

contracts (including grants and cooperative agreements) contained in any of the following systems of records:

(1) "Fellowships and Other Awards,"

(2) "Principal Investigator/Proposal File and Associated Records,"

(3) "Reviewer/Proposal File and Associated Records," and

(4) "Reviewer/Fellowship and Other Awards File and Associated Records."

(b) *OIG files compiled for the purpose of a criminal investigation and for related purposes.* Pursuant to 5 U.S.C. 552a(j)(2), the Foundation hereby exempts the system of records entitled "Office of Inspector General Investigative Files," insofar as it consists of information compiled for the purpose of a criminal investigation or for other purposes within the scope of 5 U.S.C. 552a(j)(2), from the application of 5 U.S.C. 552a, except for subsections (b), (c)(1) and (2), (e)(4) (A) through (F), (e)(6), (7), (9), (10) and (11), and (i).

(c) *OIG and ACA files compiled for other law enforcement purposes.* Pursuant to 5 U.S.C. 552a(k)(2), the Foundation hereby exempts the systems of records entitled "Office of Inspector General Investigative Files" and "Antarctic Conservation Act Files" insofar as they consist of information compiled for law enforcement purposes other than material within the scope of 5 U.S.C. 552a(j)(2), from the application of 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f).

(d) *Investigations of scientific misconduct.* Pursuant to 5 U.S.C. 552a(k)(2) and (k)(5), the Foundation hereby exempts from the application of 5 U.S.C. 552a(c)(3) and (d) any materials which would reveal the identity of confidential sources of information contained in the following system of records: "Debarment/Scientific Misconduct Files."

(e) *Personnel security clearances.* Pursuant to 5 U.S.C. 552a(k)(5), the Foundation hereby exempts from the application of 5 U.S.C. 552a(c)(3) and (d) any materials which would reveal the identity of confidential sources of information contained in the following system of records: "Personnel Security."

(f) *Applicants for employment.* Records on applicants for employment at NSF are covered by the Office of Personnel Management (OPM) government-wide system notice "Recruiting, Examining and Placement Records." These records are exempted as claimed in 5 CFR 297.501(b)(7).

(g) *Other records.* The Foundation may also assert exemptions for records received from another agency that could properly be claimed by that agency in responding to a request.

### **§ 613.6 Other rights and services.**

Nothing in this subpart shall be construed to entitle any person, as of right, to any service or to the disclosure of any record to which such person is not entitled under the Privacy Act.

**Lawrence Rudolph,**

*General Counsel.*

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## **DEPARTMENT OF TRANSPORTATION**

### **Surface Transportation Board**

#### **49 CFR Part 1039**

[Ex Parte No. 346 (Sub-No. 28)]

#### **Rail General Exemption Authority: Export Corn and Export Soybeans**

**AGENCY:** Surface Transportation Board, DOT.

**ACTION:** Proposed rule, withdrawal.

**SUMMARY:** The Surface Transportation Board (Board) is withdrawing the proposed rule and discontinuing the Ex Parte No. 346 (Sub-No. 28) rulemaking proceeding relating to an exemption for the rail transportation of export corn and export soybeans.

**DATES:** The proposed rule is withdrawn and the rulemaking proceeding is discontinued on November 24, 1999.

**FOR FURTHER INFORMATION CONTACT:** Beryl Gordon, (202) 565-1600. [TDD for the hearing impaired: (202) 565-1695.]

**SUPPLEMENTARY INFORMATION:** In a notice of proposed rulemaking (NPR) served July 15, 1992 (published in the **Federal Register** on July 16, 1992, at 57 FR 31489), the Interstate Commerce Commission (Commission) proposed to exempt from the provisions of 49 U.S.C. subtitle IV the rail transportation of export corn and export soybeans (i.e., corn and soybeans that originate at points in the United States and that move from the United States to destinations outside the United States).

The ICC Termination Act of 1995, Public Law 104-88, 109 Stat. 803 (ICCTA), which was signed into law by President Clinton on December 29, 1995, abolished the Commission, established the Board, reenacted with certain changes 49 U.S.C. subtitle IV, and transferred to the Board responsibility for the performance of functions respecting new 49 U.S.C. subtitle IV, part A. See ICCTA section 101 (abolition of the Commission); new 49 U.S.C. 701(a), as enacted by ICCTA section 201(a) (establishment of the Board); new 49 U.S.C. subtitle IV, part A, as enacted by ICCTA section 102(a)

(part A of the new subtitle IV contains the post-1995 version, as respects railroads, of the provisions that had been contained in the pre-1996 version of subtitle IV); new 49 U.S.C. 702, as enacted by ICCTA section 201(a) (except as otherwise provided, the functions previously performed by the Commission shall henceforth be performed by the Board); ICCTA section 204(b)(1) (any proceeding pending before the Commission at the time of the enactment of ICCTA shall be transferred to the Board, insofar as that proceeding concerns functions transferred to the Board). In accordance with the mandate of ICCTA section 204(b)(1), the Ex Parte No. 346 (Sub-No. 28) rulemaking proceeding, which had been instituted by the Commission in the 1992 NPR, was transferred to the Board.

We have decided to withdraw the rule proposed by the Commission in the 1992 NPR and to discontinue the Ex Parte No. 346 (Sub-No. 28) rulemaking proceeding. The record compiled in this proceeding does not reflect the changes that have occurred in American agriculture in the past seven years. Under the circumstances, we do not believe it would be wise to consider the merits of the proposal now on this record. Withdrawal of the 1992 proposal would, in any event, allow any interested person who wished to do so the opportunity to file a petition under 49 CFR part 1121 to initiate a new proposal supported by a more current presentation of facts and arguments.

#### **Small Entities**

The Board certifies that the action taken in this proceeding will not have a significant economic impact on a substantial number of small entities.

#### **Environmental and Energy Considerations**

The action taken in this proceeding will not significantly affect either the quality of the human environment or the conservation of energy resources.

#### **Board Releases Available Via the Internet**

Decisions and notices of the Board, including this notice, are available on the Board's website at "WWW.STB.DOT.GOV."

Decided: November 17, 1999.

By the Board, Chairman Morgan, Vice Chairman Clyburn, and Commissioner Burkes.

**Vernon A. Williams,**  
*Secretary.*

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