined in E.O. 12866 because (1) it will not have an annual effect on the economy of \$100 million or more or adversely affect in a material way the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal communities; (2) create a serious inconsistency or otherwise interfere with an action taken or planned by another agency; (3) materially alter the budgetary impact of entitlement, grants, user fees, or loan programs, or the rights and obligations of recipients thereof; or (4) raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in Executive Order 12866.

Paperwork Reduction Act

The provisions of the Paperwork Reduction Act of 1980, Public Law 96-511, 44 U.S.C. Chapter 35, and its implementing regulations, 5 CFR Part 1320, do not apply to this final rule because no requirement to collect information is imposed.

Disclosure

Copies of the notices, the Treasury decision, and all comments are available for public inspection during normal business hours at: ATF Reading Room, Room 6300, 650 Massachusetts Avenue NW., Washington, DC.

Drafting Information: The principal author of this document is David W. Brokaw, Wine, Beer, and Spirits Regulations Branch, Bureau of Alcohol, Tobacco, and Firearms.

List of Subjects in 27 CFR Part 5

Advertising, Consumer protection, Customs duties and inspection, Imports, Labeling, Liquors, Packaging and Containers.

Authority and Issuance

27 CFR Part 5—Labeling and Advertising of Distilled Spirits, is amended as follows:

PART 5—LABELING AND ADVERTISING OF DISTILLED SPIRITS

Paragraph 1. The authority citation for 27 CFR part 5 continues to read as follows:

Authority: 26 U.S.C. 5301, 7805, 27 U.S.C. 205.

Par. 2 Section 5.23(a)(3)(iii) is revised to read as follows:

§ 5.23 Alterations of class and type

(a) *Additions.* * * *

(3) * * * (iii) any material whatsoever in the case of neutral spirits or straight whiskey, except that vodka may be treated with sugar in an amount not to exceed 2 grams per liter and a trace amount of citric acid.

* * * * *

Par. 3 Section 5.23(c)(2) is removed.

Signed: December 11, 1995.

Daniel R. Black,
Acting Director.

Approved: December 13, 1995.

Dennis M. O'Connell,
Acting Deputy Assistant Secretary (Regulatory, Tariff, & Trade Enforcement)
[FR Doc. 95-31505 Filed 12-28-95; 8:45 am]
BILLING CODE 4810-31-M

PENSION BENEFIT GUARANTY CORPORATION

29 CFR Part 2607

RIN 1212-63

Disclosure and Amendment of Records Under the Privacy Act

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Final rule.

SUMMARY: The Pension Benefit Guaranty Corporation is amending its regulations implementing the Privacy Act of 1974, as amended. This rule amends part 2607 to describe more accurately the exemption applicable to certain records maintained by the PBGC in view of changes to PBGC's Privacy Act systems of records and to increase the PBGC's standard copying fee.

EFFECTIVE DATE: January 29, 1996.

FOR FURTHER INFORMATION CONTACT: D. Bruce Campbell, Attorney, Office of the General Counsel, Pension Benefit Guaranty Corporation, 1200 K Street, NW., Washington, DC 20005-4026, 202-326-4123 (202-326-4179 for TTY and TDD). (These are not toll-free numbers.)

SUPPLEMENTARY INFORMATION: On November 15, 1995, the PBGC published in the Federal Register (60 FR 57372) a proposed rule amending part 2607 of its regulations implementing the Privacy Act of 1974, as amended ("Privacy Act") (5 U.S.C. 552a). The PBGC received no comments during the comment period and this final rule amends the regulations as proposed.

The final rule increases the fee the PBGC charges for record copies furnished to individuals, from \$0.10 to \$0.15 per page, the same fee as the PBGC charges for copies furnished to individuals under the Freedom of Information Act. The amendment increases from \$1.00 to \$1.50 the threshold amount under which the agency does not assess a fee.

Because the PBGC is dividing an existing Privacy Act system of records into two systems of records, PBGC-5 (retitled Personnel Files—PBGC) and PBGC-12 (Personnel Security Investigation Records—PBGC), the final rule moves the exemption from certain provisions of the Privacy Act to PBGC-12.

E.O. 12866 and the Regulatory Flexibility Act

The PBGC has determined that this action is not a "significant regulatory action" under the criteria set forth in Executive Order 12866.

Based on fees assessed in the past, the PBGC estimates that the copying fee

increase under the final rule will raise the total amount of fees assessed annually by less than \$1,000. In view of the small increase in anticipated costs, the PBGC certifies that the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), does not apply because the rule will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 29 CFR Part 2607

Privacy.

For the reasons set forth above, the PBGC is amending 29 CFR Part 2607 as follows:

PART 2607—DISCLOSURE AND AMENDMENT OF RECORDS UNDER THE PRIVACY ACT

1. The authority citation for Part 2607 continues to read as follows:

Authority: 5 U.S.C. 552a.

2. Paragraph (a) of § 2607.1 is amended by removing “which” and adding, in its place, “that” and by adding “or her” after “his” in the first sentence.

3. In § 2607.2, is amended by adding “or her” after “his” both times it appears.

4. Sections 2607.3 (a) and (c), 2607.4 (a) and (c), 2607.5(a), 2607.6(c), 2607.7 (b) and (c), and 2607.8 (b) and (c) and the introductory text of § 2607.9 are amended by adding “or her” after “his” and after “him” each time either “his” or “him” appears.

5. The second sentence of § 2607.3(b), the second sentence of § 2607.4(b), and the third sentence of § 2607.6(b) are amended by removing “he” and adding, in its place, “the disclosure officer”.

6. Paragraph (d) of § 2607.4 is amended by adding “or she” after “he”.

7. Paragraph (b) of § 2607.5 is amended by removing “his choosing” and adding, in its place, “his or her choosing”; by removing “he shall” and adding, in its place, “the requestor shall”; by removing “he wishes” and adding, in its place, “he or she wishes”; by removing “accompany him” and adding, in its place “accompany him or her”; by removing “his record” and adding, in its place, “the record”; and by removing “to him” and adding, in its place, “to him or her”.

8. Paragraph (d) of § 2607.8 is amended by removing “If an individual requests” and adding, in its place, “To request”; by removing “review, he” and adding, in its place, “review, an individual”; and by removing “Counsel and he” and adding, in its place, “Counsel, who”.

9. Paragraph (a) of § 2607.9 is amended by removing “\$0.10” and

adding, in its place, “\$0.15” in the first sentence and by removing “\$1.00” and adding, in its place, “\$1.50” in the second sentence.

10. In § 2607.10, the first paragraph is amended by adding “Security Investigation” after “Personnel” and by removing “that the identity of the source would be held in confidence” both times it appears and adding, in its place, “of confidentiality”; and the second paragraph is amended by removing “for employment” and adding, in its place, “and fitness for PBGC employment, access to information, and security clearances” and by adding “the” before “PBGC”.

Issued in Washington, DC this 26th day of December 1995.

Martin Slate,

Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 95-31526 Filed 12-28-95; 8:45 am]

BILLING CODE 7708-01-P

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 169a

[DoD Instruction 4100.33]

Commercial Activities Program Procedures

AGENCY: Office of the Secretary of Defense, DoD.

ACTION: Final rule.

SUMMARY: This part removes the requirement to place every DoD employee in a comparable position prior to converting a function with 10 full time equivalents or less to contract, sets maximum study times for cost comparisons, removes the requirement to make congressional reports only when Congress is in session, and makes minor administrative corrections. It also establishes procedures and criteria for use by DoD Components to determine whether DoD commercial activities should be performed by DoD personnel in-house or by contract with commercial sources.

EFFECTIVE DATE: June 12, 1995.

FOR FURTHER INFORMATION CONTACT: Earl DeHart, Program Manager, 400 Army/Navy Drive, Suite 206, Arlington, Virginia 22202-2884.

SUPPLEMENTARY INFORMATION: On January 4, 1995, the Department of Defense published a proposed amendment to 32 CFR part 169a in the Federal Register (60 FR 417) bringing DoD guidance on commercial activities up-to-date. No comments were received

from the private sector. Some changes were recommended by DoD Components and most were incorporated. It has been certified that this final rule is not a significant regulatory action. The rule does not:

(1) Have an annual effect on the economy of \$100 million or more adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities; planned by another agency;

(2) Create a serious inconsistency or otherwise interfere with an action taken or

(3) Materially alter the budgetary impact of entitlements grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

(4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in Executive Order 12866. Further, it has been certified that this rule is not subject to the Regulatory Flexibility Act (5 U.S.C. 601) because the Services and Department agencies administering the rule will show a reduction in administrative costs and other burdens resulting from the simplification and clarification of direct conversion policies when this proposed rule is issued as a final rule. Finally, it has been certified that this proposed rule does not impose any additional reporting or record keeping requirements prohibited under the Paperwork Reduction Act of 1980.

List of Subjects in 32 CFR Part 169a

Armed forces, Government procurement.

Accordingly, 32 CFR Part 169a is amended as follows:

PART 169A—COMMERCIAL ACTIVITIES PROGRAM PROCEDURES

1. The authority citation for Part 169a continues to read as follows:

Authority: 5 U.S.C. 301 and 552.

2. Subpart B—Procedures is amended by adding a § 169a.19 to read as follows:

Subpart B—Procedures—[Amended]

§ 169a.19 Study limits.

No DoD funds shall be available to perform any cost study pursuant to the provisions of OMB Circular A-76 if the study being performed exceeds a period of 24 months after initiation of such study with respect to a single function activity or 48 months after initiation of such study for a multi-function activity.

3. Section 169a.21 is amended in paragraph (a) by removing “DD-P&L