

industry. For example, firms in the food production or food service industry may use the word "mill" because of its association with grinding grain into flour. These uses would not be covered by the Guide, because the businesses do not handle textiles. Other businesses may use the word "mill" in a creative name that has nothing to do with the original meanings of the word for textile manufacturing, grain processing, or any other form of materials processing. The Commission considers it unlikely that such uses of the word "mill" mislead consumers in any material way in their purchasing decisions or otherwise cause any consumer injury.

Given the many and varied uses of the term "mill" in today's lexicon, the Commission has concluded that the Guide is obsolete. If, in the future, certain uses of this term (or any other term) in business or trade names are determined to be materially misleading, the Commission can address such practices under Section 5 of the Federal Trade Commission Act.

#### List of Subjects in 16 CFR Part 236

Advertising, trade name, textiles, mill.

By direction of the Commission.

**Donald S. Clark,**

Secretary.

[FR Doc. 95-17878 Filed 7-19-95; 8:45 am]

BILLING CODE 6750-01-M

## INTERNATIONAL TRADE COMMISSION

### 19 CFR Part 201

#### Rules of General Application

**AGENCY:** U.S. International Trade Commission.

**ACTION:** Final rule.

**SUMMARY:** The Commission hereby amends its rules for Part 201 of the Commission's Rules of Practice and Procedure (the "Commission's Rules"). The amended rules clarify those sections of the Commission's Rules dealing with the Freedom of Information Act (FOIA) and Privacy Act Officers' initial denial authority. The amended rules will also reflect the Inspector General's authority, under both the Inspector General Act of 1978, as amended, (the "IG Act") and under Section 552a(b) of the Privacy Act to disclose Privacy Act information to contractor personnel who function as federal employees.

**EFFECTIVE DATE:** In accordance with the 30-day advance publication requirement imposed by 5 U.S.C. § 553(d), the

effective date of this rulemaking is August 21, 1995.

**FOR FURTHER INFORMATION CONTACT:** Hilaire R. Henthorne, Esq., Counsel to the Inspector General, Office of Inspector General, U.S. International Trade Commission, telephone 202-205-2210. Hearing impaired persons are advised that information on the matter can be obtained by contacting the Commission's TDD terminal on 202-205-1810.

**SUPPLEMENTARY INFORMATION:** In 60 FR 26851, dated May 19, 1995, the Commission published a notice containing proposed amendments to Part 201 of the Commission's Rules. No comments were received concerning the proposed amendments. Thus, the substantive text of the final rule is identical to that of the proposed rule.

#### Statutory Authority

Section 335 of the Tariff Act of 1930 (19 U.S.C. § 1335) authorizes the Commission to adopt such reasonable procedures and rules and regulations as it deems necessary to carry out its functions and duties. This amendment will bring the Commission's Rules into conformity with Section 6 of the IG Act (5 U.S.C. app. 3) and with Section 552a(b) of the Privacy Act of 1974, as amended (5 U.S.C. § 552a(b)).

Section 6 of the IG Act authorizes Inspectors General to "enter into contracts and other arrangements for audits, studies, analyses, and other services with \* \* \* private persons \* \* \*." See 5 U.S.C. app. 3. When contractor personnel are employed to perform the authorized functions of an Office of Inspector General, and are, in the judgment of the Inspector General, performing such functions, they serve in the capacity of government employees. See generally *Coakley v. United States Dep't of Transportation*, No. 93-1420, slip op. at 3 (D.D.C. Apr. 7, 1994); and *Hulett v. Dep't of the Navy*, No. TH 85-310-C, slip op. at 3-4 (S.D. Ind. Oct. 26, 1987); *aff'd* 866 F.2d 432 (7th Cir. 1988) (table cite), *cert. denied*, 490 U.S. 1068 (1989). Section 552a(b) of the Privacy Act stipulates that Privacy Act disclosures are permissible when made to "employees of the agency \* \* \* who have a need for the record in the performance of their duties \* \* \*." See 5 U.S.C. § 552a(b).

Section 552a(c) of the Privacy Act specifically exempts disclosure to government employees from the Privacy Act's recordkeeping requirement. Thus, this amendment to the Commission's Rules clarifies the three categories of disclosure that are exempt, under the Privacy Act, from the recordkeeping

provisions: (1) disclosures made to officers and employees of the Commission who have a need for the information in the performance of their duties; (2) disclosures made to contractor personnel, pursuant to the IG Act or any other law, when such personnel are performing the functions of government employees; and (3) other contractor personnel who, in the judgment of the Director of Personnel, are acting as Commission employees.

#### Regulatory Analysis

Commission rules ordinarily are promulgated in accordance with the rulemaking provisions of section 553 of the Administrative Procedure Act (5 U.S.C. § 551 *et seq.*) (APA). Under the APA, rulemaking entails the following steps: (1) publication of a notice of proposed rulemaking; (2) solicitation of public comment on the proposed rules; (3) Commission review of such comments prior to developing final rules; and (4) publication of the final rules thirty days prior to their effective date. See 5 U.S.C. § 553. This final rule is the last step in that procedure.

The amendments to the Commission's Rules adopted in this notice do not meet the criteria described in section 3f of Executive Order (EO) 12866 (58 FR 51735, Oct. 4, 1993) and do not constitute a "significant regulatory action" for purposes of the EO. In accordance with the Regulatory Flexibility Act (5 U.S.C. § 601 note), the Commission hereby certifies pursuant to 5 U.S.C. § 605(b) that the final rule set forth in this notice is not likely to have a significant economic impact on a substantial number of small business entities. This conclusion is premised on the fact that this final rule merely conforms to existing IG Act and Privacy Act provisions. Thus, it is not expected to have any significant economic impact.

#### List of Subjects in 19 CFR Part 201

Administrative practice and procedure, Freedom of information, and Privacy.

For the reasons set out in the preamble, the U.S. International Trade Commission hereby amends 19 CFR part 201 as follows:

### PART 201—RULES OF GENERAL APPLICATION

#### Subpart A—Miscellaneous

1. The authority citation for part 201 continues to read as follows:

**Authority:** Sec. 335 of the tariff Act of 1930 (19 U.S.C. 1335) and sec. 603 of the trade Act

of 1974 (19 U.S.C. 2482), unless otherwise noted.

2. Section 201.2 is amended by redesignating paragraphs (b) through (i) as paragraphs (c) through (j) and by adding a new paragraph (b) as follows:

**§ 201.2 Definitions.**

\* \* \* \* \*

(b) *Inspector General* means the Inspector General of the Commission;

\* \* \* \* \*

**Subpart C—Availability of Information to the Public Pursuant to 5 U.S.C. 552**

3. The authority citation for Subpart C continues to read as follows:

**Authority:** 19 U.S.C. 1335, 5 U.S.C. 552.

4. Paragraph (a) of § 201.18 is revised to read as follows:

**§ 201.18 Denial of requests, appeals from denial.**

(a) Written requests for inspection or copying of records shall be denied only by the Secretary or Acting Secretary, or, for records maintained by the Office of Inspector General, the Inspector General. Denials of written requests shall be in writing, shall specify the reason therefor, and shall advise the person requesting of the right to appeal to the Commission. Oral requests may be dealt with orally, but if the requester is dissatisfied he shall be asked to put the request in writing.

\* \* \* \* \*

**Subpart D—Safeguarding Individual Privacy Pursuant to 5 U.S.C. 552a**

5. The authority citation for Subpart D continues to read as follows:

**Authority:** 5 U.S.C. 552a.

6. Paragraph (d) of § 201.24 is revised to read as follows:

**§ 201.24 Procedures for requests pertaining to individual records in a records system.**

\* \* \* \* \*

(d) The Director of Personnel, or, the Inspector General, if such records are maintained by the Inspector General, shall ascertain whether the systems of records maintained by the Commission contain records pertaining to the individual, and whether access will be granted. Thereupon the Director of Personnel shall:

(1) Notify the individual whether or not the requested record is contained in any system of records maintained by the Commission; and

(2) Notify the individual of the procedures as prescribed in §§ 201.25 and 201.26 of this chapter by which the individual may gain access to those

records maintained by the Commission which pertain to him or her. Access to the records will be provided within 30 days (excluding Saturdays, Sundays, and legal public holidays).

7. Paragraph (b) of § 201.28 is revised to read as follows:

**§ 201.28 Request for correction or amendment of record.**

\* \* \* \* \*

(b) Not later than 10 days (Saturdays, Sundays and Federal legal public holidays excluded) after the date of receipt of a Privacy Act request for amendment of records, the Director of Personnel shall acknowledge such receipt in writing. Such a request for amendment will be granted or denied by the Director of Personnel or, for records maintained by the Inspector General, the Inspector General. If the request is granted, the Director of Personnel, or, the Inspector General, for records maintained by the Inspector General, shall promptly make any correction of any portion of the record which the individual believes is not accurate, relevant, timely, or complete. If, however, the request is denied, the Director of Personnel shall inform the individual of the refusal to amend the record in accordance with the individual's request and give the reason(s) for the refusal. In cases where the Director of Personnel or the Inspector General has refused to amend in accordance with an individual's request, he or she also shall advise the individual of the procedures under § 201.29 of this chapter for the individual to request a review of that refusal by the full Commission or by an officer designated by the Commission.

8. Section 201.29 is revised to read as follows:

**§ 201.29 Commission review of request for correction or amendment to record.**

(a) The individual who disagrees with the refusal of the Director of Personnel or the Inspector General to amend the record may request a review of the refusal by the Commission. All requests for review of refusals to amend records should be addressed to the Chairman, United States International Trade Commission, 500 E Street, SW., Washington, DC 20436, and shall clearly indicate both on the envelope and in the letter that it is a Privacy Act review request.

(b) Not later than 30 days (Saturdays, Sundays, and Federal legal public holidays excluded) from the date on which the Commission receives a request for review of the Director of Personnel's or the Inspector General's refusal to amend the record, the

Commission shall complete such a review and make a final determination thereof unless, for good cause shown, the Commission extends the 30-day period.

(c) After the individual's request to amend his or her records has been reviewed by the Commission, if the Commission agrees with the Director of Personnel's or the Inspector General's refusal to amend the record in accordance with the individual's request, the Commission shall:

(1) Notify the individual in writing of the Commission's decision;

(2) Advise the individual that he or she has the right to file a concise statement of disagreement with the Commission which sets forth his or her reasons for disagreement with the refusal of the Commission to amend the records; and

(3) Notify the individual of his or her legal right to judicial review of the Commission's final determination.

(d) In any disclosure, containing information about which the individual has filed a statement of disagreement, the Director of Personnel, or, for records maintained by the Inspector General, the Inspector General, shall clearly note any portion of the record which is disputed and shall provide copies of the statement and, if the Commission deems it appropriate, copies of a concise statement of the reasons of the Commission for not making the amendments requested, to persons or other agencies to whom the disputed record has been disclosed.

9. Paragraph (b) of § 201.30 is revised to read as follows:

**§ 201.30 Commission disclosure of record to person other than the individual to whom it pertains.**

\* \* \* \* \*

(b) Except for disclosures either to officers and employees of the Commission, or, to contractor employees who, in the Inspector General's or the Director of Personnel's judgment, are acting as federal employees, who have a need for the record in the performance of their duties, and any disclosure required by 5 U.S.C. 552, the Director of Personnel shall keep an accurate accounting of:

(1) The date, nature, and purpose of each disclosure of a record to any person or to another agency under paragraph (a) of this section; and

(2) the name or address of the person or agency to whom the disclosure is made.

\* \* \* \* \*

By Order of the Commission:

Issued: July 13, 1995.

**Donna R. Koehnke,**

Secretary.

[FR Doc. 95-17816 Filed 7-19-95; 8:45 am]

BILLING CODE 7020-02-P

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

### Office of the Assistant Secretary for Public and Indian Housing

#### 24 CFR PART 955

[Docket No. FR-3614-N-02]

RIN 2577-AB40

#### Loan Guarantees for Indian Housing

**AGENCY:** Office of the Assistant Secretary for Public and Indian Housing, HUD.

**ACTION:** Notice of extension of loan guarantees for Indian Housing Program.

**SUMMARY:** This notice extends, until the publication of a final rule, the period that the interim rule for the Loan Guarantees for Indian Housing Program will be in effect.

**EFFECTIVE DATE:** July 20, 1995.

**FOR FURTHER INFORMATION CONTACT:** Dominic Nessi, Director, Office of Native American Programs, Department of Housing and Urban Development, room B-133, 451 Seventh Street SW., Washington, DC 20410; telephone (202) 755-0032; (TDD) (202) 708-0850. (These are not toll-free numbers.)

**SUPPLEMENTARY INFORMATION:** Section 955.125 of the Loan Guarantees for Indian Housing Program in 24 CFR was added to implement a Department-wide policy for the expiration of interim rules within a set period of time if they are not issued in final form before the end of the period. The rule provides that the expiration period may be extended by notice published in the **Federal Register**. Because the expiration date for the Loan Guarantees for Indian Housing Program interim rule is currently July 31, 1995, and a final rule is not expected before that date, this notice extends the expiration date until the effective date of a final rule, which is anticipated in the near future.

Accordingly, the time period during which the interim rule for the Loan Guarantees for Indian Housing Program at 24 CFR part 955 will be in effect is extended until the effective date of a final rule for the Program.

Dated: July 13, 1995.

**Michael B. Janis,**

General Deputy Assistant Secretary for Public and Indian Housing.

[FR Doc. 95-17811 Filed 7-19-95; 8:45 am]

BILLING CODE 4210-33-P

## DEPARTMENT OF DEFENSE

### Office of the Secretary

#### 32 CFR Parts 90 and 91

[RINs 0790-AF61 and 0790-AF62]

#### Revitalizing Base Closure Communities and Community Assistance

**AGENCY:** Office of the Assistant Secretary of Defense for Economic Security, DoD.

**ACTION:** Final rule.

**SUMMARY:** This rule amends DoD's Revitalizing Base Closure Communities and Community Assistance regulation, and promulgates guidance required by Title XXIX of the National Defense Authorization Act for Fiscal Year 1994, including those provisions required by Section 2903. This rule also establishes policy and procedures, assigns responsibilities, and delegates authority to implement the President's Program to Revitalize Base Closure Communities, July 2, 1993. This document does not include guidance on acquiring property for the cost of environmental cleanup (Section 2908) or on the substantial changes made in the Base Closure Community Redevelopment and Homeless Assistance Act of 1994. The changes stemming from this Act will be made in an accompanying rule, which will be open for public comment and which will be published by the Departments of Defense and Housing and Urban Development.

**EFFECTIVE DATE:** July 20, 1995.

**ADDRESSES:** Inquiries should be sent to the Office of the Assistant Secretary of Defense for Economic Security, Room 1D760, The Pentagon, Washington, DC 20301-3300; email:

base\_reuse@acq.osd.mil

**FOR FURTHER INFORMATION CONTACT:** Robert Hertzfeld, telephone (703) 695-1470; email: hertzfre@acq.osd.mil

#### SUPPLEMENTARY INFORMATION:

##### Background

On April 6, 1994, the Office of the Secretary of Defense published an Interim Final Rule (59 FR 16123) that changed the process for disposing of real and personal property at closing and realigning military bases. Four

outreach seminars (in Washington, DC, Chicago, Dallas, and San Francisco) and a public hearing (in Washington, D.C.) were held between April 28, 1994, and August 15, 1994, to explain the Interim Final Rule and foster public comments.

On October 26, 1994, the Office of the Secretary of Defense amended the Interim Final Rule (59 FR 53735). That amendment amended the previous guidance on "jobs-centered property disposal", clarified the procedures for applying for an economic development conveyance, and provided guidance for greater flexibility on the compensation to the federal government for real property conveyed under an economic development conveyance.

On October 25, 1994, the Congress enacted the Base Closure Community Redevelopment and Homeless Assistance Act of 1994 (Pub. L. 103-421). That Act exempts certain base closure property from the procedures contained in the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11301) and creates a new process for the federal government and local communities affected by base closure to address the needs of the homeless. This publication does not provide guidance on the substantial changes made by Public Law 103-421, which will be addressed in a publication of the Departments of Defense and Housing and Urban Development.

#### Approach

This rule marks another step in the Department of Defense's effort to improve the base closure and reuse process. The rulemaking process was an open one, in which Department personnel sought advice from individuals and organizations involved in the reuse process at a public hearing, at outreach seminars, at conferences, and through written public comments.

In order to encourage the rapid disposal and reuse of base closure property, the Department has been working to improve its process towards one that:

- Is based, to the greatest extent possible, on a comprehensive, community-based planning process;
- Encourages formation of and reliance upon local reuse authorities;
- Is targeted towards community needs generated from the closure of the installation; and,
- Allows for common sense decisions by the implementors.

To achieve these goals, the Department developed regulations and policies around three key themes:

- *Consultation.* The Military Department and the Local Redevelopment Authority should be in