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DEPARTMENT OF AGRICULTURE

Office of the Secretary

7 CFR Part 1

Freedom of Information and Privacy Act Regulations

AGENCY: Office of the Secretary of Agriculture, USDA.

ACTION: Final rule.

SUMMARY: The United States Department of Agriculture (USDA or the Department) is amending its regulations pertaining to the Freedom of Information and Privacy Acts to make corrections, clarifications, updates, and to remove unnecessary regulations. This action is part of the USDA regulatory reinvention initiative to improve its regulations.

EFFECTIVE DATE: July 24, 1997.

FOR FURTHER INFORMATION CONTACT:

Regarding the regulations mentioned in this document, contact Scott C. Safian, Staff Attorney, Regulatory Division, Office of the General Counsel, U.S. Department of Agriculture, Room 2422, South Building, 14th Street and Independence Avenue, SW, Washington, DC 20250-1400, (202) 720-2003. Regarding general information on USDA's "reinvention initiative," contact: Marvin Shapiro, Chief, Legislative, Regulatory and Automated Systems Division, Office of Budget and Program Analysis, U.S. Department of Agriculture, Room 147-E, Jamie L. Whitten Federal Building, 14th Street and Independence Avenue, SW, Washington, DC 20250-1400, (202) 720-1516.

SUPPLEMENTARY INFORMATION: The President directed the heads of all Federal departments and agencies to conduct a review of their regulations and to eliminate or revise those that are outdated or otherwise in need of reform. The USDA review identified the Department's Administrative Regulations—Official Records (7 CFR, part 1, subpart A) and Administrative Regulations—Privacy Act Regulations (7 CFR, part 1, subpart G) as two regulations that needed to be revised.

The regulations in 7 CFR, part 1, subpart A (Administrative Regulations—Official Records) establish policy, procedures, requirements, and responsibilities for administration and

coordination of the Freedom of Information Act (FOIA), 5 U.S.C. 552, pursuant to which official records may be obtained by any person. The regulations also provide rules pertaining to the disclosure of records pursuant to compulsory process and serve as the implementing regulations for the Office of the Secretary and for the office within the Department having primary responsibility for the FOIA.

The regulations in 7 CFR, part 1, subpart G (Administrative Regulations—Privacy Act Regulations), contain the regulations of the Department implementing the Privacy Act of 1974, 5 U.S.C. 552a. The regulations set forth the basic responsibilities of each agency of the Department with regard to USDA's compliance with the requirements of the Privacy Act, and offer guidance to members of the public who wish to exercise any of the rights created by the Act with regard to records maintained by an agency of USDA.

On July 25, 1996, we published, in the **Federal Register** (61 FR 38657-38663), a proposed rule to amend the regulations to correct references to statutes, regulations, USDA agencies, and USDA officials; reflect the change of the name of the Administration Building to the Jamie L. Whitten Federal Building; reflect changes in statutes and USDA policy; remove gender specific references; remove unnecessary regulations; and make minor, nonsubstantive changes for clarity. We solicited comments concerning our proposal for 60 days ending on September 23, 1996.

We received two sets of comments. One was from a Freedom of Information Act/Privacy Act officer of one of the Department's subagencies; the other commenter did not identify himself or herself. The commenters supported the proposed rule, but offered suggestions or sought clarification regarding the proposed changes.

One commenter asked, in regard to § 1.9(b) of the FOIA regulations (7 CFR 1.9(b)), whether the regulation was omitting a page-by-page or line-by-line search for the identification of the requested information or material within records for purposes of charging the requester for search services. The commenter noted that sometimes a requester is seeking specific records or information located within a file which contains several drawers full of material. The requester, stated the commenter, wants the particular records or information but does not want a copy of the entire file. However, to locate the particular records or information contained in the file may require

searching the entire file page-by-page or line-by-line.

This final rule does not change the requirements regarding "search services" in § 1.9(b). Search services are services of agency personnel used in locating the requested records. Search services include time spent examining records for the purpose of finding information that is within the scope of the request as well as services to transport personnel or records for the purpose of the search, if such services are reasonable. Search services do not include the time spent locating a record if the record is in its normal location in a file or other facility or the review of records to determine whether the records are exempt. We proposed to amend the language of § 1.9(b) in order to more clearly state the Department's policy and requirements regarding search services. We did not propose, and this final rule does not make, any substantive changes to § 1.9(b) of the regulations. Accordingly, we have not made any change in response to this comment.

The other commenter pointed out several typographical errors contained in the proposed rule that needed to be corrected and suggested other minor, non-substantive changes which should be made for clarification. We agree with the commenter and have made these changes to the regulations. This commenter also suggested that we change all references to the words "him," "her," "himself," or "herself" in the Department's Privacy Act regulations (7 CFR, part 1, subpart G) to "requester" or "individual." We agree with the commenter that these words are appropriate, and should be used whenever possible. We proposed to make these changes throughout the Privacy Act regulations, and this final rule does so. However, in some instances, the use of personal pronouns is both appropriate and necessary. We have made changes to the regulations where appropriate.

In addition to the above, this final rule does not make the proposed changes to § 1.123 of the Department's Privacy Act regulations. Section 1.123 contains the systems of records (or portions thereof) maintained by agencies of the USDA that are exempted from some of the provisions of the Privacy Act. The amendment of these exemption regulations will be left to the individual agencies as they publish amendments to their existing systems notices to reflect agency name changes.

Therefore, based on the rationale set forth in the proposed rule and in this document, we are adopting the provisions of the proposal as a final

rule, with the changes discussed above and other minor, nonsubstantive editorial changes.

Executive Order 12866 and Regulatory Flexibility Act

This final rule has been reviewed under Executive Order 12866. The rule has been determined to be not significant for the purposes of Executive Order 12866 and, therefore, has not been reviewed by the Office of Management and Budget.

This rule corrects references to statutes, regulations, USDA agencies, USDA officials, and the Administration Building; removes gender specific references; removes unnecessary provisions; updates the regulations to reflect changes that have been made in statutes and policy since the regulations were last amended; and makes minor, nonsubstantive changes for clarity. This action will not have any economic impact.

Under these circumstances, the Secretary has determined that this final rule will not have a significant economic impact on a substantial number of small entities.

Executive Order 12988

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. This final rule: (1) Preempts all state and local laws and regulations that are inconsistent with this rule; (2) has no retroactive effect; and (3) does not require administrative proceedings before parties may file suit in court challenging this rule.

Paperwork Reduction Act

This final rule contains no information collection or recordkeeping requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Regulatory Reform

This action is part of the President's Regulatory Reform Initiative, which, among other things, directs agencies to remove obsolete and unnecessary regulations and to find less burdensome ways to achieve regulatory goals.

List of Subjects in 7 CFR Part 1

Administrative practice and procedure, Agriculture, Antitrust, Blind, Claims, Concessions, Cooperatives, Equal access to justice, Federal buildings and facilities, Freedom of information, Lawyers, Privacy.

Accordingly, 7 CFR part 1, subpart A and subpart G, is amended as follows:

PART 1—ADMINISTRATIVE REGULATIONS

Subpart A—Official Records

1. The authority citation for part 1, subpart A, is revised to read as follows:

Authority: 5 U.S.C. 301, 552; 7 U.S.C. 3125a; 31 U.S.C. 9701; and 7 CFR 2.28(b)(7)(viii).

2. Section 1.1 is revised to read as follows:

§ 1.1 Purpose and scope.

This subpart establishes policy, procedures, requirements, and responsibilities for administration and coordination of the Freedom of Information Act (FOIA), 5 U.S.C. 552, pursuant to which official records may be obtained by any person. This subpart also provides rules pertaining to the disclosure of records pursuant to compulsory process. This subpart also serves as the implementing regulations for the Office of the Secretary (the immediate offices of the Secretary, Deputy Secretary, Under Secretaries and Assistant Secretaries) and for the Office of Communications. The Office of Communications has the primary responsibility for the FOIA in the Department of Agriculture (USDA). The term "agency" or "agencies" is used throughout this subpart to include both USDA program agencies and staff offices.

§ 1.2 [Amended]

3. Section 1.2 is amended as follows:

a. Paragraph (a) is amended by removing the word "documents" and adding the word "records" in its place; and by removing the word "exceptional" and adding the word "unusual" in its place.

b. Paragraph (b) is amended by removing the word "documents" and adding the word "records" in its place.

§ 1.3 [Amended]

4. In § 1.3, paragraph (a)(2) is amended by removing the word "thereto" and adding the words "to indexes" in its place.

5. Section 1.4 is amended as follows:

a. Paragraph (a) introductory text is amended by removing the words "Office of Governmental and Public Affairs" and adding the words "Office of Communications" in their place.

b. Paragraphs (a)(1) and (a)(2) are amended by removing the words "Administration Building" and adding the words "Jamie L. Whitten Federal Building" in their place.

c. Paragraph (a)(3) is amended by removing the words "Director of Information, Office of Governmental

and Public Affairs" and adding the words "FOIA Coordinator, Office of Communications" in their place.

d. Paragraph (a)(4) is amended by removing the words "Assistant Secretary for Governmental and Public Affairs" and adding the words "Director of Communications, Office of Communications" in their place.

e. Paragraph (b) introductory text is amended by removing the words "Office of Governmental and Public Affairs (OGPA)" and adding the words "Office of Communications (OC)" in their place.

f. Paragraph (b)(3) is amended by removing the reference "7 CFR part 2, subpart A" and adding the reference "part 2, subpart A, of this title" in its place.

g. Paragraph (b)(4) is amended by removing the words "Office of Governmental and Public Affairs" and adding the words "Office of Communications" in their place; and by removing the words "The Office is" and adding the words "The Office of Communications is" in their place.

h. Paragraph (b)(5) is revised; and

i. Paragraph (b)(6) is revised to read as follows:

§ 1.4 Implementing regulations for the Office of the Secretary.

* * * * *

(b) * * *

(5) The Office of Communications is headed by the Director of Communications. In the Director's absence, the Office of Communications is headed by the Deputy Director.

(6) The Office of Communications consists of nine divisions, each headed by a director.

§ 1.5 [Amended]

6. In § 1.5, paragraph (b) is amended as follows:

a. In the first sentence, by removing the word "also"; and by adding the words "for public inspection and copying" immediately after the words "make available".

b. In the second sentence, by removing the word "thereto" and adding the words "to such indexes" in its place.

c. In the third sentence, by removing the word "Notice" and adding the word "notice" in its place.

7. Section 1.6 is amended as follows:

a. In paragraph (a), the second sentence is amended by removing the words "in his or her petition ask for a fee waiver if there is likely to be a charge for the requested information" and adding the words "ask for a fee waiver" in their place; in the third sentence, by removing the words "Office of Governmental and Public

Affairs" and adding the words "Office of Communications" in their place both times they appear; in the third sentence, by removing the words "Director of Information" and adding the words "Director of Communications" in their place; and in the fourth sentence, by removing the words "that Act" and adding the words "the Freedom of Information Act" in their place.

b. Paragraph (b) is amended by removing the words "etc., which" and adding the words "names of individuals, names of offices, and names of agencies or other organizations that" in their place.

c. In paragraph (c), the first sentence is amended by removing the word "it" and adding the words "the agency" in its place; and by removing the words "he or she" and adding the words "the requester" in their place.

d. Paragraph (e) is amended by removing the words "the person making the request" and adding the words "the requester" in their place; and by adding the words "of this subpart" immediately after the words "appendix A".

e. Paragraph (f) is amended by removing the words "nonagency-specific, i.e., are"; and by removing the words "Office of Governmental and Public Affairs, Office of Information, Special Programs Division" and adding the words "Office of Communications" in their place.

f. Paragraph (g) is amended by removing the word "(agencies)" and adding the words "or agencies" in its place; and by removing the words "The unit" and adding the words "The central processing unit in the Office of Communications" in their place.

g. Paragraph (h) is revised to read as follows:

§ 1.6 Requests for records.

* * * * *

(h) Each agency shall develop and maintain a record of all written and oral requests and appeals received in that agency. The record shall include the name of the requester; a brief summary of the information requested; whether the request or appeal was granted, denied, or partially denied; the exemption from mandatory disclosure under 5 U.S.C. 552(b) upon which any denial was based; and the amount of any fees associated with the request or appeal.

§ 1.8 [Amended]

8. Section 1.8 is amended as follows:

a. In paragraph (a) introductory text, the third sentence is amended by removing the words "it grants" and adding the words "the agency grants" in their place.

b. Paragraph (b) is amended by removing the word "insure" and adding the word "ensure" in its place; and by adding the words "reasonably segregable" immediately before the word "nonexempt".

c. In paragraph (d) introductory text, the third sentence is amended by removing the words "it grants" and adding the words "the agency grants" in their place.

d. In paragraph (e), the second sentence is amended by removing the word "Agencies" and adding the words "Each agency" in its place; by removing the word "thereof" and adding the words "of the fee" in its place; in the third sentence, by removing the words "In instances where" and adding the word "If" in their place; and by removing the word "likewise".

e. Paragraph (f) is amended by removing the words "the forwarding of copies" and adding the words "providing copies of the records" in their place.

f. Paragraph (g) is amended by adding the words "of this subpart" immediately after the words "appendix A" both times they appear; and, in the second sentence, by removing the words "Similarly, as a matter of policy, where" and adding the word "If" in their place.

9. Section 1.9 is amended as follows:

a. Paragraph (a) is amended by removing the words "They include" and adding the words "Search services include" in their place; and by removing the words "They also include" and adding the words "Search services also include" in their place.

b. Paragraph (c) is removed.

c. Paragraph (b) is revised to read as follows:

§ 1.9 Search services.

* * * * *

(b) Search services do not include the time spent locating a record if the record is in its normal location in a file or other facility or the review of records to determine whether the records are exempt.

10. Section 1.10 is amended as follows:

a. Paragraph (a) is amended by removing the word "documents" and adding the word "records" in its place; by adding the words "of this subpart" immediately after the words "appendix A"; and by removing the word "document" and adding the word "record" in its place.

b. Paragraph (b) is amended by removing the word "documents" and adding the word "records" in its place both times it appears.

c. Paragraph (c) is revised to read as follows:

§ 1.10 Review services.

* * * * *

(c) Review services do not include the time spent resolving general legal or policy issues regarding the application of exemptions.

§ 1.11 [Amended]

11. In § 1.11, paragraph (a) introductory text is amended by removing the words "Whenever a request (including any "demand" as defined in § 1.21)" and adding the words "If a request (including a subpoena duces tecum as described in § 1.215)" in their place.

§ 1.13 [Amended]

12. Section 1.13 is amended as follows:

a. In paragraph (b), the last sentence is amended by removing the words "Assistant General Counsel." and adding the words "Assistant General Counsel, General Law Division, Office of the General Counsel." in their place.

b. Paragraph (c) is amended by adding the words "General Law Division, Office of the General Counsel," immediately after the words "Assistant General Counsel"; by removing the words "Office of Governmental and Public Affairs" and adding the words "Office of Communications" in their place; and by removing the word "thereof" and adding the words "of the administrative deadline" in its place.

§ 1.14 [Amended]

13. Section 1.14 is amended to read as follows:

a. Paragraph (a) is amended by removing the word "dispatched" and adding the words "sent to the requester" in its place.

b. Paragraph (b)(3) is amended by removing the word "therein" and adding the words "in the request" in its place; and by removing the words "Office of Governmental and Public Affairs" and adding the words "Office of Communications" in their place.

14. Section 1.16 is revised to read as follows:

§ 1.16 Fee schedule.

Pursuant to § 2.28 of this title, the Chief Financial Officer is delegated authority to promulgate regulations providing for a uniform fee schedule applicable to all agencies of the Department regarding requests for records under this subpart. The regulations providing for a uniform fee schedule are found in appendix A of this subpart.

§ 1.18 [Amended]

15. Section 1.18 is amended as follows:

a. Paragraph (a)(7) is amended by removing the word "fully".

b. Paragraph (b) is amended by removing the words "Director of Information, Office of Governmental and Public Affairs" and adding the words "Director of Communications, Office of Communications" in their place.

c. Paragraph (c) is amended by removing the words "Director of Information" and adding the words "Director of Communications, Office of Communications" in their place; and by removing the reference "5 U.S.C. 552(d)" and adding the reference "5 U.S.C. 552(e)" in its place.

Appendix A of Subpart B—[Amended]

16. Appendix A of subpart A is amended as follows:

a. Section 1 is amended by removing the word "documents" and adding the word "records" in its place.

b. In section 2, the first sentence is amended by adding the words "of this appendix" immediately after the words "section 5" and by removing the word "document" and adding the word "record" in its place; in the second sentence, by removing the words "in certifying" and adding the word "certifying" in their place and by removing the words "in sending" and adding the word "sending" in their place; and in the third sentence, by removing the word "schedule" and adding the word "appendix" in its place.

c. In section 3, paragraph (a) is amended by removing the word "documents" and adding the word "records" in its place; by removing the words "as specified below in section 5" and adding the words "as specified in section 5 of this appendix" in their place; by removing the word "information" and adding the word "records" in its place; and by adding the words "of this appendix" immediately after the reference to "section 4(e)".

d. In section 3, paragraph (b) is amended by removing the words "Also, no" and adding the word "No" in their place.

e. In section 3, paragraph (c) is amended by removing the words "In addition, fees" and adding the word "Fees" in their place.

f. In section 3, paragraph (d) introductory text is amended by removing the word "Documents" and adding the word "Records" in its place; and in paragraph (d)(2) by removing the word "free" and adding the word "fee" in its place.

g. In section 4, paragraph (c) is amended by removing the word "information" and adding the word

"records" in its place; and by removing the word "document(s)" and adding the word "records" in its place.

h. In section 4, paragraph (j) is amended by removing the words "as amended (5 U.S.C. 552)," by adding the words "of this appendix" immediately after the reference to "section 6"; and by removing the word "schedule" and adding the word "appendix" in its place.

i. In section 4, paragraph (k) is amended by removing the word "schedule" and adding the word "appendix" in its place; and by removing the words "(formerly 31 U.S.C. 483a)".

j. Section 5 introductory text is amended by removing the words "as amended," and by removing the words "The Act" and adding the word "FOIA" in their place.

k. In section 5, paragraph (a) introductory text is amended by adding the words "of this appendix" immediately after the reference to "section 3(a)"; and in paragraph (a)(2) by removing the word "documents" and adding the word "records" in its place.

l. In section 5, paragraph (b)(2) is amended by adding the words "of this appendix" immediately after the reference "(see section 5(a)(1))".

m. In section 5, paragraph (d) is amended by removing the words "any of the above categories" and adding the words "the categories described in paragraphs (a), (b), or (c) of this section" in their place; by removing the word "documents" and adding the word "records" in its place; and by adding the words "of this appendix" immediately after the reference to "section 4(e)".

n. In section 6, paragraph (a) introductory text is amended by revising the first sentence to read, "Agencies shall waive or reduce fees on request for records if disclosure of information in the records is deemed to be in the public interest.".

o. In section 6, paragraph (a)(1)(v) is amended by removing the words ", if so,".

p. In section 6, paragraph (a)(3)(i) is amended by removing the word "information" and adding the word "records" in its place.

q. In section 6, paragraph (a)(3)(ii) is amended by removing the word "recipient" and adding the word "requester" in its place.

r. In section 8, paragraph (d) is amended by removing the word "below" and adding the words "in section 9 of this appendix" in its place.

s. Section 9 is amended by removing the reference "section 3717 of title 31 U.S.C." and adding the reference "31 U.S.C. 3717" in its place.

t. Section 10 is amended by removing the reference "the provisions of 31 U.S.C. 3701, 3711–3719" and adding the reference "31 U.S.C. 3701, 3711–3720A" in its place.

u. In section 13, the heading is amended by removing the word "photographic".

v. Section 13 introductory text is amended by removing the words "this action to be" and adding the words "that furnishing free reproductions is" in their place.

w. In section 13, paragraph (a) is amended by removing the words "Press, radio, television, and newsreel representatives" and adding the words "Representatives of the news media" in their place.

x. Section 17 introductory text is amended by removing the word "here" and adding the words "in this section" in its place.

y. In section 17, the fourth sentence of paragraph (a) is amended by removing the words "fee schedule" and adding the word "appendix" in their place; and by removing the words "National Agricultural Library, Room 111, Information Access Division, USDA, Beltsville, Maryland 20705 (301–344–3834)" and adding the words "National Agricultural Library, Agricultural Research Service, USDA, Document Delivery Services Branch, 10301 Baltimore Boulevard, Beltsville, Maryland 20705–2351 (301–504–6503)" in their place.

z. In section 17, paragraph (c) is amended by removing the word "below" and adding the words "in this paragraph" in its place.

aa. In section 17, paragraph (d) is amended by removing the word "below" and adding the words "in this paragraph" in its place.

bb. Section 11 is revised.

cc. Section 12 is revised; and

dd. In section 17, paragraph (e) is revised to read as follows:

Appendix—Fee Schedule

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Section 11. Photographic and Digital Reproductions of Microfilm, Aerial Imagery, and Maps

Microfilm, aerial imagery, and maps that have been obtained in connection with the authorized work of this Department may be sold at the estimated cost of furnishing reproductions of these records, using photographic, digital, or other methods of reproduction as prescribed in this appendix.

Section 12. Agencies Which Furnish Photographic Reproductions

(a) *Aerial photographic reproductions.* The agencies of the Department identified in this paragraph furnish aerial photographic reproductions.

(1) Farm Service Agency (FSA), APFO, USDA-FSA, 2222 West 2300 South, PO Box 30010, Salt Lake City, Utah 84125.

(2) Natural Resources Conservation Service (NRCS), National Cartography and Geospatial Center, 501 Felix Street, Building 23, Fort Worth, Texas 76115, or a cartographic facility in any NRCS Technical Service Center.

(b) *Other photographic reproductions.* Photographic reproductions other than aerial photographic reproductions may be obtained from the agencies of the Department identified in this paragraph.

(1) Farm Service Agency (FSA), Aerial Photography Field Office, USDA-FSA, 2222 West 2300 South, PO Box 30010, Salt Lake City, Utah 84125.

(2) Forest Service (FS), USDA, PO Box 96090, Washington, DC 20090-6090, or a FS Regional Office.

(3) National Agricultural Library, Agricultural Research Service, USDA, Document Delivery Services Branch, 10301 Baltimore Boulevard, Beltsville, Maryland 20705-2351.

(4) Natural Resources Conservation Service, National Cartography and Geospatial Center, 501 Felix Street, Building 23, Fort Worth, Texas 76115.

(5) Office of Communications, Photography Division, Room 4407 South Building, Washington, DC 20250.

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Section 17. Reproduction Prices

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(e) *Special needs.* For special needs not covered elsewhere in this section, persons desiring aerial photographic reproductions should contact the aerial photography coordinator, Farm Service Agency (FSA), Aerial Photography Field Office, USDA-FSA, 2222 West 2300 South, PO Box 30010, Salt Lake City, Utah 84125.

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Subpart G—Privacy Act Regulations

17. The authority citation for part 1, subpart G, is revised to read as follows:

Authority: 5 U.S.C. 301 and 552a; 31 U.S.C. 9701.

§ 1.110 [Amended]

18. Section 1.110 is amended by removing the word "It" and adding the words "This subpart" in its place; and by removing the words "the Act" and adding the words "the Privacy Act" in their place both times they appear.

§ 1.112 [Amended]

19. In § 1.112, paragraph (a) introductory text is amended by adding the words "or her" immediately after the word "him".

§ 1.113 [Amended]

20. Section 1.113 is amended as follows:

a. Paragraph (a) is amended by adding the words "or her" immediately after the word "him"; and by adding the

words "or herself" immediately after the word "himself".

b. In paragraph (b), the first sentence is amended by removing the words "he is" and adding the words "the requester is" in their place; in the second sentence, by removing the words "he shall" and adding the words "the requester shall" in their place; by removing the word "his" and adding the words "the requester's" in its place; by removing the words "he understands" and adding the words "the requester understands" in their place; and, in the last sentence by removing the words "when the records are ones whose disclosure is required by 5 U.S.C. 552" and adding the words "if the records are required by 5 U.S.C. 552 to be released" in their place.

c. Paragraph (c) is amended by removing the words "him via" and adding the words "himself or herself by" in their place; by removing the words "him during" and adding the words "the requester during" in their place; and by removing the words "their presence" and adding the words "the presence of such other person or persons" in their place.

d. Paragraph (d) is amended by removing the words "to him" and adding the words "to the requester" in their place; by removing the words "him copies" and adding the words "the requester copies" in their place; and by removing the word "thereof" and adding the words "of those records" in its place.

e. In paragraph (e), the first sentence is amended by removing the words "he shall" and adding the words "the requester shall" in their place; by removing the words "his request" and adding the words "his or her request" in their place; by removing the words "his identity" and adding the words "the requester's identity" in their place; in the second sentence, by removing the words "he is" and adding the words "the requester is" in their place; by removing the words "he understands" and adding the words "the requester understands" in their place; and in the third sentence, by removing the words "when the records are ones whose disclosure is required by 5 U.S.C. 552" and adding the words "if the records are required by 5 U.S.C. 552 to be released" in their place.

§ 1.114 [Amended]

21. Section 1.114 is amended as follows:

a. Paragraph (d) is amended by removing the word "he" and adding the words "the system manager" in its place both times it appears.

b. Paragraph (e) is amended by removing the word "he" and adding the words "the head of the agency" in its place; by removing the word "therefor" and adding the words "for the determination" in its place; and by removing the word "his" and adding the words "the requester's" in its place.

§ 1.116 [Amended]

22. Section 1.116 is amended as follows:

a. Paragraph (a) introductory text is amended by adding the words "or her" immediately after the word "him".

b. Paragraph (b) is amended by removing the reference "5 U.S.C. 552(e)(1) and (5)" and adding the reference "5 U.S.C. 552a(e) (1) and (5)" in its place.

§ 1.117 [Amended]

23. Section 1.117 is amended as follows:

a. Paragraph (a) introductory text is amended by removing the word "It" and adding the words "The agency" in its place.

b. In paragraph (a)(2), the first sentence is amended by removing the word "his" and adding the word "the" in its place; and by removing the word "he" and adding the words "the requester" in its place.

c. Paragraph (b) is amended by removing the word "therefor" and adding the words "for the inability to comply with paragraphs (a)(1) or (a)(2) of this section within 30 days," in its place.

d. Paragraph (d)(3) is amended by removing the words "and where" and adding the word "if" in their place.

e. Paragraph (e)(2) is amended by removing the word "therefor" and adding the words "for the determination not to grant all or a portion of the request for correction or amendment" in its place.

f. Paragraph (e)(3) is amended by adding the words "or she" immediately after the word "he".

§ 1.118 [Amended]

24. Section 1.118 is amended as follows:

a. Paragraph (c) is amended by removing the word "his" and adding the word "a" in its place.

b. Paragraph (d) is amended by removing the word "he" and adding the words "the head of the agency" in its place.

c. Paragraph (e) introductory text is amended by removing the word "he" and adding the words "the head of the agency" in its place.

d. Paragraph (e)(1) is amended by removing the word "therefore" and

adding the words "for the determination" in its place.

e. Paragraph (e)(2) is amended by removing the word "his" and adding the words "the requester's" in its place.

§ 1.121 [Amended]

25. Section 1.121 is amended by removing the words "enumerated acts" and adding the words "acts enumerated in 5 U.S.C. 552a(i)" in their place; by removing the words "on or after September 27, 1975,"; and by removing the reference "5 U.S.C. 552a(m)" and adding the reference "5 U.S.C. 552a(m)(1)" in its place.

§ 1.122 [Amended]

26. Section 1.122 is amended by removing the word "thereof" and adding the words "of systems of records" in its place; by removing the word "below" and adding the words "in this section" in its place.

Appendix A—Internal Directives [Amended]

27. Appendix A of subpart G is amended as follows:

a. In section 1, paragraph (c) introductory text is amended by adding the words ", of" immediately before the colon.

b. In section 1, paragraph (c)(4) is amended by removing the word "him" and adding the words "the individual" in its place.

c. In section 1, paragraph (d)(7) is amended by adding the words "or her" immediately after the word "his"; and by removing the word "him" and adding the words "the individual" in its place.

d. In section 1, paragraph (d)(8) is amended by adding the words "or her" immediately after the word "his"; by removing the word "he" and adding the words "the individual" in its place both times it appears; and by adding the words "or her" immediately after the word "him".

e. In section 2, paragraph (a) is amended by removing the words "insure that 30" and adding the words "ensure that at least 30" in their place.

f. In section 3, paragraph (c) is amended by removing the word "above" and adding the words "required under paragraph (a) of this section" in its place; and by adding the words "or her" immediately after the word "his".

g. In section 4, by removing the words "if such contract is agreed to on or after September 27, 1975,"; and by removing the words "that section" and adding the reference "5 U.S.C. 552a(i)" in their place.

h. In section 6, paragraph (a) is amended by adding the words "or her" immediately after the word "his".

i. In section 6, paragraph (b) introductory text is amended by removing the words "The provisions of paragraph (a) of this Section" and by adding the words "Paragraph (a) of this section" in their place.

j. In section 6, paragraph (c) is amended by adding the words "or her" immediately after the words "his".

k. Section 7 introductory paragraph is amended by removing the words "(beginning March 30, 1976)".

l. Section 8 is amended by removing the words "the provisions of".

Done in Washington, DC, this 17th day of June, 1997.

Dan Glickman,

Secretary of Agriculture.

[FR Doc. 97-16414 Filed 6-23-97; 8:45 am]

BILLING CODE 3410-01-P

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

7 CFR Parts 1414, 1415, 1416, 1434, 1437, 1439, 1468, 1477, 1479, and 1489

RIN 0560-AF15

Livestock Indemnity Program

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Interim rule with request for comments.

SUMMARY: This interim rule sets forth the terms and conditions of the Livestock Indemnity Program as authorized by the 1997 Emergency Supplemental Appropriations Act, which may be made available to eligible livestock producers for livestock and poultry losses that occurred as a result of natural disasters that occurred between October 1, 1996, and June 12, 1997, for which a Presidential or Secretarial disaster was requested by June 12, 1997, and subsequently approved.

This rule also deletes obsolete program regulation as part of the National Performance Review Initiative to eliminate unnecessary regulations and improve those that remain in force.

DATES: Effective June 24, 1997. Comments must be received by July 24, 1997 in order to be assured of consideration.

ADDRESSES: Comments should be mailed to Diane Sharp, Director, Compliance and Production Adjustment Division, Farm Service Agency, United States Department of Agriculture, STOP 0517, 1400 Independence Ave. S.W., Washington, D.C. 20013-2415. Telephone (202) 720-7641. Access this

interim rule on the Internet at: www.fsa.usda.gov.

FOR FURTHER INFORMATION CONTACT: Diane Sharp, (202) 720-7641.

SUPPLEMENTARY INFORMATION:

Executive Order 12766

This interim rule is issued in conformance with Executive Order 12866 and has been determined to be significant and has been reviewed by the Office of Management and Budget.

Regulatory Flexibility Act

It has been determined that the Regulatory Flexibility Act is not applicable to this rule because the Farm Service Agency (FSA) and the Commodity Credit Corporation (CCC) 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.

Environmental Evaluation

It has been determined by an environmental evaluation that this action will have no significant impact on the quality of the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is needed.

Executive Order 12988

This rule has been reviewed in accordance with Executive Order 12788. The provisions of this rule preempt State laws to the extent such laws are inconsistent with the provisions of this rule. The provisions of this rule are retroactive to October 1, 1996. Before any judicial action may be brought concerning the provisions of this rule, the administrative remedies must be exhausted.

Executive Order 12372

This program 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).

Unfunded Mandates Reform Act of 1995

This rule contains no Federal mandates under the regulatory provisions of Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) for State, local, and tribal governments or the private sector. Thus, this rule is not subject to the requirements of sections 202 and 205 of UMRA.