

document, we are adopting the provisions of the proposal as a final rule without change.

#### 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.

We are amending the regulations by adding vesicular stomatitis to the list of diseases from which a horse's premises of origin and adjoining premises must be free before the horse may be imported into the United States. Vesicular stomatitis is recognized internationally as a serious disease of horses, cattle, swine, and llamas. Animals that are infected with vesicular stomatitis develop lesions in the mouth and on the dental pad, tongue, lips, nostrils, hooves, and teats. These lesions swell and break, exposing raw tissue. This raw tissue is so painful for the infected animals that they often refuse to eat and show signs of lameness. Substantial weight loss normally follows. As a result of infection, dairy cows often develop mastitis, infection of the udder, and many go dry.

Many countries that import U.S. livestock and animal products could refuse to import such products from the United States if vesicular stomatitis were allowed to spread across the United States. Currently, no premises in the United States are under quarantine because of vesicular stomatitis, but as recently as the summer of 1995, several premises in four Western States were under quarantine because of vesicular stomatitis. This rule will help prevent future outbreaks of this disease.

This rule will involve no additional costs for U.S. horse importers, large or small. Additionally, we do not expect this rule to affect the availability of horses for importation to the United States. Restrictions will only be placed on horses from specific premises.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action 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 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 rule contains no new information collection or recordkeeping requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

#### List of Subjects in 9 CFR Part 92

Animal diseases, Imports, Livestock, Poultry and poultry products, Quarantine, Reporting and recordkeeping requirements.

Accordingly, 9 CFR part 92 is amended as follows:

### **PART 92—IMPORTATION OF CERTAIN ANIMALS AND POULTRY AND CERTAIN ANIMAL AND POULTRY PRODUCTS; INSPECTION AND OTHER REQUIREMENTS FOR CERTAIN MEANS OF CONVEYANCE AND SHIPPING CONTAINERS THEREON**

1. The authority citation for part 92 continues to read as follows:

Authority: 7 U.S.C. 1622; 19 U.S.C. 1306; 21 U.S.C. 102–105, 111, 114a, 134a, 134b, 134c, 134d, 134f, 135, 136, and 136a; 31 U.S.C. 9701; 7 CFR 2.22, 2.80, and 371.2(d).

#### **§ 92.314 [Amended]**

2. In § 92.314, the first sentence is amended by adding "vesicular stomatitis," immediately following "Venezuelan equine encephalomyelitis,".

Done in Washington, DC, this 20th day of August 1996.

A. Strating,

*Acting Administrator, Animal and Plant Health Inspection Service.*

[FR Doc. 96–21557 Filed 8–22–96; 8:45 am]

BILLING CODE 3410–34–P

## **FEDERAL DEPOSIT INSURANCE CORPORATION**

### **12 CFR Part 310**

**RIN 3064–AB80**

#### **Privacy Act Regulations**

**AGENCY:** Federal Deposit Insurance Corporation.

**ACTION:** Final rule.

**SUMMARY:** The FDIC's Privacy Act Regulations were reviewed in accordance with the requirements of section 303 of the Riegle Community Development and Regulatory Improvement Act of 1994 (RCDRIA) and the FDIC's ongoing Regulatory Review Program. As a result of this review, the FDIC is amending its Privacy Act

Regulations in order to delete outmoded terms and otherwise update and clarify the regulations. The revisions are minor and technical in nature.

**EFFECTIVE DATE:** August 23, 1996.

#### **FOR FURTHER INFORMATION CONTACT:**

Dianne M. Salva, Senior Attorney, Office of the Executive Secretary, (202) 898–3819; Richard White, Attorney, Office of the Executive Secretary, (202) 898–7247; Michelle Borzillo, Counsel, Legal Division, (202) 898–7400, Karen L. Main, Senior Attorney, Legal Division, (202) 898–8838, Federal Deposit Insurance Corporation, 550 17th Street, NW., Washington, DC. 20429.

#### **SUPPLEMENTARY INFORMATION:**

##### **I. Discussion**

Part 310 of the FDIC's Rules and Regulations implements the Privacy Act of 1974, 5 U.S.C. 552a. The Privacy Act is a records management statute designed to balance the government's need to maintain information about individuals with the rights of individuals to be protected against unwarranted invasions of their privacy stemming from federal agencies' collection, maintenance, use, and disclosure of personal information about them.

Consistent with the Privacy Act, part 310 provides a means by which individuals may obtain non-exempt FDIC records indexed under their name. It also permits the amendment of inaccurate records and places restrictions on the release of covered information within and outside the FDIC.

The FDIC's Privacy Act Regulations were reviewed in accordance with the requirements of section 303 of the RCDRIA and the FDIC's ongoing Regulatory Review Program. As a result of this review, the FDIC is amending Part 310 through this final rule in order to delete outmoded terms and otherwise update and clarify the regulations.

The revisions are minor and technical in nature. More specifically, the final rule would (1) clarify the regulatory statement of purpose and scope; (2) replace references to the "Civil Service Commission" with "United States Office of Personnel Management"; (3) replace references to the "Records Unit" with "FOIA/PA Unit"; (4) clarify that access to, or amendment of, government-wide systems of records shall be controlled by the regulations and notices prescribed by the sponsoring government agency; (5) conform part 310 to a court ruling permitting the use of an unsworn declaration under penalty of perjury in lieu of a notarized certification to

establish identity,<sup>1</sup> and further clarify that personal identity may be established through documents typically used for identification purposes; (6) conform part 310 to a court ruling providing that a requester has a right to obtain non-exempt information pertaining to him or herself even if such records are medically sensitive;<sup>2</sup> (7) clarify that the restrictions on disclosure do not apply to disclosures to a consumer reporting agency in accordance with 31 U.S.C. 3711(f); (8) move the text of § 310.10(c) to § 310.9(d) for purposes of clarity and re-number the remaining paragraphs; and (9) waive the imposition of fees when duplication costs are less than \$10 (up from \$2).

With regard to the minimum billing amount, section 552a(f) of the Privacy Act requires agencies to promulgate rules establishing fees to be charged to any individual for making copies of his or her records. The change to part 310 regarding the minimum billing amount conforms part 310 to the changes made to the minimum billing provision contained in 12 CFR part 309. These changes were based on the calculation, made by the FDIC Division of Finance, of the Corporation's costs to process the receipt of a payment.

As a result of these amendments, the FDIC's Privacy Act Regulations provide a more streamlined and efficient process under which individuals may obtain information from the Corporation, thus meeting the goals of section 303 of the RCDRIA.

II. Public Comment Waiver and Effective Date

The amendments remove obsolete terms, make technical corrections and conform and clarify procedures for obtaining non-exempt records. Public comment on these changes is unnecessary and contrary to the public interest because the proposed changes reduce public burden, are relatively minor, and the FDIC has no discretion with regard to their substance. Thus, the Board has found that there exists good cause for not following the provisions of 5 U.S.C. 553(b) relating to notice and public participation in connection with the adoption of these amendments. Alternatively, the Board finds that the provisions of 5 U.S.C. 553(b) relating to notice and public participation do not apply in connection with the adoption of these amendments because part 310 is a procedural rule.

The Board also finds that the 30-day delayed effective date required under 5 U.S.C. 553(d), should be waived and that the amendments should become effective upon publication. As noted above, the amendments remove obsolete terms, make technical corrections and conform and clarify procedures for obtaining non-exempt records. The amendments reduce public burden, are relatively minor, and the FDIC has no discretion with regard to their substance. The amendments are of such a nature that the public does not need a delayed period of time in which to conform or adjust to the amendments. Thus, the Board finds that there exists good cause for not delaying the effective date of these amendments.

Consequently, the final rule will be effective upon publication in the Federal Register.

Section 302 of the RCDRIA, 12 U.S.C. 4802(b), requires that all new regulations and amendments to regulations prescribed by a Federal banking agency which impose additional reporting, disclosure, or other new requirements on insured depository institutions shall take effect on the first day of a calendar quarter. This final rule does not impose additional reporting, disclosure, or other new requirements on insured depository institutions, however. Consequently, the Board has determined that section 302 of the RCDRIA does not apply and that this final rule should become effective upon publication.

III. Matters of Regulatory Procedure

*Regulatory Flexibility Act*

Because no general notice of proposed rulemaking was published prior to this final rule, the requirements of Chapter 6 of Title 5 of the United States Code for an initial and final regulatory flexibility analysis do not apply, 5 U.S.C. 601(2).

*Paperwork Reduction Act*

No collections of information pursuant to section 3504(h) of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*) are contained in this notice. Consequently, no information has been submitted to the Office of Management and Budget.

List of Subjects in 12 CFR Part 310

Banks, banking, Credit, Privacy.

For the reasons set forth above, 12 CFR part 310 is amended as set forth below:

**PART 310—PRIVACY ACT REGULATIONS**

1. The authority citation for part 310 continues to read as follows:

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

2. In Part 310 all references to "Records Unit" are revised to read "FOIA/PA Unit".

3. Section 310.1 is revised to read as follows:

**§ 310.1 Purpose and scope.**

The purpose of this part is to establish regulations implementing the Privacy Act of 1974, 5 U.S.C. 552a. These regulations delineate the procedures that an individual must follow in exercising his or her access or amendment rights under the Privacy Act to records maintained by the Corporation in systems of records.

4. Section 310.3(a) is revised to read as follows:

**§ 310.3 Procedures for requests pertaining to individual records in a system of records.**

(a) Any present or former employee of the Corporation seeking access to, or amendment of, his/her official personnel records maintained by the Corporation shall submit his/her request in such manner as is prescribed by the United States Office of Personnel Management in part 297 of its rules and regulations (5 CFR part 297). For access to, or amendment of, other government-wide records systems maintained by the Corporation, the procedures prescribed in the respective Federal Register Privacy Act system notice shall be followed.

\* \* \* \* \*

**§ 310.4 [Amended]**

5. Section 310.4 is amended by revising paragraphs (b) and (c) to read as follows:

\* \* \* \* \*

(b) Individuals appearing in person at the Corporation seeking access to or amendment of their records shall present two forms of reasonable identification, such as employment identification cards, driver's licenses, or other identification cards or documents typically used for identification purposes.

(c) Except for records that must be publicly disclosed pursuant to the Freedom of Information Act, 5 U.S.C. 552, where the Corporation determines it to be necessary for the individual's protection, a certification of a duly commissioned notary public, of any state or territory, attesting to the requesting individual's identity, or an unsworn declaration subscribed to as true under the penalty of perjury under the laws of the United States of America, at the election of the individual, may be required before a written request seeking access to or amendment of a record will be honored.

<sup>1</sup> *Summers v. DOJ*, 999 F. 2d 570 (D.C. Cir. 1993).

<sup>2</sup> *Benavides v. Bureau of Prisons*, 995 F.2d 269 (D.C. Cir. 1993).

The Corporation may also require that individuals provide minimal identifying data such as full name, date and place of birth, or other personal information necessary to ensure proper identity before processing requests for records.

**§ 310.6 [Amended]**

6. Section 310.6 is amended by adding the phrase "for release to the patient" at the end of the second sentence.

7. In § 310.9, paragraph (d) is redesignated as paragraph (e) and a new paragraph (d) is added to read as follows:

**§ 310.9 Appeal of adverse initial agency determination on access or amendment.**

\* \* \* \* \*

(d) Any statement of disagreement with the Corporation's refusal to amend, filed with the Corporation by an individual pursuant to § 310.9(c), will be included in the disclosure of any records under the authority of § 310.10(b). The Corporation may in its discretion also include a copy of a concise statement of its reasons for not making the requested amendment.

\* \* \* \* \*

8. Section 310.10 is amended by revising paragraphs (b)(6) and (b)(10); adding a new paragraph (b)(12); removing paragraph (c); redesignating paragraphs (d) and (e) as paragraphs (c) and (d), respectively; amending newly designated paragraph (c) by removing "paragraphs (b)(3) through (b)(11)" and adding in its place "paragraphs (b)(3) through (b)(12)"; and amending newly designated paragraph (d) by removing "paragraph (d)(1)" and adding in its place "paragraph (c)(1)" as follows:

**§ 310.10 Disclosure of record to person other than the individual to whom it pertains.**

\* \* \* \* \*

(b) \* \* \*

(6) To the National Archives and Records Administration as a record which has sufficient historical or other value to warrant its continued preservation by the United States Government, or for evaluation by the Archivist of the United States or his or her designee to determine whether the record has such value;

\* \* \* \* \*

(10) To the Comptroller General, or any of his or her authorized representatives, in the course of the performance of the duties of the General Accounting Office;

\* \* \* \* \*

(12) To a consumer reporting agency in accordance with section 3711(f) of Title 31.

\* \* \* \* \*

**§ 310.11 [Amended]**

9. Section 310.11(b) is amended by removing "\$2" and adding in its place "\$10".

**§ 310.13 [Amended]**

10. Section 310.13 is amended by removing "§ 310.10(d)(2)" each place it appears and adding in its place "§ 310.10(c)(2)".

By order of the Board of Directors.

Dated at Washington, DC, this 13th day of August, 1996.

Federal Deposit Insurance Corporation.

Jerry L. Langley,

*Executive Secretary.*

[FR Doc. 96-21545 Filed 8-22-96; 8:45 am]

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**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**15 CFR Part 902**

**50 CFR Part 648**

[Docket No. 960520141-6221-02; I.D. 042696A]

RIN 0648-AH05

**Fisheries of the Northeastern United States; Summer Flounder and Scup Fisheries; Amendment 8**

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Final rule.

**SUMMARY:** NMFS issues this final rule to implement the approved provisions of Amendment 8 to the Fishery Management Plan (FMP) for the Summer Flounder and Scup Fisheries. Amendment 8 implements management measures for the scup fishery in order to reduce fishing mortality and to allow the stock to rebuild.

**EFFECTIVE DATE:** September 23, 1996.

**ADDRESSES:** Copies of Amendment 8, the final environmental impact statement (FEIS), the regulatory impact review, and other supporting documents are available upon request from David R. Keifer, Executive Director, Mid-Atlantic Fishery Management Council, Room 2115, Federal Building, 300 South New Street, Dover, DE 19901-6790.

Comments regarding burden-hour estimates for collection-of-information

requirements contained in this final rule should be sent to Dr. Andrew A. Rosenberg, Regional Director, 1 Blackburn Drive, Gloucester, MA 01930 and the Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Washington, DC, 20503 (Attention: NOAA Desk Officer).

**FOR FURTHER INFORMATION CONTACT:** Regina L. Spallone, Fishery Policy Analyst, 508-281-9221.

**SUPPLEMENTARY INFORMATION:**

**Background**

This final rule implements approved measures contained in Amendment 8 to the FMP, which was approved by NMFS on behalf of the Secretary of Commerce (Secretary) on July 29, 1996.

Amendment 8 was prepared by the Mid-Atlantic Fishery Management Council (Council) in consultation with the Atlantic States Marine Fisheries Commission (ASMFC) and the New England and South Atlantic Fishery Management Councils. Background concerning the development of Amendment 8 was provided in the notice of proposed rulemaking (61 FR 27851, June 3, 1996), and is not repeated here. Amendment 8 revises the summer flounder (*Paralichthys dentatus*) FMP to include management measures for the scup (*Stenotomus chrysops*) fishery pursuant to the Magnuson Fishery Conservation and Management Act, as amended (Magnuson Act). The management unit for the scup fishery covered by this amendment is U.S. waters of the western Atlantic Ocean from 35°15.3' N. lat., the latitude of Cape Hatteras Light, NC, northward to the United States-Canada border.

NMFS, on behalf of the Secretary, disapproved six measures proposed in Amendment 8 upon preliminary evaluation of the amendment as authorized by section 304(a)(1)(A)(ii) of the Magnuson Act. A revision of three of those disapproved measures was submitted by the Council (referred to as the revised portion of Amendment 8). A notice of availability of the revised portion of Amendment 8 was published on August 6, 1996 (61 FR 40180), and the proposed rule to implement the revised portion of Amendment 8 will be published shortly. A decision on approval or disapproval of the revised portion of Amendment 8 is pending.

This rule implements measures in Amendment 8 that are expected to reduce the fishing mortality rate for scup and allow the stock to rebuild. The proposed rule for this action would have amended 50 CFR part 625, at that time the regulations implementing the