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DEPARTMENT OF AGRICULTURE

Office of the Secretary

7 CFR Part 1

Administrative Regulations; Privacy Act Regulations

AGENCY: Office of the Secretary, USDA.

ACTION: Final rule.

SUMMARY: The Department of Agriculture (USDA) hereby amends 7 CFR Part 1, Subpart G, § 1.123 by adding three systems of records to those exempted from certain sections of the Privacy Act of 1974 (5 U.S.C. 552a) pursuant to 5 U.S.C. 552a(k). The existing list of exempt systems of records is also amended to reflect changes in the numbering and names of those systems. Notice of the amendments, inviting public comments, was published as a proposed rule in the *Federal Register* on September 30, 1987, at 52 FR 36580. No public comments were received.

DATE: The amendments become effective March 30, 1988.

FOR FURTHER INFORMATION CONTACT: Milton Sloane, Special Programs Division, Office of Information, Office of Governmental and Public Affairs, U.S. Department of Agriculture, Washington, DC 20250; (202) 447-8164.

SUPPLEMENTARY INFORMATION: These amendments are necessary to provide for exemption of a Privacy Act system of records maintained by the Agricultural Marketing Service (AMS) entitled "AMS Office of Compliance Review Cases, USDA/AMS-11" and for the exemption of two existing systems of records. The two systems are "Administrative proceedings brought by the Department, court cases in which the Government is plaintiff and the court cases in which the Government is a defendant brought pursuant to the United States

Warehouse Act, USDA/OGC-43" and "Investigations Undertaken by the Government Pursuant to the United States Grain Standards Act of 1976, as amended, or the Agricultural Marketing Act of 1946, as amended, USDA/FGIS-2."

A separate notice regarding USDA/AMS-11 was published in the *Federal Register* on October 22, 1987, at 52 FR 39554. That system contains detailed information pertaining to cases in which the AMS Office of Compliance is involved. The authority for maintenance of that system is found in the legislation listed in 7 CFR Part 2, Subpart F, § 2.50. The legislation enumerated in that section authorizes AMS to be responsible for compliance activities pertaining to the various programs administered by AMS.

System notices for USDA/OGC-43 and USDA/FGIS-2 already have been published, but they inadvertently were left off the list of exempt systems. USDA/OGC-43 contains information from investigations conducted pursuant to 7 U.S.C. 243, which authorizes both the investigation of storage, warehousing, weighing, classifying, and certification of agricultural products, and the inspection of warehouses. In accordance with 7 U.S.C. 71, *et seq.*, and 7 U.S.C. 1621, *et seq.*, USDA/FGIS-2 consists of investigatory material pertaining to alleged violations of the subject Acts. They, therefore, contain "investigatory material compiled for law enforcement purposes * * *" and may be exempted from certain sections of the Privacy Act of 1974 pursuant to 5 U.S.C. 552a(k)(2).

Amendments to the existing list of systems maintained by USDA are necessary to reflect changes made in the numbering of systems, the restructuring of some systems, and the transfer of a system. The system formerly entitled "Court cases brought by the Government pursuant to either the Naval Stores Act, the Honeybee Act, the Virus-Serum-Toxin Act or the Tobacco Seed and Plant Exportation Act, USDA/OGC-33" has been split into two systems, both of which are exempt from certain provisions of the Privacy Act pursuant to 5 U.S.C. 552a(k)(2) as follows: "Court cases brought by the Government pursuant to either the Naval Stores Act or the Tobacco Seed and Plant Exportation Act, USDA/OGC-29" and "Cases by and against the

Department under the Virus-Serum-Toxin Act, USDA/OGC-44."

A system formerly maintained by the Animal and Plant Health Inspection Service and entitled, "Meat and Poultry Inspection Program—Slaughter, Processing and Allied Industrial Compliance Records System, USDA/APHIS-1," has been transferred to the Food Safety and Inspection Service and is entitled "Meat and Poultry Inspection Program—Slaughter, Processing and Allied Industries Compliance Records System, USDA/FSIS-1."

This rule has been reviewed under the Secretary's Memorandum 1512-1 and Executive Order No. 12291 and has been determined not to be a "major rule" since it will not have an annual effect on the economy of \$100 million or more. In addition, it has been determined that this rule will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 7 CFR Part 1.

Privacy.

For the reasons set out in the preamble, 7 CFR, Subtitle A, Part 1, Subpart G, § 1.123 of the Code of Federal Regulations is amended as set forth below:

PART 1—[AMENDED]

1. The authority citation for Part 1, Subpart G, continues to read as follows:

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

2. Part 1, Subpart G—Privacy Act Regulations, § 1.123 is amended by revising the list of exempt systems to read as follows:

§ 1.123 Specific exemptions.

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Agricultural Marketing Service

AMS Office of Compliance Review Cases, USDA/AMS-11.

Agricultural Stabilization and Conservation Service

EEO Complaints and Discrimination Investigation Reports, USDA/ASCS-12.
Investigation and Audit Reports, USDA/ASCS-18.

Producer Appeals, USDA/ASCS-21.

Animal and Plant Health Inspection Service

Plant Protection and Quarantine Program—Regulatory Actions, USDA/APHIS-1.
Veterinary Services Programs—Records of Accredited Veterinarians, USDA/APHIS-2.

Veterinary Services Programs—Animal Quarantine Regulatory Actions, USDA/APHIS-3.

Veterinary Services Programs—Animal Welfare and Horse Protection Regulatory Actions, USDA/APHIS-4.

Farmers Home Administration

Credit Report File, USDA/FmHA-3.

Federal Grain Inspection Service

Investigations Undertaken by the Government Pursuant to the United States Grain Standards Act of 1976, as amended, or the Agricultural Marketing Act of 1946, as amended, USDA/FGIS-2.

Food and Nutrition Service

Civil Rights Complaints and Investigations, USDA/FNS-1.

Claims Against Food Stamp Recipients, USDA/FNS-3.

Investigations of Fraud, Theft, or Other Unlawful Activities of Individuals Involving Food Stamps, USDA/FNS-5.

Food Safety and Inspection Service

Meat and Poultry Inspection Program—Slaughter, Processing and Allied Industries Compliance Records System, USDA/FSIS-1.

Office of the General Counsel

Regulatory Division

Cases by the Department under the Federal Meat Inspection Act, the Poultry Products Inspection Act, and the voluntary inspection and certification provisions of the Agricultural Marketing Act of 1946, USDA/OGC-6.

Cases by the Department under the Human Methods of Livestock Slaughter Law (i.e., the Act of August 27, 1958), USDA/OGC-7.

Cases by the Department under the 28 Hour Law, as amended, USDA/OGC-8.

Cases by the Department under the various Animal Quarantine and related laws, USDA/OGC-9.

Cases by the Department under the various Plant Protection Quarantine and related laws, USDA/OGC-10.

Cases by the Department under Horse Protection Act of 1970, USDA/OGC-41.

Cases by the Department under the Laboratory Animal Welfare Act, USDA/OGC-42.

Community Development Division

Community Development Division Litigation, USDA/OGC-11.

Farmers Home Administration (FmHA) General Case Files, USDA/OGC-12.

Food and Nutrition Division

Claims by and against USDA under the Food Assistance Legislation, USDA/OGC-13.

Perishable Agricultural Commodities, USDA/OGC-14.

Foreign Agriculture and Commodity Stabilization Division

Agricultural Stabilization and Conservation Service (ASCS), Foreign Agricultural Service (FAS), and Commodity Credit Corporation Cases, USDA/OGC-15.

Federal Crop Insurance Corporation (FCIC) Cases, USDA/OGC-16.

Administrative proceedings brought by the Department, court cases in which the government is plaintiff and court cases in which the government is a defendant brought pursuant to the United States Warehouse Act, USDA/OGC-43.

Marketing Division

Administrative proceedings brought by the Department pursuant to the Plant Variety Protection Act, the Federal Seed Act, or the Agricultural Marketing Act of 1946, USDA/OGC-18.

Cases brought by the Government pursuant to the Cotton Future provisions of the Internal Revenue Code of 1954, USDA/OGC-22.

Court cases brought by the Government pursuant to either the Agricultural Marketing Act of 1946 or the Tobacco Inspection Act, USDA/OGC-24.

Court cases brought by the Government pursuant to either the Agricultural Marketing Agreement Act of 1937, as amended, or the Anti-Hog-Cholera Serum and Hog Cholera Virus Act, USDA/OGC-25.

Court cases brought by the Government pursuant to either the Cotton Research and Promotion Act, Potato Research and Promotion Act, the Egg Research and Consumer Information Act, USDA/OGC-26.

Court cases brought by the Government pursuant to either the Export Apple and Pear Act or the Export Grape and Plum Act, USDA/OGC-27.

Court cases brought by the Government pursuant to either the Cotton Statistics and Estimates Act of 1927 or the United States Cotton Standards Act, USDA/OGC-28.

Court cases brought by the Government pursuant to either the Naval Stores Act, or the Tobacco Seed and Plant Exportation Act, USDA/OGC-29.

Court cases brought by the Government pursuant to either the Peanut Statistics Act or the Tobacco Statistics Act, USDA/OGC-30.

Court cases brought by the Government pursuant to either the Plant Variety Protection Act of the Egg Products Inspection Act, USDA/OGC-31.

Court cases brought by the Government pursuant to either the Produce Agency Act, or the Process of Renovated Butter Provisions of the Internal Revenue Code of 1954, USDA/OGC-32.

Court cases brought by the Government pursuant to either the United States Grain Standards Act or the Federal Seed Act, USDA/OGC-33.

Court cases brought by the Government pursuant to the Agricultural Fair Practices Act, USDA/OGC-34.

Cases by and against the Department under the Virus-Serum Toxin Act, USDA/OGC-44.

Packers and Stockyards Division

Packers and Stockyards Act, Administrative Cases, USDA/OGC-69.
Packers and Stockyards Act, Civil and Criminal Cases, USDA/OGC-70.

Research and Operations Division

Personnel Irregularities, USDA/OGC-75.

Office of Inspector General

Intelligence Records, USDA/OIG-2.

Investigative Files and Subject/Title Index, USDA/OIG-3.

Office of the Secretary

Non-Career Applicant File, USDA/SEC-1.

Done this 22 day of February 1988, at Washington, D.C.

Richard E. Lyng,

Secretary of Agriculture.

[FR Doc. 88-4225 Filed 2-26-88; 8:45 am]

BILLING CODE 3410-13-M

FEDERAL TRADE COMMISSION

16 CFR Part 305

Rules for Using Energy Cost and Consumption Information Used in Labeling and Advertising of Consumer Appliances

AGENCY: Federal Trade Commission.

ACTION: Final rule revision.

SUMMARY: The Federal Trade Commission's Appliance Labeling Rule requires that the table in § 305.9, which sets forth the representative average unit energy costs for four residential energy sources, be revised periodically on the basis of updated information provided by the Department of Energy ("DOE").

This notice revises the table to incorporate the latest figures for average unit energy costs as published in the *Federal Register* on December 23, 1987 by DOE.

EFFECTIVE DATE: The revised Table 1 is effective February 29, 1988. The mandatory dates for using these revised DOE cost figures are detailed below.

FOR FURTHER INFORMATION CONTACT: James Mills, 202-326-3035 or Neil J. Blickman, 202-326-3038, Attorneys, Division of Enforcement, Federal Trade Commission, Washington, DC 20580.

SUPPLEMENTARY INFORMATION: On November 19, 1979, the Federal Trade Commission issued a final Appliance Labeling Rule (44 FR 66466) in response to a directive in section 324 of the Energy Policy and Conservation Act ("EPCA"), 42 U.S.C. 6201 (1975). The Appliance Labeling Rule was subsequently amended on December 10, 1987 (52 FR 46888) to add a new category of appliances to the Rule—central air conditioners (which includes heat pumps). As a result, the rule requires the disclosure of energy efficiency or cost information on labels and in retail sales catalogs for eight categories of appliances, and mandates that these energy costs or energy efficiency ratings be based on standardized test procedures developed