

person being assessed a civil penalty has not been found to have previously violated the regulations in this part:

- (v) Determination that the person being assessed a civil penalty did not willfully commit the violation;
- (vi) Determination that the proposed penalty would constitute excessive punishment under the circumstances;
- (vii) Determination of other mitigating circumstances appropriate to consideration in reaching a fair and expeditious assessment.

(2) When the penalty is for a violation which may have had an effect on a known Indian tribal religious or cultural site on public lands, the Commissioner should consult with and consider the interests of the affected tribe(s) prior to proposing to mitigate or remit the penalty.

§ 1104.16 Other penalties and rewards.

(a) Section 8 of the Act contains criminal prohibitions and provisions for criminal penalties. Section 8(b) of the Act provides that archaeological resources, vehicles, or equipment involved in a violation may be subject to forfeiture.

(b) Section 8(a) of the Act provides for rewards to be made to persons who furnish information which leads to conviction for a criminal violation or to assessment of a civil penalty. The Commissioner may certify to the Secretary of the Treasury that a person is eligible to receive payment. Officers and employees of Federal, State, or local government who furnish information or render service in the performance of their official duties, and persons who have provided information under § 1104.15(b)(1)(iii) shall not be certified eligible to receive payment of rewards.

§ 1104.17 Confidentiality of archaeological resource information.

(a) The Commissioner shall not make available to the public, under subchapter II of chapter 5 of title 5 of the United States Code or any other provision of law, information concerning the nature and location of any archaeological resource, with the following exceptions:

(1) The Commissioner may make information available, provided that the disclosure will further the purposes of the Act and this part, or the Act of June 27, 1960, as amended (16 U.S.C. 469-469c), without risking harm to the archaeological resource or to the site in which it is located.

(2) The Commissioner shall make information available, when the Governor of any State has submitted to the Commissioner a written request for information, concerning the

archaeological resources within the requesting Governor's State, provided that the request includes:

- (i) The specific archaeological resource or area about which information is sought;
- (ii) The purpose for which the information is sought; and
- (iii) The Governor's written commitment to adequately protect the confidentiality of the information.

§ 1104.18 Report to the Secretary of the Interior.

The Commissioner, when requested by the Secretary of the Interior, shall submit such information as is necessary to enable the Secretary to comply with section 13 of the Act.

Dated: April 15, 1991.

Conrad G. Keyes, Jr.,

Principal Engineer, Planning.

[FR Doc. 91-9871 Filed 5-9-91; 8:45 am]

BILLING CODE 4710-02-01

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Parts 701 and 702

[T.D. 8348]

RIN 1545-AP21

Financing of Presidential Election Campaigns

AGENCY: Internal Revenue Service, Treasury.

ACTION: Final regulations.

SUMMARY: This document contains final regulations under new part 701, Presidential Election Campaign Fund (the "Fund"), and new part 702, Presidential Primary Matching Payment Account, of title 26 of the CFR, relating to the financing of presidential election campaigns. The final regulations clarify issues arising under sections 9006, 9006, and 9037 of the Internal Revenue Code of 1986, including the timing of certain transfers to the Fund, the establishment of certain accounts within the Fund, the transfer of certain amounts to the accounts, and the allocation of payments where amounts in the accounts are insufficient to fully satisfy all valid claims for payment. These final regulations are necessary because it is projected, for the 1992 and subsequent presidential elections, that there will be insufficient amounts in the Fund to fully satisfy all valid claims for payment. In addition, the regulations are necessary because, even if sufficient amounts are eventually deposited in the Fund to fully satisfy all valid claims, the Fund may

not have sufficient amounts at the time those claims are presented. The final regulations affect all eligible recipients of amounts from the Fund.

DATES: This document is effective on May 10, 1991.

FOR FURTHER INFORMATION CONTACT: Joel S. Rutstein of the Office of Assistant Chief Counsel (Income Tax and Accounting), Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224 (Attn. CC:CORP:TR: [LA-74-90), or telephone 202-506-4430 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Presidential Election Campaign Fund

Under section 6096, individuals whose tax liability for the taxable year is \$1 or more may designate on their tax returns that \$1 be paid over to the Presidential Election Campaign Fund. Chapter 95 of the Internal Revenue Code of 1986 (sections 9001 through 9013) established the Fund. Chapter 96 of the Code (sections 9031 through 9042) established the Presidential Primary Matching Account within the Fund.

Section 9006(a) requires the Secretary to transfer monies not in excess of the amounts designated by taxpayers under section 6096 to the Fund. Pursuant to Chapters 95 and 96, payments from the Fund are made for three purposes: (a) Payments to the national committee of each major and minor party for their nominating conventions ("convention payments"), (b) payments to the eligible candidates of a political party for President and Vice-President ("general election payments"), and (c) payments to eligible candidates seeking the nomination of a political party to be President ("primary matching payments").

For the purpose of making convention payments, section 9006 establishes a separate account in the Fund (the "Convention Account"). Payments from the Convention Account are made upon certification to the Secretary by the Federal Election Commission (the "Commission"). Pursuant to section 9006(a), payments from the Convention Account must be provided for before any general election payments are made.

No separate account is established by chapter 95 for the purpose of making general election payments. Section 9037(a) directs the Secretary to establish within the Fund an additional separate account for the purpose of making primary matching payments, called the Presidential Primary Matching Payment Account (the "Primary Account").

Pursuant to section 9037(a), the Secretary is directed to deposit into the Primary Account "the amount available after the Secretary determines that amounts for payments under section 9006(c) [general election payments] and for payments under section 9006(b)(3) [convention payments] are available for such payments."

Section 9037(b) directs the Secretary to transfer from the Primary Account those amounts certified by the Commission to candidates seeking nomination for President. In making transfers to candidates of the same political party, the Secretary is directed to seek to achieve an equitable distribution of such amounts, taking into account "the sequence in which * * * certifications [from the Commission] are received."

Pursuant to section 9008(e), convention payments are made beginning on July 1 of the calendar year preceding the year of the convention. Under sections 9005(a) and 9006(b), general election payments are made to candidates after they are nominated. Finally, section 9032(f) provides that primary matching payments are made beginning on the first day of the calendar year in which the presidential election is held.

Notice of Proposed Rulemaking

By letters dated February 12, 1990, and July 11, 1990, the Commission notified the Treasury Department that the Commission projected that the Fund would lack sufficient money to fully finance the 1992 and subsequent presidential elections. In its letter dated July 11, 1990, the Commission requested that the Treasury Department promulgate regulations to allocate amounts in the Fund in case of a shortfall. In response to this request, the Treasury Department published a notice of proposed rulemaking in the Federal Register on December 13, 1990, proposing regulations allocating amounts in the Fund in the event of a shortfall (55 FR 51301). Written comments responding to this notice were received. A public hearing was held on February 11, 1991. After consideration of the comments (including the comments presented at the public hearing), the proposed regulations are adopted as final regulations with the revisions discussed below.

Explanation of Provisions

Section 701.9006-1(a) provides that the Secretary shall determine at least once a month the amounts designated to the Fund by individuals under section 6096 and promptly transfer those

amounts to the Fund. Amounts transferred to the Fund after September 30 of the year following a presidential election shall only be used to satisfy certifications relating to future presidential elections.

Section 701.9006-1(b) provides that the Secretary shall establish, within the Fund, three separate accounts, designated as the Presidential Nominating Convention Account, the Presidential and Vice Presidential Nominee Account, and the Presidential Primary Matching Payment Account.

Section 701.9006-1(c) provides that the Secretary shall deposit in the Presidential Nominating Convention Account such amounts as the Secretary determines, in consultation with the Federal Election Commission, are required to make the payments prescribed by section 9006(b)(3). The Secretary shall make this deposit only from amounts that have actually been transferred to the Presidential Election Campaign Fund under § 701.9006-1(a).

Section 701.9006-1(d) provides that after making the transfers prescribed by § 701.9006-1(c), the Secretary shall deposit in the Presidential and Vice Presidential Nominee Account such amounts as the Secretary determines, in consultation with the Federal Election Commission, are required to make the payments prescribed by section 9006(b). The Secretary shall make this deposit only from amounts that have actually been transferred to the Presidential Election Campaign Fund under § 701.9006-1(a).

Section 702.9006-1(e) provides that for a presidential election, after making the prescribed transfers to the Presidential Nominating Convention Account and the Presidential and Vice Presidential Nominee Account, including certain adjustments, the Secretary shall not make any additional deposits to those accounts until October 1 of the year following that presidential election.

Section 702.9037-1 provides that, after making the transfers prescribed by § 701.9006-1(c) and § 701.9006-1(d), the Secretary shall deposit any amounts in the Fund into the Presidential Primary Matching Payment Account. The Secretary shall make this deposit only from amounts that have actually been transferred to the Presidential Election Campaign Fund under § 701.9006-1(a). Promptly after the end of each month, the Secretary shall notify the Federal Election Commission of the total deposits made to the account in the month and the balance in the account at the end of the month. Finally, any amount remaining in this account after October 31 of the year following a

presidential election shall be returned to the Fund.

Section 702.9037-2(a) provides that the Federal Election Commission shall certify to the Secretary the full amount of payment to which a candidate is entitled under section 9096. Except as provided in § 702.9037-2(c), promptly after the end of each calendar month, but not before the matching payment period described in section 9032(6), the Secretary shall pay the amounts certified by the Commission in the preceding calendar month to the candidates.

Section 702.9037-2(b) provides that promptly after all the payments under paragraph (a) have been made for a calendar month, the Secretary shall notify the Federal Election Commission of the amount paid to each candidate for the calendar month and the balance remaining in the Presidential Primary Matching Payment Account.

Section 702.9037-2(c) provides that if the amounts certified by the Federal Election Commission in a calendar month exceed the balance in the Presidential Primary Matching Payment Account on the last day of such month, the amount to be paid to a candidate is the amount determined by multiplying the amount certified by the Commission for the candidate in the calendar month by the ratio of the balance in the account on the last day of the calendar month over the total amount certified by the Commission for all the candidates in the calendar month. In addition, any amount certified by the Commission, but not paid to a candidate because of § 702.9037-2(c), is treated as an amount certified by the Commission for the candidate in the succeeding calendar month.

Section 702.9037-2(d) provides an example illustrating the rules in § 702.9037-2(c).

Public Comments

Commentators representing four organizations submitted comments on the notice of proposed rulemaking. Each commentator argued that the proposed regulation, if adopted, would cause less money to be paid from the Presidential Primary Matching Payment Account during the earlier months of a presidential election year.

In particular, these comments were directed at the provision of the proposed regulation requiring amounts in the Fund to be "set aside" for convention and general election payments before remaining amounts in the Fund may be used for making primary matching payments. Three commentators proposed the same alternative to the

"set aside" method. Their proposal would require the Secretary to project the amount that would accumulate in the Fund between the time primary matching payments begin (January 1 of the presidential election year) and the time general election payments are made (typically July or August of the presidential election year). These projections would be used to estimate the amount of primary matching payments that could be made during that period while leaving an amount in the Fund sufficient to make the general election payments when those payments were due. The projection would be based on historical trends in taxpayer deposits to the Fund calculated by the Commission.

This alternative proposal is not adopted in the final regulations. The statutory scheme for the Fund sets out a priority: convention payments are to be made before general election payments are made. In turn, with regard to primary matching payments, the Secretary is specifically directed to make such payments only after determining that amounts are available to make convention and general election payments.

Any method requiring a projection of amounts that will be transferred to the Fund necessarily creates the possibility that the Secretary will be unable to satisfy the statutory priority of payments. For example, if the amount added to the Fund is lower than the amount projected, there may be insufficient amounts in the Fund to make general election payments when due. While this possibility can be mitigated to a certain extent by reducing the amounts actually paid to candidates to allow a margin for error, the possibility cannot be completely eliminated so long as a projection method is used. Permitting this possibility to exist would itself be inconsistent with the statutory priority of payments prescribed for the Fund.

The language of the statute reinforces this conclusion. Section 9037(a) requires the Secretary to determine that amounts for convention payments and general election payments are available before the Secretary makes primary matching payments (emphasis added). Use of the words "are available" demonstrates that Congress intended that the Secretary ensure conformity with the statutory priority of payments by actually setting aside amounts sufficient to make convention payments and general election payments before allowing primary matching payments to be made. Had Congress contemplated the use of projections in determining the amount of

primary matching payments that could be made, it could have chosen words such as "will be available" or "are likely to be available" to reflect such an intent.

One commentator proposed the implementation of a "line of credit" that the Secretary could draw on in situations where there were insufficient amounts in the Presidential Primary Matching Payment Account. This proposal was not adopted because it is contrary to the clear language of section 9006(c). That section provides that where the Secretary determines that amounts in the Fund are insufficient to make all required payments, "moneys shall not be made available from any other source for the purpose of making such payments."

One commentator questioned whether proposed § 701.9006-1(e) would allow for adjustments to any of the accounts. Proposed § 701.9006-1(e) provides that after making transfers to the Presidential Nominating Convention Account and the Presidential and Vice Presidential Nominee Account for a presidential election, the Secretary shall not make any additional deposits to those accounts until October 1 of the year after that presidential election. The commentator pointed out that this rule could be interpreted to prevent the Secretary from making necessary adjustments to the funding of those accounts after their initial funding. For example, the commentator noted that an adjustment to the funding of the Presidential Nominating Convention Account to account for inflation is typically calculated in February of the election year. The commentator also noted that payments from the Presidential and Vice Presidential Nominee Account may be necessary for minor or new party candidates after the election, and that additional deposits may be necessary in order to make these payments.

Proposed § 701.9006-1(e) is not intended to prevent these types of adjustments. Therefore, proposed § 701.9006-1(e) has been revised to clarify that these types of adjustments may be made.

One commentator suggested that the Secretary notify the Commission monthly on the balance in the Presidential Primary Matching Payment Account. Proposed § 702.9037-1 has been revised to require such notification promptly after the end of each calendar month.

One commentator suggested that the regulations make clear that the Commission is required to certify to the Secretary the full amount of a payment to which a candidate is entitled.

Proposed § 702.9037-2(a) has been revised to clarify this point.

Finally, one commentator questioned one effect of the rule in proposed § 702.9037-2(b). The commentator pointed out that this rule can result in an earlier-certified candidate receiving more than a later-certified candidate, despite the fact that both candidates may be certified for equal amounts. This effect is demonstrated in the example in proposed § 702.9037-2(c) that is adopted here as § 702.9037-2(d) without change. In this example, through March 1992, candidate X is certified for \$2000x and is paid \$1400x. Candidate Z is certified for \$2600x and is paid \$650x. This result occurs because no certifications were received for candidate Z in February. Although no certifications were actually received for candidates X and Y in March, under proposed § 702.9037-2(b), the unpaid certifications of candidates X and Y from February are treated as received in March.

The rule in proposed § 702.9037-2(b) has been moved to § 702.9037-2(c) and adopted without change, because Code section 9037(b) is clear that in seeking to achieve an equitable distribution of funds under Code section 9037(a), the Secretary shall take into account the sequence in which certifications are received.

Special Analyses

It has been determined that these final rules are not major rules as defined in Executive Order 12291. Therefore, a Regulatory Impact Analysis is not required. It has also been determined that section 553(b) of the Administrative Procedure Act (5 U.S.C. chapter 5) and the Regulatory Flexibility Act (5 U.S.C. chapter 6) do not apply to these regulations, and, therefore, a final Regulatory Flexibility Analysis is not required. Pursuant to section 7805(f) of the Internal Revenue Code, the proposed regulations were submitted to the Chief Counsel for Advocacy of the Small Business Administration for comment on their impact on small business.

Drafting Information

The principal author of these final regulations is Joel S. Rutstein, Office of the Assistant Chief Counsel (Income Tax and Accounting), Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulations.

List of Subjects

26 CFR Part 701

Campaign funds, Political candidates, Elections.

26 CFR Part 702

Campaign funds, Administrative practice and procedure, Political candidates.

Adoption of Amendments to the Regulations

Par. 1. Part 701 is added to read as follows:

PART 701—PRESIDENTIAL ELECTION CAMPAIGN FUND

Sec.

701.9006-1 Presidential Election Campaign Fund.

Authority: 26 U.S.C. 7805.

§ 701.9006-1 Presidential Election Campaign Fund.

(a) *Transfer of amounts to the Presidential Election Campaign Fund.* The Secretary shall determine at least once a month the amount designated by individuals under section 6096 to the Presidential Election Campaign Fund ("Fund") established under section 9006(a). The Secretary shall then promptly transfer from the general fund of the Treasury that amount to the Fund. Only amounts transferred to the Fund on or before September 30 following a presidential election shall be used to satisfy certifications relating to that presidential election.

(b) *Creation of separate accounts within the Presidential Election Campaign Fund.* The Secretary shall establish, within the Presidential Election Campaign Fund, three separate accounts, designated as the Presidential Nominating Convention Account, the Presidential and Vice Presidential Nominee Account, and the Presidential Primary Matching Payment Account.

(c) *Transfer of amounts to the Presidential Nominating Convention Account.* The Secretary shall deposit in the Presidential Nominating Convention Account such amounts as the Secretary determines, in consultation with the Federal Election Commission (the "Commission"), are required to make the payments prescribed by section 9006(b)(3). The Secretary shall make this deposit only from amounts that have actually been transferred to the Presidential Election Campaign Fund under § 701.9006-1(a).

(d) *Transfer of amounts to the Presidential and Vice Presidential Nominee Account.* After making the transfers prescribed by § 701.9006-1(c), the Secretary shall deposit in the

Presidential and Vice Presidential Nominee Account such amounts as the Secretary determines, in consultation with the Commission, are required to make the payments prescribed by section 9006(b). The Secretary shall make this deposit only from amounts that have actually been transferred to the Presidential Election Campaign Fund under § 701.9006-1(a).

(e) *Limit on additional deposits.* After making the transfers prescribed by §§ 701.9006-1(c) and 701.9006-1(d) for a presidential election, including any transfers on account of adjustments under section 9006(b)(5) and post-election entitlements under section 9004(a)(3), the Secretary shall not make any additional deposits to those accounts until October 1 of the year following that presidential election.

(f) *Transfer of amounts to the Presidential Primary Matching Payment Account.* See § 702.9037-1 for rules relating to transfers of amounts to the Presidential Primary Matching Payment Account.

Par. 2. Part 702 is added to read as follows:

PART 702—PRESIDENTIAL PRIMARY MATCHING PAYMENT ACCOUNT

Sec.

702.9037-1 Transfer of amounts to the Presidential Primary Matching Payment Account.

702.9037-2 Payments from the Presidential Primary Matching Payment Account.

Authority: 26 U.S.C. 7805.

§ 702.9037-1 Transfer of amounts to the Presidential Primary Matching Payment Account.

The Secretary shall deposit amounts into the Presidential Primary Matching Payment Account only to the extent that there are amounts in the Presidential Election Campaign Fund after the transfers prescribed by §§ 701.9006-1(c) and 701.9006-1(d). The Secretary shall make this deposit only from amounts that have actually been transferred to the Presidential Election Campaign Fund under § 701.9006-1(a). Promptly after the end of each month the Secretary shall notify the Federal Election Commission of the total deposits made to the account in the month and the balance in the account at the end of the month. Any amounts in the account after October 31 following a presidential election shall be returned to the Presidential Election Campaign Fund for the purpose of making the transfers prescribed by §§ 701.9006-1(c), (d), and (f) for the next presidential election.

§ 702.9037-2 Payments from the Presidential Primary Matching Payment Account.

(a) *In general.* The Federal Election Commission (the "Commission") shall certify to the Secretary the full amount of payment to which a candidate is entitled under section 9036. Except as provided in paragraph (c) of this section, promptly after the end of each calendar month, but not before the beginning of the matching payment period under section 9032(6), the Secretary shall pay the amounts certified by the Commission in the preceding calendar month from the Presidential Primary Matching Payment Account to the candidate.

(b) *Notification to the Federal Election Commission.* Promptly, after all the payments under paragraph (a) of this section have been made for a calendar month, the Secretary shall notify the Commission of the amount paid to each candidate for the calendar month and the balance remaining in the Presidential Primary Matching Payment Account.

(c) *Payments to candidates in the case of shortfall.* If the amount certified by the Commission in a calendar month exceeds the balance in the Presidential Primary Matching Payment Account on the last day of the calendar month, the amount paid to a candidate for that month under paragraph (a) of this section is the amount determined by multiplying the amount certified by the Commission for the candidate during the calendar month by the ratio of the balance in the account on the last day of the calendar month over the total amount certified by the Commission for all the candidates during the calendar month. Any amount certified by the Commission, but not paid to a candidate because of this paragraph (c), is treated as an amount certified by the Commission for that candidate during the succeeding calendar month.

(d) *Example.* The provisions of paragraph (c) of this section may be illustrated by the following example.

Example. X, Y, and Z are eligible candidates. On February 11, 1992, the Secretary receives certifications by the Commission for X in the amount of \$2000x and Y in the amount of \$500x. There is no certification for Z. The Secretary does not receive any other certifications during February 1992. On February 29, 1992, the balance in the Presidential Primary Matching Payment Account is \$1500x. Under paragraph (c) of this section, X's payment for February 1992 is \$1200x (\$2000x (the amount certified by the Commission for X during February 1992) multiplied by \$1500x (the balance in the account on the last day of February 1992) over \$2500x (the total amount certified by the

Commission for all candidates during February 1992). The amount not paid to X, \$800x (\$2000x minus \$1200x), is treated as certified by the Commission for X during March 1992, the succeeding calendar month. Under paragraph (c) of this section, Y's payment for February 1992 is \$300x (\$500x multiplied by \$1500x over \$2500x). The amount not paid to Y, \$200x (\$500x minus \$300x), is treated as certified by the Commission for Y during March 1992. On March 10, 1992, no certifications are received for X and Y, but the Secretary receives a certification by the Commission for Z in the amount of \$2600x. The Secretary does not receive any other certifications during March 1992. On March 31, 1992, the balance in the account is \$900x. Under paragraph (c) of this section, X's payment for March 1992 is \$200x (\$800x (the amount treated as certified by the Commission for X during March 1992) multiplied by \$900x (the balance in the account on the last day of March 1992) over \$3600x (the total amount treated as certified or actually certified by the Commission for all candidates during March 1992)). Under paragraph (c) of this section, Y's payment for March 1992 is \$50x (\$200x multiplied by \$900x over \$3600x). Under paragraph (c) of this section, Z's payment for March 1992 is \$650x (\$2600x multiplied by \$900x over \$3600x). The amounts not paid to X, Y, and Z for March 1992 are treated as certified by the Commission during April 1992.

Dated: April 18, 1991.

Fred T. Goldberg, Jr.,

Commissioner of Internal Revenue.

Approved:

Kenneth W. Gideon,

Assistant Secretary of the Treasury.

[FR Doc. 91-11206 Filed 5-9-91; 8:45 am]

BILLING CODE 4830-01-M

DEPARTMENT OF JUSTICE

28 CFR Part 0

[Order No. 1491-91]

Organization of the Department of Justice; United States National Central Bureau, International Criminal Police Organization

AGENCY: Department of Justice.

ACTION: Final rule.

SUMMARY: The Department of Justice is amending § 0.34 of title 28 of the Code of Federal Regulations, which concerns the general functions of the Chief of the United States National Central Bureau, International Criminal Police Organization (INTERPOL-USNCB). The amendment revises paragraph (c) to reflect the Chief of INTERPOL-USNCB's participation in the Executive Committee of INTERPOL-USNCB.

EFFECTIVE DATE: April 30, 1991.

FOR FURTHER INFORMATION CONTACT: Maurice Ross, Special Assistant to the

Deputy Attorney General, U.S. Department of Justice, Washington, DC 20530, (202) 514-1904.

SUPPLEMENTARY INFORMATION: In 1988, INTERPOL-USNCB's Management Policy Group was structured in a manner perceived at the time to be the most efficient and effective means of reviewing and developing INTERPOL programs and policies. The Chief of INTERPOL-USNCB served as a member of the Management Policy Group.

In actual practice over the years, responsibility for INTERPOL programs came to be centered in what is known as the Executive Committee in INTERPOL-USNCB. Thus, the structure and composition of the current Management Policy Group no longer adequately reflects the management needs of INTERPOL-USNCB. The formal creation of an Executive Committee of INTERPOL-USNCB and the restructuring of the Management Policy Group offer a more efficient and effective structure for reviewing, developing and implementing INTERPOL programs and policies. This amendment reflects these changes by eliminating the description of the Management Policy Group and by adding membership on the Executive Committee of INTERPOL-USNCB to the list of functions assigned to the Chief of INTERPOL-USNCB.

As required by the Regulatory Flexibility Act, it is hereby certified that this rule will not have a significant impact on small business entities. It is not a major rule within the meaning of Executive Order 12291

List of Subjects in 28 CFR Part 0

Administrative practice and procedure, Authority delegations (Government agencies), Government employees, Organization and functions (Government agencies), Whistleblowing.

Accordingly, 28 CFR part 0 is amended to read as follows:

PART 0—[AMENDED]

1. The authority citation for part 0 is revised to read as follows:

Authority: 5 U.S.C. 301, 2303, 3103; 8 U.S.C. 1103, 1324A, 1427(g); 15 U.S.C. 644(k); 18 U.S.C. 2254, 3621, 3622, 4001, 4041, 4042, 4044, 4062, 4201 *et seq.*; 6003(b); 21 U.S.C. 871, 878(a), 881(d), 904; 22 U.S.C. 263a, 1621-1645o, 1622, note; 28 U.S.C. 509, 510, 515, 516, 519, 524, 543, 552, 552a, 566; 31 U.S.C. 1108, 3901, *et seq.*; 50 U.S.C. App. 1989b, 2001-2017p; Pub. L. No. 91-513, sec. 501; Pub. L. No. 101-203; EO 11919; EO 11267; EO 11300.

2. Paragraph (c) of § 0.34 is revised to read as follows:

§ 0.34 General functions.

* * * * *

(c) Serve as a member of the Executive Committee of INTERPOL-United States National Central Bureau (INTERPOL-USNCB).

Dated: April 30, 1991.

Dick Thornburgh,

Attorney General.

[FR Doc. 91-10784 Filed 5-9-91; 8:45 am]

BILLING CODE 4410-01-M

Parole Commission

28 CFR Part 2

Paroling, Recommitting and Supervising Federal Prisoners; Jurisdiction and Reopening of Transfer Treaty Cases; Correction

AGENCY: United States Parole Commission, Justice.

ACTION: Final rule; correction.

SUMMARY: The Parole Commission is correcting a typographical error which appeared in the publication of the final rule relating to reopening or modifying a release determination for inmates transferred pursuant to treaty.

EFFECTIVE DATE: May 10, 1991.

FOR FURTHER INFORMATION CONTACT: Richard K. Preston, Staff Attorney, United States Parole Commission, 5550 Friendship Boulevard, Chevy Chase, Maryland 20815, Telephone (301) 492-5959.

The Federal Register published on Monday, April 22, 1991, page 16272, column 2, the first word of the first sentence of § 2.62 (k)(1) is corrected by removing the word "As" and replacing it with the word "At".

Dated: May 6, 1991.

Michael A. Stover,

General Counsel, U.S. Parole Commission.

[FR Doc. 91-11119 Filed 5-9-91; 8:45 am]

BILLING CODE 4410-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 100

[CGD1 91-019]

Empire State Regatta, Albar., NY

AGENCY: Coast Guard, DOT.

ACTION: Notice of Implementation of 33 CFR 100.104.

SUMMARY: This notice puts into effect the permanent regulations, 33 CFR 100.104, for the Empire State Regatta to begin on Friday, June 7, 1991 at 12:01 pm

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