

**§ 545.141 How may I use electronic means and facilities?**

You may use electronic means or facilities to perform any authorized function, or provide any authorized product or service. Electronic means or facilities include, but are not limited to automated teller machines, automated loan machines, personal computers, the Internet, the World Wide Web, telephones, and other similar electronic devices.

**§ 545.142 When may I sell electronic capacities and by-products that I have acquired or developed?**

You may market and sell electronic capacities and by-products to third-parties if you acquired or developed these capacities and by-products in good faith as part of providing financial services.

**§ 545.143 How may I participate with others in the use of electronic means and facilities?**

You may participate with others to perform, provide, or deliver through electronic means and facilities any activity, function, product, or service described under §§ 545.141 and 545.142. If the participating entity is not subject to examination by a Federal agency regulating financial institutions, you may participate with that entity only if it has agreed in writing with the OTS that it will:

(a) Permit the examination of its electronic means or facilities, as the OTS deems necessary;

(b) Pay for any related OTS examination fees; and

(c) Make all relevant records in its possession, written or electronic, available to the OTS for examination.

**§ 545.144 What security precautions must I take?**

If you use electronic means and facilities under this subpart, you should adopt standards and policies that are designed to ensure secure operations. You must implement security measures adequate to prevent:

(a) Unauthorized access to your records and your customers' records; and

(b) Financial fraud through the use of electronic means or facilities. If you provide an automated teller machine, an automated loan machine, or other similar electronic devices, you must comply with the security devices requirements of part 568 of this chapter.

Dated: September 26, 1997.

By the Office of Thrift Supervision.

*Nicolas P. Retsinas,*

*Director.*

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**DEPARTMENT OF DEFENSE****Defense Special Weapons Agency****32 CFR Part 318**

[DSWA Instruction 5400.11B]

**Defense Special Weapons Agency Privacy Program**

**AGENCY:** Defense Special Weapons Agency, DOD.

**ACTION:** Proposed rule.

**SUMMARY:** The Defense Special Weapons Agency (DSWA) is proposing to add two sections to its procedural rule for the DSWA Privacy Program. The two sections are entitled Disclosure of record to persons other than the individual to whom it pertains and Fees. The addition of these two sections helps an individual to better understand the DSWA Privacy Program.

**DATES:** Comments must be received on or before December 2, 1997.

**ADDRESSES:** Send comments regarding this proposed rule to the General Counsel, Defense Special Weapons Agency, 6801 Telegraph Road, Alexandria, VA 22310-3398.

**FOR FURTHER INFORMATION CONTACT:** Mrs. Sandy Barker at (703) 325-7681.

**SUPPLEMENTARY INFORMATION:**

**Executive Order 12866.** It has been determined that this Privacy Act proposed rule for the Department of Defense does not constitute 'significant regulatory action'. Analysis of the rule indicates that it does not have an annual effect on the economy of \$100 million or more; does not create a serious inconsistency or otherwise interfere with an action taken or planned by another agency; does not materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; does not raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in Executive Order 12866 (1993).

**Regulatory Flexibility Act.** It has been determined that this Privacy Act proposed rule for the Department of Defense does not have significant economic impact on a substantial number of small entities because it is concerned only with the administration of Privacy Act systems of records within the Department of Defense.

**Paperwork Reduction Act.** It has been determined that the Privacy Act proposed rule for the Department of Defense imposes no information requirements beyond the Department of Defense and that the information collected within the Department of Defense is necessary and consistent with 5 U.S.C. 552a, known as the Privacy Act of 1974.

The Defense Special Weapons Agency (DSWA) is proposing to add two sections to its procedural rule for the DSWA Privacy Program. The two sections are entitled Disclosure of record to persons other than the individual to whom it pertains and Fees. The addition of these two sections helps an individual to better understand the DSWA Privacy Program.

**List of Subjects in 32 CFR Part 318**

Privacy.

Accordingly, the Defense Special Weapons Agency amends 32 CFR part 318 as follows:

**PART 318—DEFENSE SPECIAL WEAPONS AGENCY PRIVACY PROGRAM—[AMENDED]**

1. The authority citation for 32 CFR part 318 continues to read as follows:

**AUTHORITY:** Pub. L. 93-579, 88 Stat. 1896 (5 U.S.C. 552a).

**§ 318.9 [Redesignated as § 318.11]**

2. Section 318.9 is redesignated as 318.11.

3. Sections 318.9 and 318.10 are added to read as follows:

**§ 318.9 Disclosure of record to persons other than the individual to whom it pertains.**

(a) *General.* No record contained in a system of records maintained by DSWA shall be disclosed by any means to any person or agency within or outside the Department of Defense without the request or consent of the subject of the record, except as described in 32 CFR part 310.41, Appendix C to part 310, and/or a Defense Special Weapons Agency system of records notice.

(b) *Accounting of disclosures.* Except for disclosures made to members of the DoD in connection with their official duties, and disclosures required by the Freedom of Information Act, an accounting will be kept of all disclosures of records maintained in DSWA system of records.

(1) Accounting entries will normally be kept on a DSWA form, which will be maintained in the record file jacket, or in a document that is part of the record.

(2) Accounting entries will record the date, nature and purpose of each disclosure, and the name and address of

the person or agency to whom the disclosure is made.

(3) Accounting records will be maintained for at least 5 years after the last disclosure, or for the life of the record, whichever is longer.

(4) Subjects of DSWA records will be given access to associated accounting records upon request, except for those disclosures made to law enforcement activities when the law enforcement activity has requested that the disclosure not be made, and/or as exempted under section 318.11 of this part.

#### **§ 318.10 Fees**

Individuals may request copies for retention of any documents to which they are granted access in DSWA records pertaining to them. Requesters will not be charged for the first copy of any records provided; however, duplicate copies will require a charge to cover costs of reproduction. Such charges will be computed in accordance with DoD 5400.11-R.

Dated: September 29, 1997.

**L. M. Bynum,**

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

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## **DEPARTMENT OF THE INTERIOR**

### **Office of Hearings and Appeals**

#### **43 CFR Part 4**

**RIN 1090-AA63**

#### **Department Hearings and Appeals Procedures**

**AGENCY:** Office of Hearings and Appeals, Interior.

**ACTION:** Proposed rule; extension of comment period.

**SUMMARY:** This action extends the comment period an additional 60 days on the Department of the Interior's Office of Hearings and Appeals' proposal to amend its rules to provide that, except as otherwise provided by law or other regulation, a decision will be stayed, if it is appealed, until there is a dispositive decision on the appeal.

**DATES:** Comments are due to the agency on or before December 2, 1997.

**ADDRESSES:** Send written comments to Director, Office of Hearings and Appeals, U.S. Department of the Interior, 4015 Wilson Blvd., Arlington, VA 22203. Comments received will be available for inspection during regular business hours (9 a.m. to 5 p.m.) in the

Office of the Director, Office of Hearings and Appeals, 11th Floor, 4015 Wilson Blvd., Arlington, VA. Persons wishing to inspect comments are requested to call in advance at 703-235-3810 to make an appointment.

#### **FOR FURTHER INFORMATION CONTACT:**

James L. Byrnes, Chief Administrative Judge, Interior Board of Land Appeals, Office of Hearings and Appeals, U.S. Department of the Interior, 4015 Wilson Blvd., Arlington, VA 22203. Telephone: 703-235-3750.

**SUPPLEMENTARY INFORMATION:** On August 19, 1997, the Department of the Interior proposed to amend the regulation contained at 43 CFR 4.21 (August 28, 1997, 62 FR 45606.) Comments to this proposed rule were to be received on or before September 29, 1997.

In a letter dated September 4, 1997, from the National Mining Association (NMA) to the Director of the Office of Hearings and Appeals (OHA), U.S. Department of the Interior, the NMA requested a 60-day extension of the comment period for this proposed amendment because the existing comment period did not allow adequate opportunity for comment, and it needed more time to present the views of its member companies. Also, in a letter dated September 12, 1997, from the Rocky Mountain Oil and Gas Association (RMOGA) to the Director, OHA, that organization requested a 60-day extension of the comment period. The RMOGA stated that the current 30-day comment period would not allow the industry adequate time to carefully analyze the proposed rule to determine the potential effects, if any, on oil and gas activities on public lands.

The OHA has determined that an extension of time to obtain the comments on the proposed rule from NMA and RMOGA is warranted and therefore, the requested extension is granted. This notice announces that 60-day extension of the comment period.

Dated: September 24, 1997.

**Brooks B. Yeager,**

*Acting Assistant Secretary—Policy, Management and Budget.*

[FR Doc. 97-26200 Filed 10-2-97; 8:45 am]

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## **FEDERAL EMERGENCY MANAGEMENT AGENCY**

### **44 CFR Part 67**

**[Docket No. FEMA-7230]**

#### **Proposed Flood Elevation Determinations**

**AGENCY:** Federal Emergency Management Agency (FEMA).

**ACTION:** Proposed rule.

**SUMMARY:** Technical information or comments are requested on the proposed base (1% annual chance) flood elevations and proposed base flood elevation modifications for the communities listed below. The base flood elevations and modified base flood elevations are the basis for the floodplain management measures that the community is required either to adopt or to show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

**DATES:** The comment period is ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in each community.

**ADDRESSES:** The proposed base flood elevations for each community are available for inspection at the office of the Chief Executive Officer of each community. The respective addresses are listed in the following table.

**FOR FURTHER INFORMATION CONTACT:** Frederick H. Sharrocks, Jr., Chief, Hazard Identification Branch, Mitigation Directorate, 500 C Street SW., Washington, DC 20472, (202) 646-2796.

**SUPPLEMENTARY INFORMATION:** The Federal Emergency Management Agency proposes to make determinations of base flood elevations and modified base flood elevations for each community listed below, in accordance with Section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These proposed base flood and modified base flood elevations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations are used to