

For the reasons set forth in the preamble, 7 CFR part 979 is amended as follows:

PART 979—MELONS GROWN IN SOUTH TEXAS

1. The authority citation for 7 CFR part 979 continues to read as follows:

Authority: 7 U.S.C. 601-674.

2. Section 979.218 is revised to read as follows:

Note: This section will not appear in the Code of Federal Regulations.

§ 979.218 Expenses and assessment rate.

Expenses of \$395,159 by the South Texas Melon Committee are authorized and an assessment rate of \$0.07 per carton is established for the fiscal period ending September 30, 1996. Unexpended funds may be carried over as a reserve.

Dated: December 27, 1995

Sharon Bomer Lauritsen,
Deputy Director, Fruit and Vegetable Division,
Agricultural Marketing Service

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BILLING CODE 3410-02-P

7 CFR Part 3017

RIN 0503-AA12

Nonprocurement Debarment and Suspension

AGENCY: Department of Agriculture (USDA).

ACTION: Final rule.

SUMMARY: This final rule amends the USDA regulations that implement Executive Order (E.O.) 12549, "Debarment and Suspension." E.O. 12549 required executive departments and agencies to issue regulations, consistent with guidelines issued by the Office of Management and Budget (OMB), to establish governmentwide effect for an agency's nonprocurement debarment and suspension actions. These changes will enhance USDA participation in the governmentwide nonprocurement debarment and suspension system by making appropriate modifications to the coverage of the regulations and clarifying the relationship of the regulations to other USDA procedures for establishing participant ineligibility for specific programs.

EFFECTIVE DATE: February 5, 1996.

FOR FURTHER INFORMATION CONTACT: Gary W. Butler, Deputy Assistant General Counsel, Office of the General Counsel, (202) 720-2577.

SUPPLEMENTARY INFORMATION: As part of the Federal Government's initiatives to curb fraud, waste, and abuse, E.O. 12549, "Debarment and Suspension," was signed on February 18, 1986. E.O. 12549 required executive departments and agencies to issue regulations to establish governmentwide effect for each agency's nonprocurement debarment and suspension actions. Section 3 of E.O. 12549 required that such regulations be consistent with guidelines issued by OMB.

On October 20, 1987, 20 executive departments and agencies published a proposed common rule (52 FR 39035-39042) which implemented the final OMB guidelines that had been published on May 29, 1987 (52 FR 20360-20369). USDA did not join the proposed common rule, but rather published a proposed rule that addressed some problems peculiar to USDA while being consistent with the OMB guidelines.

On May 26, 1988, 27 executive departments and agencies published a final common rule (53 FR 19159-19211) and OMB adopted the final common rule as its amended final guidelines. Upon reconsideration of the issue of joining the common rule, USDA published a final rule on January 30, 1989 (54 FR 4729), which followed the text of the final common rule published on May 26, 1988. However, USDA limited the scope of coverage of the rule (7 CFR part 3017) to domestic assistance transactions and added material generally to reflect internal organization and procedures. Following extended consultations with OMB, USDA has determined that the coverage of this rule should be amended by removing the provision that limits the coverage of the rule to domestic assistance transactions.

Accordingly, on September 26, 1995, USDA published in the Federal Register (60 FR 49519-49523) a notice of proposed rule making (NPRM) to amend 7 CFR part 3017 to make the scope of the USDA rule consistent with the scope of the common rule as adopted by most other agencies. USDA, however, proposed making additional specific exceptions from coverage of the common rule, as implemented by USDA, that are deemed in the public interest. The rationale for such additional specific exceptions from coverage was explained fully in the NPRM.

USDA solicited comments concerning our proposal for 60 days ending November 27, 1995. We received no timely comments in response to the NPRM. We, however, did receive one subsequent comment that was wholly supportive of the USDA proposal. Therefore, based on the rationale set

forth in the NPRM, USDA is adopting the provisions of the proposal as the final rule.

Impact Analysis

Executive Order 12866

This rule has been determined to be "significant," and it has been reviewed by the Office of Management and Budget.

Regulatory Flexibility Act of 1980

The Regulatory Flexibility Act of 1980 (5 U.S.C. 601 *et seq.*) requires that, for each rule with a "significant economic impact on a substantial number of small entities," an analysis must be prepared describing the rule's impact on small entities and identifying any significant alternatives to the rule that would minimize the economic impact on the small entities.

USDA certifies that these regulations will not have a significant economic impact on a substantial number of small entities.

Paperwork Reduction Act

USDA certifies that this rule will not impose any reporting or recordkeeping requirements under the Paperwork Reduction Act of 1980, 44 U.S.C. Chapter 35.

List of Subjects in 7 CFR Part 3017

Administrative practice and procedure, Grant administration, Grant programs (Agriculture).

For the reasons set forth in the preamble, USDA amends 7 CFR part 3017 as follows:

PART 3017—GOVERNMENTWIDE DEBARMENT AND SUSPENSION (NONPROCUREMENT) AND GOVERNMENTWIDE REQUIREMENTS FOR DRUG-FREE WORKPLACE (GRANTS)

1. The authority citation for part 3017 is revised to read as follows:

Authority: 5 U.S.C. 301; 41 U.S.C. 701 *et seq.*; E.O. 12549, 51 FR 6370, 3 CFR, 1986 Comp., p. 189.

2. Section 3017.110 is amended by revising paragraph (a) (3) to read as follows:

§ 3017.110 Coverage.

(a) * * *

(3) *Department of Agriculture covered transactions.* (i) With respect to paragraph (a)(1) of this section, for USDA's export and foreign assistance programs, covered transactions will include only primary covered transactions. Any lower tier transactions with respect to USDA's export and foreign assistance programs will not be

considered lower tier covered transactions for the purposes of this part. The export or substitution of Federal timber governed by the Forest Resources Conservation and Shortage Relief Act of 1990, 16 U.S.C. 620 *et seq.* (the "Export Act"), is specifically excluded from the coverage of this rule. The Export Act provides separate statutory authority to debar persons engaged in both primary covered transactions and lower tier transactions.

(ii) With respect to paragraph (a)(1)(ii)(B) of this section, for USDA's domestic food assistance programs, only the initial such procurement contract and the first tier subcontract under that procurement contract shall be considered lower tier covered transactions.

(iii) With respect to paragraph (a)(2) of this section, the following USDA transactions also are not covered: transactions under programs which provide statutory entitlements and make available loans to individuals and entities in their capacity as producers of agricultural commodities; transactions under conservation programs; transactions under warehouse licensing programs; the receipt of licenses, permits, certificates, and indemnification under regulatory programs conducted in the interest of public health and safety and animal and plant health and safety; the receipt of official grading and inspection services, animal damage control services, public health and safety inspection services, and animal and plant health and safety inspection services; if the person is a State or local government, the provision of official grading and inspection services, animal damage control services, public health and safety inspection services, animal and plant health and safety inspection services; and permits, licenses, exchanges and other acquisitions of real property, rights of way, and easements under natural resource management programs.

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3. Section 3017.115 is amended by adding a new paragraph (d) to read as follows:

§ 3017.115 Policy.

* * * * *

(d) In any case in which an administrative exclusion is considered under an authority other than this part, USDA will initiate, where appropriate, a debarment or suspension action under this part for the protection of the entire Federal Government.

4. Section 3017.200 is amended by adding a new paragraph (d) to read as follows:

§ 3017.200 Debarment or suspension.

* * * * *

(d) *Department of Agriculture excepted transactions.* With respect to paragraph (c) of this section, the following USDA transactions also are excepted: transactions under programs which provide statutory entitlements and make available loans to individuals and entities in their capacity as producers of agricultural commodities; transactions under conservation programs; transactions under warehouse licensing programs; the receipt of licenses, permits, certificates, and indemnification under regulatory programs conducted in the interest of public health and safety and animal and plant health and safety; the receipt of official grading and inspection services, animal damage control services, public health and safety inspection services, and animal and plant health and safety inspection services; if the person is a State or local government, the provision of official grading and inspection services, animal damage control services, public health and safety inspection services, and animal and plant health and safety inspection services; and permits, licenses, exchanges, and other acquisitions of real property, rights of way, and easements under natural resource management programs.

Dated: December 21, 1995.
Dan Glickman,
Secretary of Agriculture.
[FR Doc. 96-76 Filed 1-3-96; 8:45 am]
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FEDERAL RESERVE SYSTEM

12 CFR Part 268

[Docket No. R-0894]

Rules Regarding Equal Opportunity

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule.

SUMMARY: The Board of Governors of the Federal Reserve System (the Board) has amended its Rules Regarding Equal Opportunity (Rules) to correct an ambiguity in the provision regarding access to the investigative file. The Rules set out the complaint processing procedures governing complaints by Board employees and applicants for employment alleging discrimination in employment, and related matters.

EFFECTIVE DATE: February 5, 1996.

FOR FURTHER INFORMATION CONTACT: J. Mills Williams, Senior Attorney (202/452-3701), or Stephen L. Siciliano,

Special Assistant to the General Counsel for Administrative Law (202/452-3920), Legal Division, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue, NW., Washington, DC 20551. For users of Telecommunication Device for the Deaf (TDD) only, contact Dorothea Thompson (202/452-3544).

SUPPLEMENTARY INFORMATION: The amendment to the Rules is hereby issued as a final rule. The Board sought comments on the proposed amendment on August 31, 1995 (60 FR 45385), and no comments were received. No changes have been made in the amendment as proposed.

The Board's Rules Regarding Equal Opportunity (12 CFR part 268) prior to this amendment provided that a person who files an administrative complaint of discrimination under the Rules must be given a copy of the investigative file relative to the complaint within 180 days after the filing of the complaint with the Board, unless the time is otherwise extended. 12 CFR 268.207(f). The Rules further provided that the "Board may unilaterally extend the time period * * * where it must sanitize a complaint file that may contain confidential information of the Board under 12 CFR part 261, or other privileged information of the Board * * *." 12 CFR 268.207(e). The corresponding language in the federal sector complaint processing regulation of the Equal Employment Opportunity Commission (Commission) provides that an "agency may unilaterally extend the time period * * * where it must sanitize a complaint file that may contain information classified pursuant to Executive Order 12356, or successor orders, as secret in the interest of national defense or foreign policy * * *." 29 CFR 1614.108(e).

The Board's Rules require that, at the completion of an investigation, the investigative file be made available to each complainant. 12 CFR 268.207(f). It was and continues to be the Board's intention to provide that confidential information of the Board that is relevant to the complaint be included in the investigative file made available to the complainant and to the complainant's personal representative.

The Board was concerned, however, that the prior language of § 268.207(e) could be interpreted as preventing confidential Board information that is relevant to a complainant from being included in the investigative file and thus being made available to a complainant. The Board believes that its Rules must make clear that, where relevant, confidential information of the