

Proposed Rules

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This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Office of the Secretary

7 CFR Part 1

Privacy Act Regulations; Implementation

AGENCY: Office of the Secretary, USDA.
ACTION: Proposed rule.

SUMMARY: The Department of Agriculture (USDA) hereby proposes to amend its regulations by adding one system of records to those exempted from certain sections of the Privacy Act of 1974 (5 U.S.C. 552a) pursuant to 5 U.S.C. 552a(k).

DATES: Comments must be received by the contact person listed below on or before March 1, 1995.

FOR FURTHER INFORMATION CONTACT: Andrew Johnson, Jr., Acting Deputy Associate Director, Policy and Planning Division, Office of Civil Rights Enforcement, U.S. Department of Agriculture, 14th and Independence Avenue SW., Room 1364—South Building, Washington, DC 20250-9400, (202) 720-1130 (voice/TDD).

SUPPLEMENTARY INFORMATION: USDA is proposing to exempt, pursuant to subsection (k)(2) of the Privacy Act, 5 U.S.C. 552a(k)(2), Department-wide system of records Program Discrimination Complaints, USDA/OCRE-1, from subsections (c)(3), (d), (e)(1), (e)(4)(H), (e)(4)(I), and (f) of the Act. A separate notice regarding USDA/OCRE-1 will be published in the Federal Register.

The proposed new system will consist of files on complaints of discrimination in USDA federally assisted or federally conducted programs or activities. The information is collected by the Office of Civil Rights Enforcement (OCRE) and by the civil rights compliance offices of the program agencies involved during the course of investigations of program discrimination complaints and includes investigative notes, signed statements, correspondence, case history and status, personal information concerning agency

personnel and private individuals, financial information and other related information, and reported findings of OCRE and other USDA entities, such as the Office of Inspector General.

The authority for maintenance of this system is 5 U.S.C. 301; 42 U.S.C. 2000d, *et seq.*; 42 U.S.C. 3608(d); 42 U.S.C. 12101, *et seq.*; 20 U.S.C. 1681, *et seq.*; 29 U.S.C. 794; 15 U.S.C. 1691, *et seq.*; and 7 U.S.C. 2011, *et seq.* These statutes authorize USDA to ensure that USDA federally assisted or federally conducted programs or activities are consistent with civil rights laws.

USDA has determined to exempt this system of records from the above-referenced provisions of the Privacy Act because the exemption is necessary for the agency's law enforcement efforts. The subject individuals of the files in these systems know that USDA is maintaining a file on their complaint and the general nature of the information contained in it. Subject individuals of the files in this system have been provided procedures for agency investigation of their program discrimination complaints by USDA regulations at 7 CFR part 15. Subject individuals of the files in this system, as part of the investigative process, are given the opportunity to submit any relevant information during the investigative process. To allow the subject individuals the additional right under the Privacy Act to have access to, and to amend or correct, the records or information submitted by the allegedly discriminating agency or by witnesses would undermine the investigatory process.

List of Subjects in 7 CFR Part 1

Privacy.

Accordingly, 7 CFR part 1 is proposed to be amended to read as follows:

PART 1—ADMINISTRATIVE REGULATIONS

Subpart G—Privacy Act Regulations

1. The authority citation for part 1, subpart G, continues to read as follows:
Authority: 5 U.S.C. 552a.

2. Section 1.123 is proposed to be amended by adding the following to read as follows:

§ 1.123 Specific exemptions.

* * * * *

Office of Civil Rights Enforcement

Program Discrimination Complaints, USDA/OCRE-1.

Signed at Washington, DC, on January 11, 1995.

Richard E. Rominger,

Acting Secretary.

[FR Doc. 95-1974 Filed 1-27-95; 8:45 am]

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Agricultural Marketing Service

7 CFR Part 948

[FV94-948-3PR]

Irish Potatoes Grown in Colorado; Reestablishment of Area No. 2 and Area No. 3 Regulatory Boundaries, and Redistribution of Area No. 2 Committee Representation

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposed rule would reestablish regulatory area boundaries by moving Chaffee County from Area No. 3 to Area No. 2, and combine Chaffee County with Saguache County for the purpose of providing Chaffee County with producer representation on the Area No. 2, rather than the Area No. 3, Committee. This proposed rule would provide for more effective administration of the marketing order and more effective compliance efforts. This proposed rule was unanimously recommended by the Area No. 2 and Area No. 3 Committees, the administrative agencies established for these regulatory areas under the marketing order for Colorado potatoes.

DATES: Comments must be received by March 1, 1995.

ADDRESSES: Interested persons are invited to submit written comments concerning this proposal. Comments must be sent in triplicate to the Docket Clerk, Fruit and Vegetable Division, AMS, USDA, Room 2525, South Building, P.O. Box 96456, Washington, DC 20090-6456, FAX: (202) 720-5698. All comments should reference the docket number and the date and page number of this issue of the Federal Register and will be made available for public inspection in the Office of the Docket Clerk during regular business hours.