

send the following: (a) Initial FOIA requests, (b) Privacy Act requests for notification, access to records, accountings of disclosure, and amendment of records, (c) FOIA and Privacy Act administrative appeals of initial determinations, and (d) service of process.

Also, we have identified the new official responsible for reviewing FOIA administrative appeals of initial determinations to deny records and for making appellate decisions on initial determinations refusing amendment of records under the Privacy Act. The existing regulations name the "Commissioner of the Public Debt" as the reviewing official. We have determined that the reviewing official should be changed to the "Executive Director, Administrative Resource Center, Bureau of the Public Debt."

These regulations are being published as a final rule because the amendment does not impose any requirements on any member of the public. This amendment is the most efficient means for us to implement internal requirements for complying with FOIA and the Privacy Act. Pursuant to the administrative procedure provisions in 5 U.S.C. 553, we find good cause that prior notice and other public procedure with respect to this rule are impracticable and unnecessary. We find good cause for making this rule effective on the date of publication in the **Federal Register**.

In accordance with Executive Order 12866, it has been determined that this final rule is not a "significant regulatory action" and, therefore, does not require a Regulatory Impact Analysis.

Because no notice of proposed rulemaking is required, the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) do not apply.

#### List of Subjects in 31 CFR Part 1

Freedom of Information, 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 and 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.

#### PART 1—[AMENDED]

##### Subpart A—Freedom of Information Act

2. Amend 31 CFR part 1, subpart A, Appendix I-Bureau of the Public Debt to revise paragraphs 3, 4, and 5 to read as follows:

#### Appendix I-Bureau of the Public Debt

\* \* \* \* \*

3. *Requests for records.* Initial determinations under 31 CFR 1.5(h) whether to grant requests for records will be made by the Disclosure Officer of the Bureau of the Public Debt. Requests may be sent to: Freedom of Information Act Request, Disclosure Officer, Administrative Resource Center, Bureau of the Public Debt, Department of the Treasury, 200 Third Street, Room 211, Parkersburg, WV 26101-5312.

4. *Administrative appeal of initial determination to deny records.* Appellate determinations under 31 CFR 1.5(i) with respect to records of the Bureau of the Public Debt will be made by the Executive Director, Administrative Resource Center, Bureau of the Public Debt. Appeals may be sent to: Freedom of Information Act Appeal, Executive Director, Administrative Resource Center, Bureau of the Public Debt, Department of the Treasury, 200 Third Street, Room 211, Parkersburg, WV 26101-5312.

5. *Delivery of process.* Service of process will be received by the Chief Counsel, Bureau of the Public Debt, or the delegate of such officer, and shall be delivered to the following location: Chief Counsel's Office, Bureau of the Public Debt, 200 Third Street, Room G-15, Parkersburg, WV 26106-1328.

\* \* \* \* \*

#### Subpart C—Privacy Act

3. Amend 31 CFR part 1, Subpart C, APPENDIX I—BUREAU OF THE PUBLIC DEBT, paragraph 2, by revising the last sentence to read as follows:

2. \* \* \* Requests for information and specific guidance on where to send requests for records may be mailed or delivered personally to: Privacy Act Request, Disclosure Officer, Administrative Resource Center, Bureau of the Public Debt, Department of the Treasury, 200 Third Street, Room 211, Parkersburg, WV 26101-5312.

4. Amend 31 CFR part 1, subpart C, APPENDIX I—BUREAU OF THE PUBLIC DEBT, paragraph 3, by removing in the last sentence, "Information Officer, Bureau of the Public Debt, Department of the Treasury, 999 E Street NW., Room 553, Washington, DC 20239." and adding in its place "Disclosure Officer, Administrative Resource Center, Bureau of the Public Debt, Department of the Treasury, 200 Third Street, Room 211, Parkersburg, WV 26101-5312."

5. Amend 31 CFR part 1, subpart C, APPENDIX I—BUREAU OF THE PUBLIC DEBT, paragraph 4 as follows:

a. Remove "Commissioner of the Public Debt" and add in its place "Executive Director, Administrative Resource Center, Bureau of the Public Debt;"

b. Remove "999 E Street NW., Room 503, Washington, DC 20239." and add in its place "200 Third Street, Room G-15, Parkersburg, WV 26106-1328."

6. Amend 31 CFR part 1, subpart C, APPENDIX I—BUREAU OF THE PUBLIC DEBT, paragraph 6, by removing "999 E Street NW., Room 503, Washington, DC 20239." and adding in its place "200 Third Street, Room G-15, Parkersburg, WV 26106-1328."

Dated: April 15, 2002.

**W. Earl Wright, Jr.,**

*Chief Management and Administrative Programs Officer.*

[FR Doc. 02-11885 Filed 5-13-02; 8:45 am]

**BILLING CODE 4810-39-P**

#### DEPARTMENT OF THE TREASURY

##### 31 CFR Part 1

[Docket No. 02-06]

**RIN 1557-AB83**

##### Office of the Comptroller of the Currency; Privacy Act of 1974; Implementation

**AGENCY:** Office of the Comptroller of the Currency, Treasury.

**ACTION:** Final rule; technical amendment.

**SUMMARY:** In accordance with the requirements of the Privacy Act of 1974, as amended, the Office of the Comptroller of the Currency (OCC) and the Department of the Treasury (Department) issue a final rule to exempt five OCC systems of records from certain provisions of the Privacy Act. The OCC and the Department also issue a technical amendment made necessary by the renumbering and renaming of one revised system of records that previously had been exempted from certain provisions of the Privacy Act.

**EFFECTIVE DATE:** May 14, 2002.

##### FOR FURTHER INFORMATION CONTACT:

Harold J. Hansen, Assistant Director, or Ellen S. Warwick, Special Counsel, Administrative & Internal Law Division, (202) 874-4460.

**SUPPLEMENTARY INFORMATION:** On October 26, 2001, the OCC, with the concurrence of the Department, published a notice of proposed rulemaking to exempt five systems of records from certain provisions of the Privacy Act of 1974, as amended (66 FR 54175-54178, October 26, 2001). This notice of proposed rulemaking was published in the same **Federal Register** in which the OCC published notices of five new Privacy Act systems of records (66 FR 54327-54333) and proposed alterations to six Privacy Act systems of records (66 FR 54333-54340). The notice of proposed rulemaking reflected

that three of the new systems of records would be exempted from provisions of the Privacy Act pursuant to 5 U.S.C. 552a(j)(2), 552a(k)(2), or both. These systems were: (1) Treasury/Comptroller .100-Enforcement Action Report System; (2) Treasury/Comptroller .120-Bank Fraud Information System; and (3) Treasury Comptroller .220-Section 914 Tracking System. This notice also reflected that two of the five altered systems of records would also be exempted from provisions of the Privacy Act pursuant to 5 U.S.C. 552a(j)(2), 552a(k)(2), or both. These systems were: (1) Treasury/Comptroller .016-Litigation Information System, to be renumbered Treasury/Comptroller .510; and (2) Treasury/Comptroller .004-Consumer Complaint Inquiry and Information System, to be renumbered Treasury/Comptroller .600.

The proposed rule requested that public comments be sent to the Office of the Comptroller of the Currency, Public Information Room, 250 E Street, SW., Washington, DC 20219, no later than November 26, 2001.

The OCC did not receive comments on the proposed rule. Accordingly, the OCC and the Department are hereby giving notice that the following systems of records are exempt from certain provisions of the Privacy Act pursuant to 5 U.S.C. 552a(j)(2): (1) Treasury/Comptroller .120-Bank Fraud Information System; and (2) Treasury/Comptroller .510-Litigation Information System. The provisions of the Privacy Act from which exemption is claimed for these systems pursuant to 5 U.S.C. 552a(j)(2) are: 5 U.S.C. 552a(c)(3) and (4); 5 U.S.C. 552a(d)(1), (2), (3), and (4); 5 U.S.C. 552a(e)(1), (2), and (3); 5 U.S.C. 552a(e)(4)(G), (H), and (I); 5 U.S.C. 552a(f); and 5 U.S.C. 552a(g).

Additionally, the following systems of records are exempt from certain provisions of the Privacy Act pursuant to 5 U.S.C. 552a(k)(2): (1) Treasury/Comptroller .100-Enforcement Action Report System; (2) Treasury/Comptroller .120-Bank Fraud Information System; (3) Treasury/Comptroller .220-Section 914 Tracking System; (4) Treasury/Comptroller .510-Litigation Information System; and (5) Treasury/Comptroller .600-Consumer Complaint Inquiry and Information System. The provisions of the Privacy Act from which exemption is claimed for these five systems pursuant to 5 U.S.C. 552a(k)(2) are: 5 U.S.C. 552a(c)(3); 5 U.S.C. 552a(d)(1), (2), (3), and (4); 5 U.S.C. 552a(e)(4)(G), (H), and (I); and 5 U.S.C. 552a(f).

Finally, a technical amendment to the Department's regulation is issued. This amendment relates to a former system of

records, *i.e.*, Treasury/Comptroller .013-Enforcement and Compliance Information System, for which notice of proposed revisions, including the renumbering and renaming of the system, was provided on October 26, 2001 (66 FR 54333-54340). The technical amendment removes the former number and name of this revised system from the Department's regulation and replaces it with the system's revised number and name, Treasury/Comptroller .110-Reports of Suspicious Activities.

This rule takes effect immediately upon publication in the **Federal Register**. The rule imposes no new requirements on national banks or any member of the public<sup>1</sup> but rather is one means by which the OCC and the Department comply with the Privacy Act. The OCC and the Department find that an immediate effective date will not result in any burden or inconvenience to national banks or members of the public, who have already had adequate notice of the changes contained in the rule.

Accordingly, the OCC and the Department find good cause to conclude that delaying the effective date of this rule is unnecessary. *See* 5 U.S.C. 553 (Administrative Procedure Act delayed effective date provision).

#### Regulatory Flexibility Act

Pursuant to section 605(b) of the Regulatory Flexibility Act, 5 U.S.C. 605(b) (RFA), the regulatory flexibility analysis otherwise required under section 604 of the RFA is not required if the OCC and the Department certify that the rule will not have a significant economic impact on a substantial number of small entities and publish their certification and a short, explanatory statement in the **Federal Register** along with the rule.

Pursuant to section 605(b) of the RFA, the OCC and the Department hereby certify that this final rule will not have a significant economic impact on a substantial number of small entities. The final rule affects only internal agency administration and imposes no duties, obligations, or costs on entities of any size. Accordingly, a regulatory flexibility analysis is not needed.

#### Unfunded Mandates Reform Act of 1995

Section 202 of the Unfunded Mandates Reform Act of 1995, 2 U.S.C. 1532 (Unfunded Mandates Act), requires that the agency prepare a

budgetary impact statement before promulgating any rule likely to result in a Federal mandate that may result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of \$100 million or more in any one year. If a budgetary impact statement is required, section 205 of the Unfunded Mandates Act also requires the agency to identify and consider a reasonable number of regulatory alternatives before promulgating the rule. The OCC and the Department have determined that this final rule will not result in expenditures by State, local, and tribal governments, or by the private sector, of \$100 million or more in any one year. Accordingly, the OCC and the Department have not prepared a budgetary impact statement or specifically addressed the regulatory alternatives considered. As noted above, the final rule adds no new requirements.

#### Executive Order 12866

The OCC and the Department have determined that this final rule is not a significant regulatory action under Executive Order 12866.

#### List of Subjects

Privacy.

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

#### PART 1—[AMENDED]

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

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

2. Section 1.36 of Subpart C is amended as follows:

(a) Paragraph (c)(1)(iii) is amended by removing "CC .013 Enforcement and Compliance Information System" from the table.

(b) Paragraph (c)(1)(iii) is amended by adding "CC .110 Reports of Suspicious Activities," "CC .120 Bank Fraud Information System," and "CC .510 Litigation Information System" to the table in numerical order.

(c) Paragraph (g)(1)(iii) is amended by removing "CC .013 Enforcement and Compliance Information System" from the table.

(d) Paragraph (g)(1)(iii) is amended by adding "CC .100 Enforcement Action Report System," "CC .110 Reports of Suspicious Activities," "CC .120 Bank Fraud Information System," "CC .220 Section 914 Tracking System," "CC .510 Litigation Information System," and "CC .600 Consumer Complaint Inquiry

<sup>1</sup> For this reason, the delayed effective date provision of the Riegle Community Development and Regulatory Improvement Act of 1994, 12 U.S.C. 4802, does not apply.

and Information System" to the table in numerical order.

The additions to § 1.36 read as follows:

**§ 1.36 Systems exempt in whole or in part from provisions of 5 U.S.C. 552a and this part.**

| *             | *                                 | * | * | * |
|---------------|-----------------------------------|---|---|---|
| (c)           | *                                 | * | * |   |
| (1)           | *                                 | * | * |   |
| (iii)         | *                                 | * | * |   |
| Number        | System name                       |   |   |   |
| CC .110 ..... | Reports of Suspicious Activities. |   |   |   |
| CC. 120 ..... | Bank Fraud Information System.    |   |   |   |
| CC .510 ..... | Litigation Information System.    |   |   |   |

|       |   |   |   |   |
|-------|---|---|---|---|
| *     | * | * | * | * |
| (g)   | * | * | * |   |
| (1)   | * | * | * |   |
| (iii) | * | * | * |   |

| Number        | System name  |   |   |   |
|---------------|--|---|---|---|
| *             | *  | * | * | * |
| CC. 100 ..... | Enforcement Action Report System.                  |   |   |   |
| CC. 110 ..... | Reports of Suspicious Activities.                  |   |   |   |
| CC .120 ..... | Bank Fraud Information System.                     |   |   |   |
| CC .220 ..... | Section 914 Tracking System.                       |   |   |   |
| CC .510 ..... | Litigation Information System.                     |   |   |   |
| CC .600 ..... | Consumer Complaint and Inquiry Information System. |   |   |   |

Dated: April 22, 2002.

**W. Earl Wright, Jr.,**

*Chief Management and Administrative Programs Officer.*

[FR Doc. 02-11886 Filed 5-13-02; 8:45 am]

BILLING CODE 4810-33-P

## DEPARTMENT OF DEFENSE

## DEPARTMENT OF VETERANS AFFAIRS

### 38 CFR Part 21

RIN 2900-AL02

### Increased Allowances for the Educational Assistance Test Program

**AGENCIES:** Department of Defense and Department of Veterans Affairs.

**ACTION:** Final rule.

**SUMMARY:** The law provides that rates of subsistence allowance and educational assistance payable under the Educational Assistance Test Program shall be adjusted annually by the Secretary of Defense based upon the average actual cost of attendance at public institutions of higher education in the twelve-month period since the rates were last adjusted. After consultation with the Department of Education, the Department of Defense has concluded that the rates for the 2001-02 academic year should be increased by 4.7% over the rates payable for the 2000-01 academic year. The regulations dealing with these rates are amended accordingly.

**DATES:** Effective Date: May 14, 2002.

**Applicability Date:** The changes in rates are applied retroactively to October 1, 2001, to conform to statutory requirements.

**FOR FURTHER INFORMATION CONTACT:**

William G. Susling, Jr., Assistant Director for Policy and Program Development, Education Service (225), Veterans Benefits Administration, 202-273-7187.

**SUPPLEMENTARY INFORMATION:** The law (10 U.S.C. 2145) provides that the Secretary of Defense shall adjust the amount of educational assistance which may be provided in any academic year under the Educational Assistance Test Program, and the amount of subsistence allowance authorized under that program. The adjustment is to be based upon the twelve-month increase in the average actual cost of attendance at public institutions of higher education. As required by law, the Department of Defense has consulted with the Department of Education. The Department of Defense has concluded that these costs increased by 4.7% in the 2000-01 academic year. Accordingly, this final rule changes 38 CFR 21.5820 and 21.5822 to reflect a 4.7% increase in the rates payable in the 2001-02 academic year, including changes in § 21.5820 to remove unnecessary provisions that were previously needed to compensate for rounding. Other nonsubstantive changes are made for the purpose of clarification.

### Administrative Procedure Act

Pursuant to 5 U.S.C. 553 there is good cause for finding that notice and public procedure are impractical, unnecessary, and contrary to the public interest and there is good cause for dispensing with a 30-day delay of the effective date. The rates of subsistence allowance and educational assistance payable under the Educational Assistance Test Program are determined based on a

statutory formula and, in essence, the calculation of rates merely constitutes a non-discretionary ministerial act. The other changes made by this document are merely nonsubstantive changes for the purpose of clarification.

### Paperwork Reduction Act

This document contains no provisions constituting a collection of information under the Paperwork Reduction Act (44 U.S.C. 3501-3520).

### Regulatory Flexibility Act

The Secretary of Veterans Affairs and the Secretary of Defense hereby certify that these amended regulations will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act, 5 U.S.C 601-612. This final rule directly affects only individuals. Pursuant to 5 U.S.C. 605(b), this final rule, therefore, is exempt from the initial and final regulatory flexibility analyses requirements of sections 603 and 604.

### Unfunded Mandates

The Unfunded Mandates Reform Act requires, at 2 U.S.C. 1532, that agencies prepare an assessment of anticipated costs and benefits before developing any rule that may result in an expenditure by State, local, or tribal governments, in the aggregate, or by the private sector, of \$100 million or more in any given year. This rule would have no consequential effect on State, local, or tribal governments.

### Catalog of Federal Domestic Assistance Number

There is no Catalog of Federal Domestic Assistance number for the program affected by the regulations.

### List of Subjects in 38 CFR Part 21

Administrative practice and procedure, Armed forces, Civil rights, Claims, Colleges and universities, Conflict of interests, Defense Department, Education, Employment, Grant programs-education, Grant programs-veterans, Health programs, Loan programs-education, Loan programs-veterans, Manpower training programs, Reporting and recordkeeping requirements, Schools, Travel and transportation expenses, Veterans, Vocational education, Vocational rehabilitation.