

## SUPPLEMENTARY INFORMATION:

**Executive Order 12866**

This rule has been determined to be not-significant for purposes of Executive Order 12866 and therefore has not been reviewed by OMB.

**Federal Assistance Program**

The title and number of the Federal assistance program, as found in the Catalog of Federal Domestic Assistance, to which this interim rule applies is: Commodity Loans and Purchases—10.051.

**Regulatory Flexibility Act**

It has been determined that the Regulatory Flexibility Act (5 U.S.C. 601-611) is not applicable to this interim rule since the Commodity Credit Corporation (CCC) and the Consolidated Farm Service Agency (CFSA) are not required by 5 U.S.C. 553 or any other provision of law to publish a notice of proposed rulemaking with respect to the subject matter of this rule.

**Executive Order 12372**

This program/activity is not subject to the provisions of Executive Order 12372, which require intergovernmental consultation with State and local officials. See the Notice related to 7 CFR part 3015, subpart V, published at 48 FR 29115, June 24, 1983.

**Paperwork Reduction Act**

This interim rule does not change the CFSA information collection requirements that have been approved by OMB and assigned OMB control numbers 0560-0006, 0560-0014, and 0560-0033. The catastrophic risk protection insurance coverage requirements have been included in the following information collection packages and submitted to OMB for clearance: 0563-0001, 0563-0003 and 0563-0029.

**Executive Order 12612**

It has been determined under section 6(a) of Executive Order 12612, Federalism, that this interim rule does not have significant Federalism implications to warrant the preparation of a Federalism Assessment. The provisions and procedures contained in this rule will not have a substantial direct effect on States or their political subdivisions, or on the distribution of power and responsibilities among the various levels of government.

**Executive Order 12778**

This interim rule has been reviewed in accordance with Executive Order 12778. The provisions of this interim

rule are not retroactive and preempt State laws to the extent that such laws are inconsistent with the provisions of this interim rule. Before any legal action is brought regarding determinations made under provisions of 7 CFR part 1446, the administrative appeal provisions set forth at 7 CFR part 780 must be exhausted.

**Environmental Evaluation**

This action is not expected to have any significant impact on the quality of the human environment, health, and safety. Therefore, neither an Environmental Assessment nor an Environmental Impact Statement is needed.

**Discussion**

The 1994 Act, enacted on October 13, 1994, requires that persons who seek price support benefits for peanuts, and certain other farm program benefits, must acquire at least the catastrophic level of protection for all insurable crops of "economic significance," in which they have an interest, that are grown in the same county as the crop for which price support, or other benefit, is sought. If insurance is available, the person must obtain insurance on all crops of "economic significance" in the county that he or she has an interest, not just the supported crop. A crop of "economic significance" is a crop that has contributed, or is expected to contribute, 10 percent or more of the total expected value of all crops grown by the person.

The provisions of the 1994 Act are administered by the Federal Crop Insurance Corporation (FCIC). FCIC has issued, by an interim rule published on January 6, 1995 (60 FR 1996), regulations which implement the 1994 Act and which will be codified in 7 CFR part 400.

Price support for peanuts is made available under the Agricultural Act of 1949, 7 USC 1421 *et seq.* The peanut price support regulations are found at 7 CFR part 1446. As the provisions of part 400 and of the 1994 Act are mandatory and binding, there would be no purpose in delaying the amendment to part 1446 adopted in this rule, as that amendment is merely a conforming amendment.

**List of Subjects in 7 CFR Part 1446**

Loan programs—Agriculture, Peanuts, Price support programs, Reporting and recordkeeping requirements, Warehouses.

For the reasons set forth in the preamble, 7 CFR part 1446 is amended to read as follows:

**PART 1446—PEANUTS**

1. The authority citation for 7 CFR part 1446 continues to read as follows:

**Authority:** 7 U.S.C. 1359a, 1375, 1421 *et seq.*; 15 U.S.C. 714b and 714c.

2. The definition of "Eligible producer" at § 1446.103 is amended by adding paragraph (3)(iv) to read as follows:

**§ 1446.103 Definitions.**

(3) \* \* \*

(iv) Part 400 of this title relating to crop insurance requirements.

\* \* \* \* \*

Signed at Washington, DC, on July 5, 1995.

**Bruce R. Weber,**

*Acting Executive Vice President, Commodity Credit Corporation.*

[FR Doc. 95-16993 Filed 7-11-95; 8:45 am]

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**DEPARTMENT OF ENERGY****10 CFR Part 1008****Records Maintained on Individuals (Privacy Act)**

**AGENCY:** Department of Energy.

**ACTION:** Final rule.

**SUMMARY:** The Department of Energy (DOE) amends its Privacy Act regulation by adding two systems of records to the list of systems exempted from certain subsections of the Act. Exemption from certain subsections is needed to enable the Office of Counterintelligence to perform its duties and responsibilities. These include deterring and neutralizing foreign industrial and intelligence activities in the United States that are directed at or involving the DOE, conducting administrative counterintelligence investigations, participating in law enforcement counterintelligence investigations with the Federal Bureau of Investigation (FBI) and other Federal agencies, performing analyses and producing intelligence on counterintelligence matters, and briefing and debriefing individuals regarding DOE foreign contacts and travel. These duties and responsibilities are carried out pursuant to Executive Order 12333, the *Department of Energy Procedures for Intelligence Activities*, and DOE Order 5670.3, "Counterintelligence Program."

**EFFECTIVE DATE:** This rule becomes effective July 12, 1995.

**FOR FURTHER INFORMATION CONTACT:** GayLa Sessoms, Privacy Act Officer (HR-78), (202) 586-6020, Abel Lopez, Attorney-Advisor (GC-80), (202) 586-8618, or Chuck Washington, Program

Officer (NN-53), (202) 586-5333, at the U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585.

#### SUPPLEMENTARY INFORMATION:

##### I. Background

##### II. Procedural Requirements

- A. Review Under Executive Order 12866
- B. Review Under Executive Order 12778
- C. Review Under the Regulatory Flexibility Act
- D. Review Under the Paperwork Reduction Act
- E. Review Under Executive Order 12612
- F. National Environmental Policy Act

##### I. Background

Pursuant to the Privacy Act of 1974 (as amended) (5 U.S.C. 552a (j) and (k)), the Secretary of Energy is authorized to promulgate rules to exempt any system of records within the agency from certain subsections of the Act. Accordingly, two new systems of records are added to the list of systems exempted from certain subsections of the Act.

The purpose of this rule is to amend the DOE's Privacy Act regulation to enable the Office of Counterintelligence to carry out its administrative, analytical, and law enforcement duties and responsibilities.

A notice of proposed rulemaking and corresponding systems notices was published in the **Federal Register** on September 8, 1994 (59 FR 46522). No comments were received.

##### II. Procedural Requirements

##### A. Review Under Executive Order 12866

Today's regulatory action has been determined not to be a "significant regulatory action" under Executive Order 12866, "Regulatory Planning and Review," (58 FR 51735, October 4, 1993). Accordingly, today's action was not subject to review under the Executive Order by the Office of Information and Regulatory Affairs.

##### B. Review Under Executive Order 12778

Section 2 of Executive Order 12778 instructs each agency to adhere to certain requirements in promulgating new regulations and reviewing existing regulations. These requirements, set forth in sections 2(a) and 2(b), including eliminating drafting errors and needless ambiguity, drafting the regulations to minimize litigation, providing clear certain legal standards for affected conduct, and promoting simplification and burden reduction. Agencies are also instructed to make every reasonable effort to ensure that the regulation: Specifies clearly any preemptive effect, effect on existing Federal law or regulation, and retroactive effect;

describes any administrative proceedings to be available prior to judicial review and any provisions for the exhaustion of such administrative proceedings; and defines key terms. The DOE certifies that today's rule meets the requirements of sections 2(a) and 2(b) of Executive Order 12778.

##### C. Review Under the Regulatory Flexibility Act

This rule was reviewed under the Regulatory Flexibility Act of 1980, Pub. L. 96-354, which requires preparation of a regulatory flexibility analysis for any rule which is likely to have a significant economic impact on a substantial number of small entities. This rule will have no impact on interest rates, tax policies or liabilities, the cost of goods or services, or other direct economic factors. It will also not have any indirect economic consequences, such as changed construction rates. The DOE certifies that this rule will not have a significant economic impact on a substantial number of small entities and, therefore, no regulatory flexibility analysis has been prepared.

##### D. Review Under the Paperwork Reduction Act

No new information collection or recordkeeping requirements are imposed by this rule. Accordingly, no OMB clearance is required under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501).

##### E. Review Under Executive Order 12612

Executive Order 12612, entitled "Federalism," 52 FR 41685 (October 30, 1987), requires that regulations, rules, legislation, and any other policy actions be reviewed for any substantial direct effects on States, on the relationship between the Federal Government and the States, or in the distribution of power and responsibilities among various levels of Government. If there are sufficient substantial direct effects, then the Executive Order requires preparation of a federalism assessment to be used in all decisions involved in promulgating and implementing a policy action. This rule will not affect States, or the relationship between the Federal Government and the States, in any direct way.

##### F. National Environmental Policy Act

This rule amends the Department's existing Privacy Act regulation to add two systems of records to the list of systems exempted from certain provisions of the Act. The amendment will enable the Office of Counterintelligence to carry out its

administrative, analytical, and law enforcement duties and responsibilities by establishing principles that will govern how certain records are maintained in the two affected systems of records. Implementation of this rule will not result in any environmental impacts. The Department has therefore determined that this rule is covered under the Categorical Exclusion found at paragraph A.5 of Appendix A to subpart D, 10 CFR part 1021, which applies to the amendment of existing rules that does not change the rule's environmental effects.

##### List of Subjects in 10 CFR Part 1008

Privacy.

Issued in Washington, DC on July 6, 1995.

##### Archer L. Durham,

*Assistant Secretary for Human Resources and Administration.*

For the reasons set forth in the preamble, part 1008 of title 10 of the Code of Federal Regulations is amended as set forth below.

##### PART 1008—RECORDS MAINTAINED ON INDIVIDUALS (PRIVACY ACT)

1. The authority citation for part 1008 continues to read as follows:

**Authority:** Department of Energy Organization Act, Pub. L. 95-91, Executive Order 12091, 42 FR 46267, Privacy Act of 1974, Pub. L. 93-579 (5 U.S.C. 552a).

2. Section 1008.12 is amended by adding paragraphs (a)(2)(ii); (b)(1)(i) and (j); (b)(2)(ii) (K) and (L); and (b)(3)(ii) (M) and (N) to read as follows:

##### § 1008.12 Exemptions.

- (a) \* \* \*
- (2) \* \* \*

(ii) *Law Enforcement Investigative Records (DOE-84).* This system of records is being exempted pursuant to subsection (j)(2) of the Act to enable the Office of Counterintelligence to carry out its duties and responsibilities as they pertain to its law enforcement function. The system is exempted from subsections (c)(3) and (4), (d), (e) (1), (2), and (3), (e)(4) (G) and (H), (e)(8), (f), and (g) of the Act. The system is exempt from these provisions for the following reasons: Notifying an individual at the individual's request of the existence of records in an investigative file pertaining to such individual, or granting access to an investigative file could interfere with investigative and enforcement proceedings and with co-defendants' right to a fair trial; disclose the identity of confidential sources and reveal confidential information supplied by these sources; and disclose investigative techniques and procedures.

- (b) \* \* \*
- (1) \* \* \*
- (ii) \* \* \*

(I) Administrative and Analytical Records and Reports (DOE-81).

(J) Law Enforcement Investigative Records (DOE-84).

- (2) \* \* \*
- (ii) \* \* \*

(K) Administrative and Analytical Records and Reports (DOE-81).

(L) Law Enforcement Investigative Records (DOE-84).

- (3) \* \* \*
- (ii) \* \* \*

(M) Administrative and Analytical Records and Reports (DOE-81).

(N) Law Enforcement Investigative Records (DOE-84).

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[FR Doc. 95-17056 Filed 7-11-95; 8:45 am]

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**DEPARTMENT OF THE TREASURY**

**Customs Service**

**19 CFR Part 4**

[T.D. 95-54]

RIN 1515-AB46

**Filing of Export Certificates**

**AGENCY:** U.S. Customs Service, Department of the Treasury.

**ACTION:** Final rule.

**SUMMARY:** This document amends the Customs Regulations to allow a vessel carrying a shipment of meat or meat-food products to be cleared before the filing of a copy of an export certificate if a statement is provided to Customs regarding the shipment and the export certificate. The copy of the export certificate must then be presented within 4 days of the vessel's clearance. The regulations are being amended so that they will conform to revised regulations of the Food Safety and Inspection Service of the U.S. Department of Agriculture.

**EFFECTIVE DATE:** August 11, 1995.

**FOR FURTHER INFORMATION CONTACT:** Barbara Whiting, Carrier Rulings Branch, (202) 482-6940.

**SUPPLEMENTARY INFORMATION:**

**Background**

In this document, Customs amends its regulations so that there will be consistency between regulations of the U.S. Department of Agriculture (USDA) and those of Customs regarding the time frame within which an exporter must

file a certificate certifying the wholesomeness of meat or meat-food products being exported.

Under the Federal Meat Inspection Act (FMIA) (21 U.S.C. 601 *et seq.*), meat and meat products intended and offered for export and sale in a foreign country must be inspected. In addition, FMIA prohibits the clearance for departure of any vessel carrying meat and meat products for export to and sale in a foreign country until the owner or shipper has obtained from an inspector a certificate indicating that the products are sound and wholesome (unless the Secretary has waived certificate requirements for the country).

On May 16, 1994, Customs published a Notice of Proposed Rulemaking in the **Federal Register** (59 FR 25376) in which it proposed amending the Customs Regulations so that they would conform to the USDA Regulations which governed the duties of exporters of meat and meat products and which had been amended at an earlier date.

In 1986, the Food Safety and Inspection Service (FSIS) of the Department of Agriculture, which administers the FMIA, amended its regulations. Previously, the FSIS regulations required that exporters deliver a duplicate of the export certificate to the shipper for filing with Customs at the time the master's manifest or supplemental manifest is filed by the chief officer with Customs; that is, on the day of departure. Otherwise, the vessel carrying the meat or meat products would not be granted clearance. Because § 4.75 of the Customs Regulations allows shippers a delay of four business days in the filing of a Complete Cargo Declaration (manifest), the FSIS regulations were amended to allow a vessel carrying a shipment of meat or meat products to clear in those instances where the duplicate export certificate is not available at departure time. In lieu of the duplicate export certificate, the shipper, shipper's agent, or the vessel's agent must provide Customs with a statement under the shipper's or agent's letterhead signed by the shipper which briefly describes the shipment of the product, the number of boxes, number of pounds, the product name and the USDA export certificate number that covers the shipment. Exporters must file the duplicate export certificate within 4 days of the clearance of a vessel carrying a shipment of meat or meat products.

**Analysis of Comments**

In response to its request for comments on the Notice of Proposed Rulemaking, Customs received only one comment and that comment supported

the proposed amendment. The comment also suggested that Customs undertake additional measures to coordinate interagency activities. Because this suggestion exceeds the scope of the original proposal, Customs need not address it here. However, should Customs determine any additional actions should be taken in the future, a new Notice of Proposed Rulemaking will be published.

**Determination**

After further consideration of the proposal and in light of the only comment received supporting the proposal, Customs has determined that it should amend that section of its regulations governing the clearance of vessels carrying meat and meat products. Section 4.72(a) of the Customs Regulations (19 CFR 4.72(a)) is being amended so that rather than withhold clearance until copies of the USDA issued export certificates have been filed with the district director, Customs can now grant clearance to vessels when a statement is submitted to Customs describing the shipment and the export certificates. Shippers will still have to comply with the 4-day time limit of § 4.75 for submitting copies of the USDA export certificates.

**Executive Order 12866 and Regulatory Flexibility Act**

This amendment is not a "significant regulatory action" within the meaning of E.O. 12866. Based on the supplementary information set forth above and pursuant to the provisions of the Regulatory Flexibility Act (5 U.S.C. 601, *et seq.*), it is certified that the amendment will not have a significant economic impact on a substantial number of small entities. Accordingly, it is not subject to the regulatory analysis or other requirements of 5 U.S.C. 603 and 604.

**Drafting Information:** The principal author of this document was Peter T. Lynch, Regulations Branch, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other offices participated in its development.

**List of Subjects in 19 CFR Part 4**

Customs duties and inspection, Exports, Meat and meat products, Meat inspection, Vessels.

**Amendment to the Regulations**

For the reasons set forth above, part 4, Customs Regulations (19 CFR part 4), is amended as set forth below.