

the Trust Indenture Act of 1939,<sup>11</sup> and Sections 8, 30, 31, and 38 of the Investment Company Act of 1940.<sup>12</sup>

#### List of Subjects in 17 CFR Part 232

Incorporation by reference, Reporting and recordkeeping requirements, Securities.

#### Text of the Amendment

In accordance with the foregoing, Title 17, Chapter II of the Code of Federal Regulations is amended as follows:

### PART 232—REGULATION S—T— GENERAL RULES AND REGULATIONS FOR ELECTRONIC FILINGS

1. The authority citation for Part 232 continues to read as follows:

**Authority:** 15 U.S.C. 77f, 77g, 77h, 77j, 77s(a), 77sss(a), 78c(b), 78l, 78m, 78n, 78o(d), 78w(a), 78ll(d), 79t(a), 80a–8, 80a–29, 80a–30 and 80a–37.

2. Section 232.301 is revised to read as follows:

#### § 232.301 EDGAR Filer Manual.

Filers must prepare electronic filings in the manner prescribed by the EDGAR Filer Manual, promulgated by the Commission, which sets out the technical formatting requirements for electronic submissions. For the period during which Legacy EDGAR will be available, prior to the complete transition to the use of Modernized EDGAR, the EDGAR Filer Manual will consist of three parts. For filers using modernized EDGARLink, the requirements are set forth in EDGAR Filer Manual (Release 7.5), Volume II—Modernized EDGARLink. For filers using Legacy EDGAR, the applicable provisions are set forth in EDGAR Filer Manual (Release 7.0), Volume I—Legacy EDGARLink. Additional provisions applicable to Form N–SAR filers are set forth in EDGAR Filer Manual (Release 7.0), Volume III—N–SAR Supplement. All of these provisions have been incorporated by reference into the Code of Federal Regulations, which action was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. You must comply with these requirements in order for documents to be timely received and accepted. You can obtain paper copies of the EDGAR Filer Manual from the following address: Public Reference Room, U.S. Securities and Exchange Commission, 450 5th Street, NW., Washington, DC 20549–0102 or by calling Disclosure

Incorporated at (800) 638–8241. Electronic format copies are available on the Commission's Web Site; the address for the Manual is <http://www.sec.gov/asec/ofis/filerman.htm>. You can also photocopy the document at the Office of the Federal Register, 800 North Capitol Street, NW., Suite 700, Washington, DC.

Dated: January 16, 2001.

By the Commission.

**Jonathan G. Katz,**

*Secretary.*

[FR Doc. 01–1906 Filed 2–1–01; 8:45 am]

**BILLING CODE 8010–01–U**

## DEPARTMENT OF THE TREASURY

### Customs Service

#### 19 CFR Parts 10, 12, 19, 103, 111, 112, 143, 146, 178, and 191

[T.D. 01–14]

#### Technical Amendments to the Customs Regulations

**AGENCY:** Customs Service, Treasury.

**ACTION:** Final rule.

**SUMMARY:** This document amends the Customs Regulations by correcting various referencing and typographical errors, and by making certain editorial changes to improve the clarity of the regulations. None of these technical corrections involve changes in substantive legal requirements.

**EFFECTIVE DATE:** February 2, 2001.

**FOR FURTHER INFORMATION CONTACT:** Greg Rogers, Investigative Services, Office of Investigations, (202) 927–0525; or Mike Craig, Chief, Broker Management Program, Office of Field Operations, (202) 927–1684.

#### SUPPLEMENTARY INFORMATION:

##### Background

It is Customs policy to periodically review its regulations to ensure that they are as accurate and up-to-date as possible, so that the importing and general public are aware of Customs programs, requirements, and procedures regarding import-related activities. As part of this review policy, Customs has determined that certain changes affecting parts 10, 12, 19, 103, 111, 112, 143, 146, 178, and 191 of the Customs Regulations (19 CFR parts 10, 12, 19, 103, 111, 112, 143, 146, 178, and 191) are necessary to correct referencing and typographical errors, or to improve the clarity of the regulations. Following is a summary of these changes:

## Discussion of Changes

### Fingerprint Form References

In T.D. 93–18 (published in the **Federal Register** on March 24, 1993, at 58 FR 15770), Customs amended several sections of the Customs Regulations (19 CFR chapter I) to clarify Customs position regarding the submission of fingerprints when individuals apply for certain occupations or request various identification cards necessitating a fingerprint records check. Six sections of the Customs Regulations that pertain to employment or licensing matters were amended; five specifying that a particular fingerprinting form was to be used to collect the fingerprints. The Standard Form (SF) 87 fingerprint form was specified at §§ 19.2(f), 111.12(a), 112.42, and § 146.6(a) of the Customs Regulations (19 CFR 19.2(f), 111.12(a), 112.42, and 146.6(a)), and the form FD 258 fingerprint form was specified at § 122.182(d). It has come to Customs attention that designating the SF 87 for fingerprinting purposes at §§ 19.2(f), 111.12(a), 112.42, and § 146.6(a) is in error. This document corrects those errors and explains the reason different forms are used to collect fingerprints.

The government uses different fingerprint forms for different purposes. The Federal Bureau of Investigation, which processes all requests for fingerprint information, uses different form numbers and color codes of forms based on the reason the background check is to be performed. The FD 258 is used for background checks for a non-government position, such as when the government provides a license to a private party. The SF 87 is used when a background check is required for Federal employment or a security clearance.

The provisions of § 19.2(f) pertain to an application for a Customs warehouse bond. The provisions of § 111.12(a) pertain to an application for a Customs broker's license. The provisions of § 112.42 pertain to an application for an identification card for a licensed cartman or lighterman. The provisions of § 146.6(a) pertain to an application to activate a foreign trade zone. None of these provisions pertain to Federal employment or to a security clearance. Thus, the use of the FD 258, and not the SF 87, is appropriate. Accordingly, the references at §§ 19.2(f), 111.12(a), 112.42, and § 146.6(a) to the SF 87 will be replaced by a reference to the FD 258. Also, because Customs is beginning to collect fingerprints electronically at certain locations, a proviso allowing for electronic fingerprints will also be added to these sections.

<sup>11</sup> 15 U.S.C. 77sss.

<sup>12</sup> 15 U.S.C. 80a–8, 80a–29, 80a–30 and 80a–37.

### *Environmental Protection Agency (EPA) Requirements*

Section 12.73 of the Customs Regulations (19 CFR 12.73) pertains to motor vehicle and engine compliance with Federal antipollution emission requirements. Paragraph (d) of this section pertains to when individuals and businesses must import certain motor vehicles through an independent commercial importer (ICI). This provision was amended in T.D. 88-40 ostensibly to provide that only ICIs with valid Environmental Protection Agency (EPA) certificates of conformity could import nonconforming vehicles or engines. Individuals or businesses who previously could import nonconforming vehicles or engines are now required to arrange for such importations through an ICI certificate holder. However, the regulatory text adopted was overbroad in its reach and provided, in relevant part, that “\* \* \* an individual or business \* \* \* may not enter a motor vehicle to which EPA emission requirements apply.” (Emphasis supplied.) The language is changed in this paragraph to clarify that individuals or businesses may import vehicles into the United States that conform with EPA emission requirements and that ICIs are required only if the vehicles do not conform to EPA requirements.

Section 12.74 of the Customs Regulations (19 CFR 12.74) pertains to nonroad engine compliance with Federal antipollution emission requirements. Paragraph (b)(2) of this section pertains to the retention and submission of records to Customs. The paragraph references § 162.1c of the Customs Regulations. In T.D. 98-56 (63 FR 32946) Customs amended the recordkeeping requirements formerly contained in part 162 by creating a new part 163. Record retention requirements are now set forth in § 163.4. This document corrects the reference in § 12.74(b)(2).

### *Customs Brokers Permits*

Section 111.19 of the Customs Regulations (19 CFR 111.19), as amended by T.D. 00-17, published in the **Federal Register** on March 15, 2000 (65 FR 13880), discusses both district permits and national permits for Customs brokers. At paragraph (e) of this section a reference is made to an application for “a permit”. It is unclear in this paragraph whether the reference is to a district permit or a national permit. This document clarifies that the paragraph relates to a district permit.

### *Miscellaneous Referencing and Typographical Errors*

In § 10.31, the third sentence of paragraph (a)(1) is supposed to be the last sentence of that paragraph; however, a period was inadvertently placed after a reference to a Customs Form description, instead of a comma, effectively making the remaining text a fourth sentence. The punctuation error is now corrected.

In § 103.31, the third sentence of paragraph (e) makes reference to § 103.14(d). Section 103.14 was redesignated as § 103.31 in T.D. 96-36. Customs inadvertently failed to conform the reference within the sentence to the redesignated § 103.31. Accordingly, the reference in § 103.31 to § 103.14(d) is now corrected.

Section 143.1(a) references a definition for Customs brokers at § 111.1(b). Because of the publication of T.D. 00-17 discussed above, there are no longer lettered paragraphs at § 111.1; the words and phrases defined are merely listed alphabetically. Accordingly, the reference in § 143.1(a) to the definition for Customs brokers at § 111.1(b) is corrected to read § 111.1.

Section 178.2 describes Customs information collections and lists the control numbers assigned by the Office of Management and Budget for these information collections. The entry for § 103.14 is in error, because this provision was redesignated as § 103.31 in T.D. 96-36. Accordingly, the reference in § 178.2 to § 103.14 is corrected to read § 103.31.

Section 191.51 pertains to the completion of drawback claims. In T.D. 98-16, paragraph (b) of this section was amended to provide how drawback claims are to be correctly calculated. The third sentence of this revision was meant to be parenthetical, *i.e.*, providing an example of how to correctly calculate the substance of the second sentence. However, the closing parenthesis was mistakenly placed after the fourth sentence, which has a different substance than the second sentence. This typographical error is corrected by removing the closing parenthesis from the end of the fourth sentence and relocating it to the end of the third sentence.

### **Inapplicability of Public Notice and Comment Requirements, Delayed Effective Date Requirements, the Regulatory Flexibility Act, and Executive Order 12866**

Because these regulatory amendments merely correct various referencing and typographical errors and make certain editorial changes to improve the clarity

of the regulations, pursuant to 5 U.S.C. 553(b)(B), notice and public procedure are unnecessary and contrary to public interest. For the same reasons, the requirement for a delayed effective date also does not apply, pursuant to 5 U.S.C. 553(d)(3). Further, because this document is not subject to 5 U.S.C. 553, it is not subject to the provisions of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.* These amendments do not meet the criteria for a “significant regulatory action”, as specified in E.O. 12866.

### **Drafting Information**

The principal author of this document was Gregory R. Vilders, Attorney, Office of Regulations and Rulings, Regulations Branch.

### **List of Subjects**

#### *19 CFR Part 10*

Bonds, Customs duties and inspection, Entry requirements, Imports, Reporting and recordkeeping requirements.

#### *19 CFR Part 12*

Air pollution control, Customs duties and inspection, Entry requirements, Imports, Reporting and recordkeeping requirements, Restricted merchandise, Vehicles.

#### *19 CFR Part 19*

Customs duties and inspection, Licensing, Reporting and recordkeeping requirements, Warehouses.

#### *19 CFR Part 103*

Administrative practice and procedure, Confidential business information, Freedom of information, Privacy, Reporting and recordkeeping requirements.

#### *19 CFR Part 111*

Administrative practice and procedure, Brokers, Customs duties and inspection, Licensing, Reporting and recordkeeping requirements.

#### *19 CFR Part 112*

Administrative practice and procedure, Customs duties and inspection, Freight forwarders, Licensing, Reporting and recordkeeping requirements.

#### *19 CFR Part 143*

Customs duties and inspection, Imports, Reporting and recordkeeping requirements.

#### *19 CFR Part 146*

Administrative practice and procedure, Customs duties and inspection, Foreign trade zones,

Reporting and recordkeeping requirements.

*19 CFR Part 178*

Administrative practice and procedure, Collection of information, Paperwork requirements, Reporting and recordkeeping requirements.

*19 CFR Part 191*

Administrative practice and procedure, Customs duties and inspection, Drawback, Reporting and recordkeeping requirements.

**Amendments to the Regulations**

Parts 10, 12, 19, 103, 111, 112, 143, 146, 178, and 191, Customs Regulations (19 CFR parts 10, 12, 19, 103, 111, 112, 143, 146, 178, and 191), are amended as set forth below:

**PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.**

1. The general authority citation for part 10 continues to read as follows:

**Authority:** 5 U.S.C. 301; 19 U.S.C. 66, 1202 (General Note 22, Harmonized Tariff Schedule of the United States (HTSUS)), 1321, 1481, 1484, 1498, 1508, 1623, 1624, 3314;

\* \* \* \* \*

**§ 10.31 [Amended]**

2. In § 10.31, paragraph (a)(1) is amended by removing the period at the end of the third sentence and adding, in its place, a comma.

**PART 12—SPECIAL CLASSES OF MERCHANDISE**

1. The general authority citation for part 12 and the specific authority for sections 12.73 and 12.74 continue to read as follows:

**Authority:** 5 U.S.C. 301; 19 U.S.C. 66, 1202 (General Note 22, Harmonized Tariff Schedule of the United States (HTSUS)), 1624;

\* \* \* \* \*

Sections 12.73 and 12.74 also issued under 19 U.S.C. 1484; 42 U.S.C. 7522, 7601;

**§ 12.73 [Amended]**

2. In § 12.73, paragraph (d) is amended by removing the words “to which EPA emission requirements apply” and adding, in their place, the words “which does not conform with EPA emission requirements”.

**§ 12.74 [Amended]**

3. In § 12.74, paragraph (b)(2) is amended by removing the reference “§ 162.1c” and adding, in its place, the reference “§ 163.4”.

**PART 19—CUSTOMS WAREHOUSES, CONTAINER STATIONS AND CONTROL OF MERCHANDISE THEREIN**

1. The general authority citation for part 19 continues to read as follows:

**Authority:** 5 U.S.C. 301; 19 U.S.C. 66, 1202 (General Note 22, Harmonized Tariff Schedule of the United States), 1624;

\* \* \* \* \*

**§ 19.2 [Amended]**

2. In § 19.2, paragraph (f) is amended at the second sentence by removing the words “Standard Form 87” wherever they appear and adding, in their place, the words “form FD 258 or electronically”.

**PART 103—AVAILABILITY OF INFORMATION**

1. The general authority citation for part 103 continues to read as follows:

**Authority:** 5 U.S.C. 301, 552, 552a; 19 U.S.C. 66, 1624; 31 U.S.C. 9701.

\* \* \* \* \*

**§ 103.31 [Amended]**

2. In § 103.31, paragraph (e)(1) is amended at the third sentence by removing the reference “§ 103.14(d)” and adding, in its place, the reference “paragraph (d) of this section”.

**PART 111—CUSTOMS BROKERS**

1. The general authority citation for part 111 continues to read as follows:

**Authority:** 19 U.S.C. 66, 1202 (General Note 22, Harmonized Tariff Schedule of the United States), 1624, 1641;

**§ 111.12 [Amended]**

2. In § 111.12, paragraph (a) is amended at the sixth sentence by removing the words “Standard Form 87” and adding, in their place, the words “form FD 258 or electronically”.

**§ 111.19 [Amended]**

3. In § 111.19, paragraph (e) is amended by adding the word “district” before the word “permit” wherever it appears.

**PART 112—CARRIERS, CARTMEN, AND LIGHTER MEN**

1. The authority citation for part 112 continues to read as follows:

**Authority:** 19 U.S.C. 66, 1551, 1565, 1623, 1624.

**§ 112.42 [Amended]**

2. Section 112.42 is amended at the second sentence by removing the words “Standard Form 87” and adding, in their place, the words “form FD 258 or electronically”.

**PART 143—SPECIAL ENTRY PROCEDURES**

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

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

**§ 143.1 [Amended]**

2. In § 143.1, paragraph (a) is amended by removing the reference “§ 111.1(b)” and adding, in its place, the reference “§ 111.1”.

**PART 146—FOREIGN TRADE ZONES**

1. The authority citation for part 146 continues to read as follows:

**Authority:** 19 U.S.C. 66, 81a–81u, 1202 (General Note 22, Harmonized Tariff Schedule of the United States), 1623, 1624.

**§ 146.6 [Amended]**

2. In § 146.6, paragraph (a) is amended at the fourth sentence by removing the words “Standard Form 87” and adding, in their place, the words “form FD 258 or electronically”.

**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.*

**§ 178.2 [Amended]**

2. In § 178.2, in the “19 CFR Section” column the section number “§ 103.14” is removed and the section number “§ 103.31” is added in its place.

**PART 191—DRAWBACK**

1. The general authority citation for part 191 continues to read as follows:

**Authority:** 5 U.S.C. 301; 19 U.S.C. 66, 1202 (General Note 22, Harmonized Tariff Schedule of the United States), 1313, 1624;

\* \* \* \* \*

2. In § 191.51, paragraph (b) is revised to read as follows:

**§ 191.51 Completion of drawback claims.**

\* \* \* \* \*

(b) *Drawback due.* Drawback claimants are required to correctly calculate the amount of drawback due. The amount of drawback requested on the drawback entry is generally to be 99 percent of the import duties eligible for drawback. (For example, if \$1,000 in import duties are eligible for drawback less 1 percent (\$10), the amount claimed on the drawback entry should be for \$990.) Claims exceeding 99 percent (or 100% when 100% of the duty is available for drawback) will not be paid until the calculations have been

corrected by the claimant. Claims for less than 99 percent (or 100% when 100% of the duty is available for drawback) will be paid as filed, unless the claimant amends the claim in accordance with § 191.52(c).

\* \* \* \* \*

**Raymond W. Kelly,**  
*Commissioner of Customs.*

Approved: January 8, 2001.

**Timothy E. Skud,**  
*Acting Deputy Assistant Secretary of the Treasury.*

[FR Doc. 01-2784 Filed 2-1-01; 8:45 am]

BILLING CODE 4820-02-P

## SOCIAL SECURITY ADMINISTRATION

### 20 CFR Part 404

#### Federal Old-Age, Survivors and Disability Insurance (1950- )

##### *CFR Correction*

In Title 20 of the Code of Federal Regulations, parts 400 to 499, revised as of April 1, 2000, in part 404, subpart P, appendix 1, beginning on page 449, in section 9.08 following paragraph D, remove the tables up to section 10.00.

[FR Doc. 00-55522 Filed 2-1-01; 8:45 am]

BILLING CODE 1505-01-D

## DEPARTMENT OF THE INTERIOR

### Bureau of Indian Affairs

#### 25 CFR Part 115

RIN 1076-AE00

#### Trust Management Reform: Leasing/ Permitting, Grazing, Probate and Funds Held in Trust

**AGENCY:** Bureau of Indian Affairs, Interior.

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

**SUMMARY:** The Department of the Interior, Bureau of Indian Affairs (BIA) today is making a technical amendment to its rulemaking published on January 22, 2001, regarding Trust Funds for Tribes and Individual Indians. In formatting explanatory charts for publication, the question which refers to a particular chart regarding sources of money that will be accepted for deposit into a trust account was inadvertently omitted from the published regulation. The technical amendment is to simply include this question to appropriately make reference to the explanatory chart that has been published. This question

is included in the table of contents and was in the copy of the regulation placed on public display before publication.

**EFFECTIVE DATE:** March 23, 2001.

#### FOR FURTHER INFORMATION CONTACT:

Duncan L. Brown, Office of the Secretary, U.S. Department of the Interior, 1849 C Street, NW, MS 7229 MIB, Washington, DC 20240, Telephone: 202/208-4582.

**SUPPLEMENTARY INFORMATION:** This technical amendment simply includes a question, already included in the table of contents, for part 115 of "Trust Management Reform: Leasing/ Permitting, Grazing, Probate and Funds Held in Trust," as published on January 22, 2001, 66 FR 7068, that was inadvertently omitted from the text of the rule. We, therefore, insert this question for § 115.702 between the two charts that now follows § 115.701 as this omitted question for § 115.702 pertains to (and explains) the second chart only. Pursuant to 5 U.S.C. 553(b), public comment is not required for this technical amendment as this amendment does not make any substantive regulatory change and simply promotes administrative efficiency and corrects an inadvertent omission of text. Pursuant to 5 U.S.C. 553(d), the rulemaking will take effect immediately for good cause as the omission of the question for § 115.702 would only confuse the public and defeat the efficiency of the rulemaking.

#### List of Subjects in 25 CFR Part 115

Administrative practice and procedure, Indians—business and finance.

For the reasons stated in the preamble, the Department of the Interior, Bureau of Indian Affairs, Amends 25 CFR part 115 as follows:

#### PART 115—[AMENDED]

1. The authority citation for part 115 continues to read as follows:

**Authority:** R.S. 441, as amended, R.S. 463, R.S. 465; 5 U.S.C. 301; 25 U.S.C. 2; 25 U.S.C. 9; 43 U.S.C. 1457; 25 U.S.C. 4001; 25 U.S.C. 161(a); 25 U.S.C. 162a; 25 U.S.C. 164; Pub. L. 87-283; Pub. L. 97-100; Pub. L. 97-257; Pub. L. 103-412; Pub. L. 97-458; 44 U.S.C. 3010 *et seq.*

2. The second chart in § 115.701 is redesignated as § 115.702 and the section leading and introductory text are added preceding the chart to read as follows:

#### § 115.702 What specific sources of money will be accepted for deposit into a trust account?

We must accept proceed on behalf of tribes or individuals from the following sources:

\* \* \* \* \*

Dated: January 26, 2001.

**James McDivitt,**

*Deputy Assistant Secretary—Indian Affairs.*

[FR Doc. 01-2737 Filed 2-1-01; 8:45 am]

BILLING CODE 4310-02-M

## DEPARTMENT OF THE TREASURY

### Bureau of Alcohol, Tobacco and Firearms

#### 27 CFR Part 170

[T.D. ATF-439]

RIN 1512-AC23

#### Delegation of Authority in Part 170

**AGENCY:** Bureau of Alcohol, Tobacco and Firearms (ATF), Treasury.

**ACTION:** Treasury decision, final rule.

**SUMMARY:** This final rule places all ATF authorities contained in part 170, title 27 Code of Federal Regulations (CFR), with the "appropriate ATF officer" and requires that persons file documents required by 27 CFR part 170, with the "appropriate ATF officer." Also, this final rule removes the definitions of, and references to, specific officers subordinate to the Director. Concurrently with this Treasury Decision, ATF Order 1130.20 is being published. Through this Order, the Director has delegated the authorities in 27 CFR part 170 to the appropriate ATF officers and specified the ATF officers with whom applications, notices, and reports that are not ATF forms are filed.

**EFFECTIVE DATE:** February 2, 2001.

**FOR FURTHER INFORMATION CONTACT:** Lisa M. Gesser, Regulations Division, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue NW, Washington, DC 20226, (202-927-9347) or e-mail at [alctob@atfhq.atf.treas.gov](mailto:alctob@atfhq.atf.treas.gov).

#### SUPPLEMENTARY INFORMATION:

##### Background

Pursuant to Treasury Order 120-01 (formerly 221), dated June 6, 1972, the Secretary of the Treasury delegated to the Director of the Bureau of Alcohol, Tobacco and Firearms (ATF), the authority to enforce, among other laws, the provisions of chapter 51 of the Internal Revenue Code of 1986 (IRC). The Director has subsequently redelegated certain of these authorities