(e) When an individual has filed with the Agency a statement of disagreement following a refusal to amend the record as requested, the Agency will clearly note that portion of the record that is disputed and will send copies of the statement of disagreement to the last known address of all previous recipients of the disputed record shown in the Agency's Privacy Act Requests File.

**§ 603.8 Exemptions.**

(a) As authorized by the Act, the following categories of records are hereby exempted from the requirements of sections (c)(3), (d), (e)(4) (G), (H) and (I), and (f) of 5 U.S.C. 552a, and will not be disclosed to the individuals to which they pertain:

(1) System of Records of ACDA–4—Statements by Principals during the Strategic Arms Limitation Talks, Mutual Balanced Force Reduction negotiations, and the Standing Consultative Committee. This system contains information classified pursuant to Executive Order 12958 that is exempt from disclosure by the Act (5 U.S.C. 552a(k)(1)) in that disclosure could damage national security.

(2) System of Records ACDA–3—Security Records. This system contains investigatory material compiled for law enforcement purposes which is exempt from disclosure by the Act (5 U.S.C. 552a(k)(2)): *Provided, however,* that if any individual is denied any right, privilege, or benefit to which the individual would otherwise be entitled by Federal law, or for which the individual would otherwise be eligible, as a result of the maintenance of such material, such material will be provided to such individual, except to the extent that disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or, if furnished to the Government prior to September 27, 1975, under an implied promise that the identity of the source would be held in confidence.

(3) Systems of Records ACDA–3—Security Records. This system contains investigatory materials compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment, military service, Federal contracts, or access to classified information which is exempt from disclosure by the Act (5 U.S.C. 552a(k)(5)), but only to the extent that disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or, if furnished to the Government prior to September 27, 1975, under an implied promise that the identity of the source would be held in confidence.

(b) Nothing in these regulations shall be construed to allow an individual access to:

(1) Any information compiled in reasonable anticipation of a civil action or proceeding; or

(2) Testing or examination material used solely to determine individual qualification for appointment or promotion in the Federal Service, the disclosure of which would compromise the objectivity or fairness of the testing or examination process.

**§ 603.9 New and amended systems of records.**

(a) The Agency shall provide adequate advance notice to Congress and to the Office of Management and Budget of any proposal to establish or alter any system of records. Such notice shall be in a form consistent with guidance on content, format and timing issued by the Office of Management and Budget.

(b) The Agency shall publish by August 31 of each year in the Federal Register a notice of the existence and character of each system of records maintained by the Agency. Such notice shall be consistent with guidance on format contained in the Act and issued by the General Services Administration. At least 30 days before any new or changed routine use of records contained within a system of records can be made, the Agency shall publish notice of such new or changed use in the Federal Register.

**§ 603.10 Fees.**

Fees to be charged in responding to requests under the Privacy Act shall be, to the extent permitted by paragraph (f)(5) of the Act, the rates established in title 22 CFR 602.20 for responding to requests under the Freedom of Information Act.

Dated: September 23, 1996.

Mary Elizabeth Hoinkes,

*General Counsel.*

[FR Doc. 96–25405 Filed 10–2–96; 8:45 am]

BILLING CODE 6820–32–M

## DEPARTMENT OF LABOR

## Office of Labor-Management Programs

## 29 CFR Part 270

**RIN 1294–AA15**

## Permanent Replacement of Lawfully Striking Employees by Federal Contractors

**AGENCY:** Office of Labor-Management Programs, Labor.

**ACTION:** Final rule; removal of regulations.

**SUMMARY:** This final rule removes the regulations found at 29 CFR Part 270. Those regulations implemented Executive Order 12954, which was signed by President Clinton on March 8, 1995 (60 FR 13023, March 10, 1995). Executive Order 12954 provided that federal contracting agencies may not contract with employers that permanently replace lawfully striking employees in some situations. The regulations are being removed as a result of a ruling by the Court of Appeals for the District of Columbia Circuit voiding Executive Order 12954.

**EFFECTIVE DATE:** October 3, 1996.

**FOR FURTHER INFORMATION CONTACT:** Kay H. Oshel, Chief, Division of Interpretations and Standards, Office of Labor-Management Standards, U.S. Department of Labor, 200 Constitution Avenue, NW., Room N–5605, Washington, DC 20210, (202) 219–7373. This is not a toll-free number.

**SUPPLEMENTARY INFORMATION:** On March 8, 1995, President Clinton signed Executive Order 12954, ''Ensuring the Economical and Efficient Administration and Completion of Federal Government Contracts'' (60 FR 13023, March 10, 1995). The Order set forth the finding that economy and efficiency in procurement are generally advanced by contracting with employers that do not permanently replace lawfully striking employees, and provided that federal contracting agencies may not contract with employers that permanently replace lawfully striking employees in some situations.

The Secretary of Labor was assigned the authority and responsibility for administering the Order and for issuing implementing regulations. The Secretary delegated that authority and responsibility to the Assistant Secretary for the American Workplace on March 8, 1995 (60 FR 13602, March 13, 1995) and to Acting Deputy Assistant Secretary John Kotch on June 16, 1996 (61 FR 31164, June 19, 1996).

On March 29, 1995, proposed regulations implementing Executive Order 12954 were published in the Federal Register (60 FR 16354). A final rule was issued on May 25, 1995 (60 FR 27856).

On February 2, 1996, the Court of Appeals for the District of Columbia Circuit issued a decision voiding Executive Order 12954, *Chamber of Commerce of the United States, et al,* v. *Reich,* 74 F.3d 1322 (D.C. Cir. 1996). A rehearing was denied on May 10, 1996, 83 F.3d 442 (D.C. Cir. 1996). A petition for review on writ of certiorari was not filed with the Supreme Court. Consequently, the Department is removing the regulations implementing Executive Order 12954, 29 CFR Part 270.

Publication in Final

The Department has determined that the removal of these regulations need not be published as a proposed rule, as generally required by the Administrative Procedure Act (APA), 5 U.S.C. 553. The agency finds that good cause exists for dispensing with notice and public comment as unnecessary since Executive Order 12954, which gave rise to Part 270, has been held to be void by the Court of Appeals for the District of Columbia Circuit. The removal of the implementing regulations is thus exempt from notice and comment by virtue of section 553(b)(B) of the APA (5 U.S.C. 553(b)(B)).

Effective Date

This document will become effective upon publication pursuant to 5 U.S.C. 553(d). The Department has determined that good cause exists for waiving the customary requirement to delay the effective date of a final rule for 30 days following its publication. This determination is based upon the fact that Executive Order 12954, which gave rise to Part 270, has been held to be void by the Court of Appeals for the District of Columbia Circuit.

Executive Order 12866

This document removes regulations for which there is now no authority and, therefore, is not a regulation or a rule as defined in section 2(d) of Executive Order 12866, 58 FR 51735 (October 4, 1993).

Regulatory Flexibility Act

This rule was not preceded by a general notice of proposed rulemaking and is not a rule as defined in the Regulatory Flexibility Act (5 U.S.C. 601(2) and 604(a)).

Paperwork Reduction Act

This rule contains no information collection requirements which are subject to review and approval by the Office of Management and Budget under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501–3520).

Small Business Regulatory Enforcement Fairness Act

The Department has determined that this final rule is not a ''major rule'' requiring prior approval by the Congress and the President pursuant to the Small Business Regulatory Enforcement Fairness Act of 1996 (5 U.S.C. 804), because it is not likely to result in (1) an annual effect on the economy of $100 million or more, (2) a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions, or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic and export markets.

Further, since the Department has determined, for good cause, that publication of a proposed rule and solicitation of comments on this rule removing 29 CFR Part 270 is not necessary, under 5 U.S.C. 808(2), this final rule is effective immediately upon publication as stated previously in this notice.

Unfunded Mandates Reform Act

For purposes of Section 2 of the Unfunded Mandates Reform Act of 1995, 2 U.S.C. 1532, as well as Executive Order 12875, (58 FR 58093, October 28, 1993), this rule does not include any federal mandate that may result in increased expenditures by State, local and tribal governments, or increased expenditures by the private sector of more than $100 million.

List of Subjects in 29 CFR Part 270

Administrative practice and procedure; Government contracts; Federal contractors and subcontractors.

Accordingly, Chapter II of Title 29 of the Code of Federal Regulations is amended by removing Part 270.

Signed at Washington, DC, this 27th day of September, 1996.

John Kotch,

*Acting Deputy Assistant Secretary.*

[FR Doc. 96–25276 Filed 10–2–96; 8:45 am]

BILLING CODE 4510–86–P

## DEPARTMENT OF TRANSPORTATION

## Coast Guard

## 33 CFR Parts 120 and 128

**[CGD 91–012]**

**RIN 2115–AD75**

## Security for Passenger Vessels and Passenger Terminals

**AGENCY:** Coast Guard, DOT.

**ACTION:** Notice of policy clarification.

**SUMMARY:** On July 18, 1996, an Interim Rule was published (61 FR 139) entitled ''Security for Passenger Vessels and Passenger Terminals''. Since that time the Coast Guard has discovered two areas in need of clarification to ensure that those affected by the Interim Rule can meet compliance dates. The areas of clarification are tonnage limitations and submission of terminal security plans.

**FOR FURTHER INFORMATION CONTACT:** CDR Dennis J. Haise, Office of Compliance (G–MOC), Room 1116, (202) 267–1934, between 7:00 a.m. and 3:30 p.m., Monday through Friday, except Federal holidays.

**SUPPLEMENTARY INFORMATION:**

Policy Clarification:

*Tonnage*

The tonnage measurement to be used in the application of this rule is U.S. registered tonnage, not International Tonnage Convention (ITC) measurements. Therefore, the rule applies to those vessels over 100 U.S. registered gross tons.

*Submission of Terminal Security Plans*

Terminal Security Plans should be submitted by the owner or operator of the vessel in the following situations:

a. When there is an agreement with the owner or operator of the passenger terminal that the owner or operator of the vessel will submit the required security plan.

b. When the owner or operator of the vessel has exclusive use of the pier and terminal building immediately adjacent to the pier and has complete control of that area.

c. When there is no terminal.

d. When passengers embark and or disembark and no baggage or stores are loaded or offloaded.

In situations c and d, an annex to the vessel's security plan may be used instead of a terminal security plan with the permission of the cognizant Coast Guard Captain of the Port.

Terminal Security Plans should be submitted by the owner or operator of