

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.

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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