

Presidential Documents

Title 3—

The President

Proclamation 6587 of September 3, 1993

National POW/MIA Recognition Day, 1993

By the President of the United States of America

A Proclamation

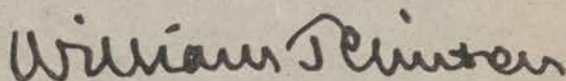
This year we have witnessed major changes in the global political landscape. Although democracy is taking root in many new areas, the forces of repression pose continuing challenges around the world. Throughout this dynamic period, one theme rings true to all Americans: Our Nation owes a lasting debt of gratitude to all those selfless members of our Armed Forces who have risked their own freedom and safety to defend the lives and liberty of others. As a measure of our thanks and as an expression of our determination to keep faith with those who faithfully serve and defend us, we take this occasion to remember those special Americans for whom an accounting has not yet been made.

In honor of these Americans, on September 10, 1993, the flag of the National League of POW/MIA families will be flown over the White House; the U.S. Departments of State, Defense, and Veterans Affairs; the Selective Service System headquarters; and the Vietnam Veterans Memorial. This black and white banner—emblematic of America's missing—flies as a stark reminder to the world of our Nation's resolve.

We acknowledge a continuing obligation to these casualties of war, America's missing service members and civilians. Our Nation remains committed to this cause, a matter of highest national priority. We renew our pledge to obtain the answers that the family members of these heroes deserve, recognizing the profound loss they have endured and their steadfast resolve to gain the peace of certainty.

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, by the authority vested in me by the Constitution and laws of the United States, do hereby proclaim September 10, 1993, as National POW/MIA Recognition Day. I urge all Americans to join in honoring former American POWs as well as those Americans still unaccounted for as a result of their service to our great Nation. I also encourage the American people to express their gratitude to the families of these missing Americans for their dedication to seeking the truth and their determination to persevere through the many years of waiting. Finally, I ask State and local officials and private organizations to observe this day with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this third day of September, in the year of our Lord nineteen hundred and ninety-three, and of the Independence of the United States of America the two hundred and eighteenth.



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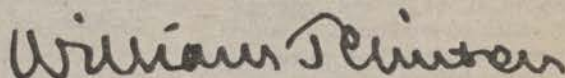
Executive Order 12860 of September 3, 1993

Adding Members to the Committee on Foreign Investment in the United States

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the Omnibus Trade and Competitiveness Act of 1988 (Public Law 100-418; 102 Stat. 1107), section 301 of title 3, United States Code, and in accordance with the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 106 Stat. 2315), to designate additional members to the Committee on Foreign Investment in the United States, it is hereby ordered as follows:

Section 1. Executive Order No. 11858, as amended, is further amended by inserting in Section 1(a), after the title "Director of the Office of Management and Budget," the following additional titles: "(9) the Director of the Office of Science and Technology Policy."; "(10) the Assistant to the President for National Security Affairs."; and "(11) the Assistant to the President for Economic Policy.".

Sec. 2. This order shall take effect immediately.



THE WHITE HOUSE,
September 3, 1993.

Rules and Regulations

Federal Register

Vol. 58, No. 172

Wednesday, September 8, 1993

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

DEPARTMENT OF AGRICULTURE

Federal Crop Insurance Corporation

7 CFR Part 400

General Administrative Regulations; Collection and Storage of Social Security Account Numbers and Employer Identification Numbers

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Interim final rule.

SUMMARY: The Federal Crop Insurance Corporation (FCIC) amends the regulations governing the collection of Social Security Numbers (SSN) and Employer Identification Numbers (EIN). The intended effect of this rule is to clarify which entities and individuals are authorized to collect SSNs and EINs on behalf of FCIC.

EFFECTIVE DATE: September 8, 1993.

FOR FURTHER INFORMATION CONTACT: Mari L. Dunleavy, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, DC 20250, telephone (202) 254-8314.

SUPPLEMENTARY INFORMATION: This action has been reviewed under USDA procedures established by Departmental Regulation 1512-1. This action does not constitute a review as to the need, currency, clarity, and effectiveness of these regulations under those procedures. The sunset review date established for these regulations is May 1, 1997.

Kathleen Connelly, Acting Manager, FCIC, has determined that this action is not a major rule as defined by Executive Order 12291 because it will not result in: (1) An annual effect on the economy of \$100 million or more; (2) major increases in costs or prices for consumers, individual industries, federal, state, or local governments, or a geographical region; or (3) significant adverse effects on competition,

employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The Acting Manager also certifies that this action will not increase the federal paperwork burden for individuals, small businesses, and other persons. The action will not have a significant economic effect on a substantial number of small entities. This program is strictly voluntary. This regulation does not require or impose any requirement on the delivery agent or company that is not already required by the Privacy Act of 1974 (5 U.S.C. 552a). Therefore, this action is determined to be exempt from the provisions of the Regulatory Flexibility Act and no Regulatory Flexibility Analysis was prepared.

This program is listed in the Catalog of Federal Domestic Assistance under No. 10.450.

This program is not subject to the provisions of Executive Order 12372 which requires 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.

This action is not expected to have any significant impact on the quality of the human environment, health, and safety. Therefore, neither an Environmental Assessment nor an Environmental Impact Statement is needed.

The Acting Manager, FCIC, has certified to the Office of Management and Budget (OMB) that these proposed regulations meet the applicable standards provided in sections 2(a) and 2(b)(2) of Executive Order 12778.

This rule has been reviewed in accordance with Executive Order 12778. The provisions of this interim rule are not retroactive and will preempt state and local laws to the extent such state and local laws are inconsistent herewith. The administrative appeal provisions located at 7 CFR part 1, subpart H must be exhausted before judicial action may be brought for actions taken under proceedings for the imposition of civil penalties or under the Program Fraud Civil Remedies sections of these regulations.

This amendment does not contain information collections that require clearance by the Office of Management and Budget under the provisions of 44

U.S.C. chapter 35, the Paperwork Reduction Act.

The Office of General Counsel, as the Designated Official under section 6(a) of Executive Order 12612, Federalism, has determined that the policies and procedures contained in this proposed rule will not have an increased substantial direct effect on states or their political subdivisions, or on the distribution of power and responsibilities among the various levels of government.

Section 506 of the Federal Crop Insurance Act (7 U.S.C. 1506), as amended (FCI Act), directs the FCIC to require submission of an SSN or EIN as a condition of eligibility for participation in the multiple peril crop insurance program.

This amendment clarifies that reinsured companies, agencies, agents and employees thereof are authorized to collect SSN and EIN on behalf of FCIC.

On Thursday, October 8, 1992, FCIC published a final rule in the **Federal Register** at 57 FR 46295, promulgating rules affecting how the FCIC, direct insurance and reinsured companies will collect, use, and store documents containing SSNs and EINs (Subpart Q). However, the rule failed to identify agencies and agents of reinsured companies as those who are authorized to have access to those identifying numbers for FCIC. This interim rule serves to correct this deficiency by identifying those individuals and entities in the "Definitions" section and in the "Required System of Records" section of Subpart Q.

Because this amendment serves only to clarify terms, and those terms are immediately required to allow the access of SSNs and EINs to authorized individuals and entities, FCIC determines that notice and public procedure is unnecessary, impracticable, and contrary to the public interest. This rule is effective upon publication.

List of Subjects in 7 CFR Part 400

Crop Insurance, General Administrative Regulations, Collection and Storage of Social Security Account Numbers and Employer Identification Numbers.

Interim Final Rule

Accordingly, the Federal Crop Insurance Corporation amends part 400 (7 CFR part 400) as follows:

PART 400—GENERAL ADMINISTRATIVE REGULATIONS

1. The authority citation for part 400 continues to read as follows:

Authority: 7 U.S.C. 1506, 1508.

2. Section 400.402 is amended by revising paragraphs (e) and (k) to read as follows:

§ 400.402 Definitions.

(e) *Authorized person*—An officer, employee, general or special agent, or loss adjuster of the FCIC, insurance company, reinsured company, or ASCS whose duties require access in the administration of the FCI Act.

(k) *Government contract employees*—authorized persons employed by a direct insurance or reinsured company, former officers or employees of such company, and general or special agents and loss adjusters.

3. Section 400.406 is revised to read as follows:

§ 400.406 Restricted access.

The Manager, other officer, or employee of the FCIC or authorized person (as defined in § 400.402(e)) may have access to the EINs and SSNs obtained pursuant to § 400.404 only for the purpose of establishing and maintaining a system of records necessary for the effective administration of the FCI Act in accordance with § 400.404 of this part. These numbers may be used in administering the FCI Act.

Done in Washington, DC, on September 1, 1993.

Robert Fenton,

Assistant Manager, Federal Crop Insurance Corporation.

[FR Doc. 93-21745 Filed 9-7-93; 8:45 am]

BILLING CODE 3410-08-M

Agricultural Marketing Service

7 CFR Part 1230

[No. LS-93-002]

RIN 0581-AA92

Pork Promotion and Research

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: Pursuant to the Pork Promotion, Research, and Consumer Information Act of 1985 and the Order issued thereunder, this final rule

decreases the amount of the assessment per pound due on imported pork and pork products to reflect a decrease in the 1992 six market average price for domestic barrows and gilts and to bring the equivalent market value of the live animals from which such imported pork and pork products were derived in line with the market values of domestic porcine animals.

EFFECTIVE DATE: October 8, 1993.

FOR FURTHER INFORMATION CONTACT:

Ralph L. Tapp, Chief, Marketing Programs Branch, 202/720-1115.

SUPPLEMENTARY INFORMATION: This final rule was reviewed in accordance with Executive Order No. 12291 and Departmental Regulation 1512-1 and is hereby classified as a nonmajor rule because it does not meet the criteria contained therein for a major rule.

This final rule has been reviewed under Executive Order 12778, Civil Justice Reform. This final rule is not intended to have retroactive effect. The Act states that the statute is intended to occupy the field of promotion and consumer education involving pork and pork products and of obtaining funds thereof from pork producers and that the regulation of such activity (other than a regulation or requirement relating to a matter of public health or the provision of State or local funds for such activity) that is in addition to or different from the Act may not be imposed by a State.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 1625 of the Act, a person subject to an order may file a petition with the Secretary stating that such order, a provision of such order, or an obligation imposed in connection with such order is not in accordance with law; and requesting a modification of the order or an exemption from the order. Such person is afforded the opportunity for a hearing on the petition. After the hearing, the Secretary would rule on the petition. The Act provides that the district court of the United States in the district in which such person resides or does business has jurisdiction to review the Secretary's determination, if a complaint is filed not later than 20 days after the date such person receives notice of such determination.

This action also was reviewed under the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*). The effect of the Order upon small entities was discussed in the September 5, 1986, issue of the *Federal Register* (51 FR 31898), and it was determined that the Order would not have a significant effect upon a substantial number of small entities.

Many importers may be classified as small entities. This final rule decreases the amount of assessments on imported pork and pork products subject to assessment by three- to five-hundredths of a cent per pound, or as expressed in cents per kilogram, seven- to eleven-hundredths of a cent per kilogram. Adjusting the assessments on imported pork and pork products will result in an estimated decrease in assessments of \$200,000 over a 12-month period. Accordingly, the Administrator of the Agricultural Marketing Service (AMS) has determined that this action will not have a significant economic impact on a substantial number of small entities.

The Pork Promotion, Research, and Consumer Information Act of 1985 (7 U.S.C. 4801-4819) approved December 23, 1985, authorized the establishment of a national pork promotion, research, and consumer information program. The program was funded by an initial assessment rate of 0.25 percent of the market value of all porcine animals marketed in the United States and an equivalent amount of assessment on imported porcine animals, pork, and pork products. However, that rate was increased to 0.35 percent effective December 1, 1991 (56 FR 51635). The final Order establishing a pork promotion, research, and consumer information program was published in the September 5, 1986, issue of the *Federal Register* (51 FR 31898; as corrected, at 51 FR 36383 and amended at 53 FR 1909, 53 FR 30243, 56 FR 4, and 56 FR 51635) and assessments began on November 1, 1986.

The Order requires importers of porcine animals to pay to the U.S. Customs Service (USCS), upon importation, the assessment of 0.35 percent of the animal's declared value and importers of pork and pork products to pay to the USCS, upon importation, the assessment of 0.35 percent of the market value of the live porcine animals from which such pork and pork products were produced. This final rule decreases the assessments on all of the imported pork and pork products subject to assessment listed in 7 CFR 1230.110 (October 30, 1992; 57 FR 49135). This decrease is consistent with the decrease in the annual average price of domestic barrows and gilts for calendar year 1992 as reported by the USDA, AMS, Livestock and Grain Market News (LGMN) Branch. This decrease in assessments will make the equivalent market value of the live porcine animal from which the imported pork and pork products were derived reflect the recent decrease in the market value of domestic porcine animals, thereby promoting

comparability between importer and domestic assessments. This final rule will not change the current assessment rate of 0.35 percent of the market value.

The methodology for determining the per-pound amounts for imported pork and pork products was described in the supplementary information accompanying the Order and published in the September 5, 1986, *Federal Register* at 51 FR 31901. The weight of imported pork and pork products is converted to a carcass weight equivalent by utilizing conversion factors which are published in the USDA Statistical Bulletin No. 616 "Conversion Factors and Weights and Measures." These conversion factors take into account the removal of bone, weight lost in cooking or other processing, and the nonpork components of pork products. Secondly, the carcass weight equivalent is converted to a live animal equivalent weight by dividing the carcass weight equivalent by 70 percent, which is the average dressing percentage of porcine animals in the United States. Thirdly, the equivalent value of the live porcine animal is determined by multiplying the live animal equivalent weight by an annual average market price for barrows and gilts as reported by the USDA, AMS, LGMN Branch. The annual average price, which was based on price data from seven major markets, is now based on only six markets. One of the seven markets—Kansas City—closed in 1991; and the 1992 annual average price is based on price data from only six markets. This average price is published on a yearly basis during the month of January in the LGMN Branch's publication "Livestock, Meat, and Wool Weekly Summary and Statistics." Finally, the equivalent value is multiplied by the applicable assessment rate of 0.35 percent due on imported pork and pork products. The end result is expressed in an amount per pound for each type of pork or pork product. To determine the amount per kilogram for pork and pork products subject to assessment under the Act and Order, the cents-per-pound assessments are multiplied by a metric conversion factor 2.2046 and carried to the sixth decimal.

The formula in the preamble for the Order at 51 FR 31901 contemplated that it would be necessary to recalculate the equivalent live animal value of imported pork and pork products to reflect changes in the annual average price of domestic barrows and gilts to maintain equity of assessments between domestic porcine animals and imported pork and pork products.

The average annual market price decreased from \$48.46 in 1991 to \$42.11 in 1992, a decrease of about 13 percent.

This decrease will result in a corresponding decrease in assessments for all the Harmonized Tariff Systems (HTS) numbers listed in the table in § 1230.110 of an amount equal to three- to five-hundredths of a cent per pound, or as expressed in cents per kilogram, seven- to eleven-hundredths of a cent per kilogram. Based on the most recent available Department of Commerce, Bureau of Census, data on the volume of imported pork and pork products the decrease in assessment amounts will result in an estimated \$200,000 decrease in assessments over a 12-month period.

On June 10, 1993, AMS published in the *Federal Register* (58 FR 32468) a proposed rule which would decrease the per pound assessment on imported pork and pork products consistent with decreases in the 1992 average prices of domestic barrows and gilts to provide comparability between importer and domestic assessments. The proposal was published with a request for comments by July 12, 1993. No comments were received. However, a review of calculations used to convert the cents-per-pound assessments to cents-per-kilogram for the HTS numbers listed in § 1230.110 of the proposed rule revealed that the cents-per-kilogram assessments for all HTS numbers were incorrect because the cents-per-pound assessments were not rounded correctly prior to the conversion calculations. The cents-per-pound assessments for all of the HTS numbers shown in § 1230.110 of the proposed rule are correct. Accordingly, this final rule establishes the per-pound and per-kilogram assessments on imported pork and pork products as proposed and corrected herein.

List of Subjects in 7 CFR Part 1230

Administrative practice and procedure, Advertising, Agricultural research, Marketing agreement, Meat and meat products, Pork and pork products.

For the reasons set forth in the preamble, 7 CFR part 1230 is amended as set forth below:

PART 1230—PORK PROMOTION, RESEARCH, AND CONSUMER INFORMATION

1. The authority citation for 7 CFR part 1230 continues to read as follows:

Authority: 7 U.S.C. 4801–4819.

Subpart B—[Amended]

2. Subpart B—Rules and Regulations by revising § 1230.110 to read as follows:

§ 1230.110 Assessments on imported pork and pork products.

The following HTS categories of imported live porcine animals are subject to assessment at the rate specified.

Live porcine animals	Assessment
0103.10.00004	0.35 percent Customs Entered Value.
0103.91.00006	0.35 percent Customs Entered Value.
0103.92.00005	0.35 percent Customs Entered Value.

The following HTS categories of imported pork and pork products are subject to assessment at the rates specified.

Pork and pork products	Assessment	
	Cents/lb	Cents/kg
0203.11.00002	.21	.462966
0203.12.10107	.21	.462966
0203.12.10205	.21	.462966
0203.12.90100	.21	.462966
0203.12.90208	.21	.462966
0203.19.20108	.24	.529104
0203.19.20901	.24	.529104
0203.19.40104	.21	.462966
0203.19.40907	.21	.462966
0203.21.00000	.21	.462966
0203.22.10007	.21	.462966
0203.22.90000	.21	.462966
0203.29.20008	.24	.529104
0203.29.40004	.21	.462966
0206.30.00006	.21	.462966
0206.41.00003	.21	.462966
0206.49.00005	.21	.462966
0210.11.00101	.21	.462966
0210.11.00209	.21	.462966
0210.12.00208	.21	.462966
0210.12.00404	.21	.462966
0210.19.00103	.24	.529104
0210.19.00906	.24	.529104
1601.00.20105	.29	.639334
1601.00.20908	.29	.639334
1602.41.20203	.32	.705472
1602.41.20409	.32	.705472
1602.41.90002	.21	.462966
1602.42.20202	.32	.705472
1602.42.20408	.32	.705472
1602.42.40002	.21	.462966
1602.49.20009	.29	.639334
1602.49.40005	.24	.529104

Dated: September 1, 1993.

L.P. Massaro,

Acting Administrator.

[FR Doc. 93-21859 Filed 9-7-93; 8:45 am]

BILLING CODE 3410-02-P

Animal and Plant Health Inspection Service**7 CFR Chapter III****9 CFR Chapter I**

[Docket No. 93-105-1]

Use of Direct Final Rulemaking

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Policy statement.

SUMMARY: The Animal and Plant Health Inspection Service is implementing a new rulemaking procedure to expedite making noncontroversial changes to regulations. Rules that the agency judges to be noncontroversial and unlikely to result in adverse comments will be published as "direct final" rules. ("Adverse comments" are comments that suggest that a rule should not be adopted or suggest that a change should be made to the rule.) Such direct final rules will advise the public that no adverse comments are anticipated, and that unless written adverse comments or written notice of intent to submit adverse comments are received within 30 days, the revision made by the rule will be effective 60 days from the date the direct final rule is published in the *Federal Register*. This new policy should expedite the promulgation of routine or otherwise noncontroversial rules by reducing the time that would be required to develop, review, clear, and publish separate proposed and final rules.

ADDRESSES: If you wish to submit comments on this notice, send an original and three copies to Chief, Regulatory Analysis and Development, PPD, APHIS, USDA, room 804, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782. Please state that your comments refer to Docket Number 93-105-1. Comments received may be inspected at USDA, room 1141, South Building, 14th Street and Independence Avenue SW, Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays.

FOR FURTHER INFORMATION CONTACT: Nancy Chamberlain, Chief, Regulatory Analysis and Development, PPD, APHIS, USDA, room 804, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, (301) 436-8682.

SUPPLEMENTARY INFORMATION: The Animal and Plant Health Inspection Service (APHIS) is committed to improving the efficiency of its regulatory processes to fulfill agency missions in a manner that imposes the least necessary burden. In pursuit of this

goal, APHIS plans to employ the rulemaking technique known as "direct final rulemaking" to promulgate some of its rules.

The Direct Final Rule Process

Rules that the agency judges to be noncontroversial and unlikely to result in adverse comments will be published as direct final rules. Such direct final rules will advise the public that no adverse comments are anticipated, and that unless written adverse comments or written notice of intent to submit adverse comments are received within 30 days, the revision made by the rule will be effective 60 days from the date the direct final rule is published in the *Federal Register*.

By "adverse comments" we mean comments that suggest that the rule should not be adopted, or that suggest that a change should be made to the rule. A comment expressing support for the rule as published would obviously not be considered adverse. Neither would a comment suggesting that requirements in the rule should, or should not, be employed by APHIS in other programs or situations outside the scope of the direct final rule.

In accordance with the rulemaking provisions of the Administrative Procedure Act (5 U.S.C. 553), this procedure gives the public general notice of APHIS' intent to adopt a rule, and gives interested persons an opportunity to participate in the rulemaking through submission of comments. The major feature of direct final rulemaking is that if APHIS receives no written adverse comments within 30 days of the publication of a direct final rule, nor any written notice of intent to submit adverse comments, the rule will become effective without the need to publish a separate final rule.

If APHIS receives written adverse comments or written notice of intent to submit adverse comments within 30 days of the publication of a direct final rule, a notice of withdrawal of the direct final rule will be published in the *Federal Register* and a proposed rule will be published establishing a comment period for the rulemaking action. Following the close of the comment period, the comments will be considered, and a final rule addressing the comments will be published.

As discussed above, if APHIS receives no written adverse comments within 30 days of the publication of a direct final rule, nor any written notice of intent to submit adverse comments, the direct final rule will become effective 60 days following its publication. However, APHIS will publish a notice in the *Federal Register* indicating that no

adverse comments were received on the direct final rule, and confirming that it is effective on the date indicated in the direct final rule.

Determining When To Use Direct Final Rulemaking

Not all APHIS rules are good candidates for direct final rulemaking. Many APHIS rules address complex animal and plant health situations where the public may have a variety of opinions to offer on the need for the rule, or possible alternative methods for achieving the purpose of the rule. In these cases, APHIS plans to continue to publish a proposed rule and establish a comment period to allow submission of comments, followed by a final rule addressing the comments.

APHIS plans to use direct final rulemaking on a case-by-case basis when we do not anticipate adverse comments. The decision to use direct final rulemaking for a rule would be based on our experience with similar rules. If similar rules were published in the past as proposals that did not elicit adverse comments, we would consider publishing such rules in the future as direct final rules.

Done in Washington, DC, this 20th day of August 1993.

Eugene Branstool,

Assistant Secretary, Marketing and Inspection Services.

[FR Doc. 93-21862 Filed 9-7-93; 8:45 am]

BILLING CODE 3410-34-P

FEDERAL RESERVE SYSTEM**12 CFR Parts 208, 211, and 225**

[Regulations H, K and Y; Docket No. R-0792]

Membership of State Banking Institutions in the Federal Reserve System; International Banking Operations; Bank Holding Companies and Change in Bank Control; Criminal Referral Report

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule.

SUMMARY: An interagency task force has designed a uniform multi-agency criminal referral form in order to facilitate compliance with financial institutions' criminal activity reporting requirements, to enhance law enforcement agencies' ability to investigate and prosecute the matters reported in the criminal referrals, and to develop and maintain a new interagency database. This uniform criminal referral form will replace the various criminal