

PART 802—OFFICIAL PERFORMANCE AND PROCEDURAL REQUIREMENTS FOR GRAIN WEIGHING EQUIPMENT AND RELATED GRAIN HANDLING SYSTEMS

1. The authority citation for Part 802 continues to read as follows:

Authority: Pub. L. 94-582, 90 Stat. 2867, as amended (7 U.S.C. 71 *et seq.*).

2. Section 802.0 is revised to read as follows:

§ 802.0 Applicability.

(a) The requirements set forth in this Part 802 describe certain specifications, tolerances, and other technical requirements for grain weighing equipment and related grain handling systems used in performing Class X and Class Y weighing services, official inspection services, and commercial services under the Act. All scales used for official grain weight and inspection certification services provided by FGIS shall meet applicable requirements contained in the FGIS Weighing Handbook, the General Code, the Scales Code, the Automatic Bulk Weighing Systems Code, and the Weights Code of the 1994 edition of National Institute of Standards and Technology (NIST) Handbook 44, "Specifications, Tolerances, and Other Technical Requirements for Weighing and Measuring Devices" (Handbook 44); and NIST HANDBOOK 105-1 (1990 Edition), "Specifications and Tolerances for Reference Standards and Field Standard Weights and Measures" (Handbook 105-1). These requirements are confirmed to be met by having National Type Evaluation Program or Federal Grain Inspection Service type approval. Scales used for commercial purposes will be required to meet only the applicable requirements of the 1994 edition of the NIST Handbook-44. Pursuant to the provisions of 5 U.S.C. 552(a), with the exception of the Handbook 44 requirements listed in paragraph (b) of this section, the materials in Handbooks 44 and 105-1 are incorporated by reference as they exist on the date of approval and a notice of any change in these materials will be published in the **Federal Register**. The NIST Handbooks are for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20403. They are also available for inspect at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(b) The following Handbook 44 requirements are not incorporated by reference:

Scales Code (2.20)

- S.1.8. Computer Scales
- S.1.8.2. Money-Value Computation
- S.1.8.3. Customer's Indications
- S.1.8.4. Recorded Representations, Point of Sale
- S.2.5.2. Jeweler's, Prescription, & Class I & II Scales
- S.3.3. Scoop Counterbalance
- N.1.3.2. Dairy-Product Test Scales
- N.1.5. Discrimination Test (Not adopted for Grain Test Scales only)
- N.1.8. Material Tests
- N.3.1.2. Interim Approval
- N.3.1.3. Enforcement Action for Inaccuracy
- N.4. Coupled-in-Motion Railroad Weighing Systems
- N.5. Nominal Capacity of Prescription Scales
- T.1.2. Postal and Parcel Post Scales
- T.2.3. Prescription Scales
- T.2.4. Jewelers' Scales (all sections)
- T.2.5. Dairy—Product-Test Scales (all sections)
- T.N.3.9. Materials Test on Customer-Operated Bulk-Weighing Systems for Recycled Materials
- UR.1.4. Grain Test Scales: Value of Scale Divisions
- UR.3.1. Recommended Minimum Load
- UR.3.1.1. Minimum Load, Grain Dockage
- Automatic Bulk Weighing Systems (2.22):
 - UR.1.1. Selection Requirements for Systems Used to Weight Grain.

Dated: June 6, 1995.

James R. Baker,

Administrator.

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NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Parts 701, 747, 790 and 792

Changes in Citations, Office Descriptions and Information Centers

AGENCY: National Credit Union Administration (NCUA).

ACTION: Final rule.

SUMMARY: This final rule makes housekeeping changes to NCUA's regulations. Corrections are made to certain citations to the United States Code found in the regulations and descriptions of two NCUA offices are updated to reflect current agency structure.

EFFECTIVE DATE: June 19, 1995.

FOR FURTHER INFORMATION CONTACT: Hattie M. Ulan, Special Counsel to the General Counsel, at 703-544-6540.

SUPPLEMENTARY INFORMATION: Section 701.14 and part 747, subpart J contain incorrect citations to the United States Code. These citations were correct when the regulations were originally drafted, but have changed due to a recodification

of the U.S. Code. The corrections are made in this document. Part 790 sets forth descriptions of the various NCUA offices. Two updates need to be made to these descriptions. First, the Office of Chief Economist and Policy Development, described in Section 790.2(b)(14) has been redesignated as the Office of Investment Services. The duties and responsibilities of the Office of Investment Services are somewhat different from the former office. Modifications to both the office name and description are made. Second, the structure of regional office management has recently been modified. Senior regional management formerly consisted of a Regional Director, an Associate Regional Director and a Deputy Regional Director. The titles and duties of these officials are found in Section 790.2(c)(2). Regional management now consists of a Regional Director, an Associate Regional Director for Programs and an Associate Regional Director for Operations. Modifications to Section 790.2(c)(2) are made to reflect the current structure and duties.

Part 792 contains, among other things, a description of the NCUA's information centers for purposes of the Freedom of Information Act. The Asset Liquidation Management Center is added to Section 792.2(f) as an agency information center.

Since these changes are housekeeping and do not have any substantive effect on credit unions, the Board finds it unnecessary to either issue a proposed rule or to have a delayed effective date. Therefore these changes are issued in final form and are effective upon publication.

Regulatory Procedures

Regulatory Flexibility Act

The Regulatory Flexibility Act requires the NCUA to prepare an analysis to describe any significant economic impact any regulation may have on a substantial number of small credit unions (primarily those under \$1 million in assets). The types of changes made by this rule have no economic impact on credit unions. These are merely housekeeping changes. Therefore, the NCUA Board has determined and certifies that, under the authority granted in 5 U.S.C. 605(b), this final rule will not have a significant economic impact on a substantial number of small credit unions. Accordingly, the Board has determined that a Regulatory Flexibility Analysis is not required.

Paperwork Reduction Act

This final rule does not change any paperwork requirements.

Executive Order 12612

Executive Order 12612 requires NCUA to consider the effect of its actions on state interests. Since these are housekeeping changes only, there is no effect on state interests.

List of Subjects in 12 CFR Parts 701, 747, 790 and 792

Credit unions.

By the National Credit Union Administration Board on June 12, 1995.

Becky Baker,

Secretary of the Board.

Accordingly, for the reasons set out in the preamble, 12 CFR Ch. VII is amended as set forth below.

PART 701—ORGANIZATION AND OPERATIONS OF FEDERAL CREDIT UNIONS

1. The authority citation for part 701 continues to read as follows:

Authority: 12 U.S.C. 1752(5), 1755, 1756, 1757, 1759, 1761b, 1766, 1767, 1782, 1784, 1787, 1789, and Public Law 101-73. Section 701.6 is also authorized by 12 U.S.C. 1601 et seq., 42 U.S.C. 1981 and 42 U.S.C. 1601-1610. Section 701.35 is also authorized by 12 U.S.C. 4311-4312.

§ 701.14 [Amended]

1a. In § 701.14, paragraph (a) is amended by removing the citation "12 U.S.C. 1791" and adding in its place "12 U.S.C. 1790a".

PART 747—ADMINISTRATIVE ACTIONS, ADJUDICATIVE HEARINGS, AND RULES OF PRACTICE AND PROCEDURE

2. The authority citation for part 747 continues to read as follows:

Authority: 12 U.S.C. 1766, 12 U.S.C. 1786, 12 U.S.C. 1784, 12 U.S.C. 1787.

§§ 747.901, 747.902, 747.904 [Amended]

3. Remove the citation "12 U.S.C. 1791" and add, in its place, "12 U.S.C. 1790a" in the following places:

- (a) § 747.901;
- (b) § 747.902;
- (c) § 747.904(b)(2).

PART 790—DESCRIPTION ON NCUA; REQUESTS FOR AGENCY ACTION

4. The authority citation for part 790 continues to read as follows:

Authority: 12 U.S.C. 1766, 12 U.S.C. 1789, 12 U.S.C. 1795f.

5. Section 790.2(b) is amended by revising paragraph (b)(14) as set forth below; § 790.2(c)(2) is amended by revising the 5th, 6th and 7th sentences as set forth below:

§ 790.2 Central and regional office organization.

* * * * *

(b) Central Office.* * *

(14) Office of Investment Services. The Office of Investment Services is responsible for providing investment expertise and advice to the Board and agency staff. A working relationship is maintained with the financial marketplace to develop resources available to the NCUA and keep abreast of product initiatives. The NCUA Investment Hotline housed in this Office is a toll-free number that is available to examiners, credit unions, and financial product vendors to ask investment related questions. The Hotline provides NCUA an opportunity to be aware of current investment issues as they arise in credit unions and has permitted NCUA to become proactive, rather than reactive, to such issues. In addition, investment officers advise agency management on the purchase of authorized investments for the NCUSIF and the CLF.

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(c) Regional Offices.* * *

(2) * * * The Regional Director is aided by an Associate Regional Director for Operations and Associate Regional Director for Programs. Staff working in the Regional Office report to the Associate Regional Director for Operations. Each region is divided into examiner districts, each assigned to a Supervisory Credit Union Examiner; groups of examiners are directed by a Supervisory Credit Union Examiner, each of whom in turn reports directly to the Associate Regional Director for Programs.* * *

PART 792—REQUESTS FOR INFORMATION UNDER THE FREEDOM OF INFORMATION ACT AND PRIVACY ACT, AND BY SUBPOENA; SECURITY PROCEDURES FOR CLASSIFIED INFORMATION

6. The authority citation for part 792 continues to read as follows:

Authority: 12 U.S.C. 1766, 12 U.S.C. 1789, 12 U.S.C. 1795f, 5 U.S.C. 552, 5 U.S.C. 552a, Executive Orders 12600 and 12356.

7. Section 792.2 is amended by revising the first sentence of paragraph (f) as follows:

§ 792.2 Information made available to the public and requests for such information.

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(f) Information Centers. The Central Office, Regional Offices and the Asset Management Liquidation Center are

designated as Information Centers for the NCUA.* * *

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12 CFR Part 790

Addition of Specific Exemptions Under the Privacy Act

AGENCY: National Credit Union Administration.

ACTION: Final rule.

SUMMARY: The NCUA Board has adopted these amendments as proposed. The amendments reflect the addition of the (j)(2) and (k)(2) exemptions of the Privacy Act to the NCUA regulations that describe exempt systems of records, and link the "Office of Inspector General (OIG) Investigative Records—NCUA," system NCUA-20, to these Privacy Act exemptions.

EFFECTIVE DATE: July 19, 1995.

FOR FURTHER INFORMATION CONTACT: Alexandra B. Keith, Counsel to the Inspector General, Office of Inspector General, National Credit Union Administration, 5th floor, 1775 Duke Street, Alexandria, VA, 22314, Telephone: 703-518-6352.

SUPPLEMENTARY INFORMATION: In 1989, in response to the Inspector General Act Amendments, Pub. L. 100-504, the National Credit Union Administration Board established a statutorily designated Inspector General (IG), to whom the functions of the former NCUA Office of Internal Auditor, were transferred. The functions of NCUA's Office of Inspector General (OIG) include: (1) The detection and prevention of waste, fraud, and abuse and (2) the promotion of economy and efficiency in NCUA programs and operations. As one of its principal functions, the OIG performs investigations into alleged violations of criminal law in connection with NCUA's programs and operations, pursuant to the IG Act of 1978, as amended. In conjunction with these functions, OIG reports suspected violations of criminal and civil law to the U.S. Attorney General.

Section (j)(2) of the Privacy Act (Title 5 U.S.C. 552a (j)(2)) permits the head of an agency to promulgate rules to exempt a system of records from certain requirements if the system is maintained by an agency component or sub component whose principal function pertains to the enforcement of criminal laws and if the system of records is compiled for a criminal law enforcement purpose. Accordingly, to