

# Rules and Regulations

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## EXECUTIVE OFFICE OF THE PRESIDENT

### Privacy and Civil Liberties Oversight Board

#### 6 CFR Chapter X

[Docket No. 0311-AA00]

#### Removal of 6 CFR Chapter X

**AGENCY:** Privacy and Civil Liberties Oversight Board, the White House.

**ACTION:** Removal of Regulations.

**SUMMARY:** The Privacy and Civil Liberties Oversight Board (PCLOB), the White House, is removing its Freedom of Information Act regulations currently published at 6 CFR Chapter X. This action is being taken because, pursuant to provisions of the Implementing Recommendations of the 9/11 Commission Act of 2007 (Pub. L. 110-53), PCLOB as it is currently constituted will be abolished no later than January 30, 2008 and replaced with a new independent agency within the Executive Branch. This new independent agency will be responsible for promulgating its own regulations.

**EFFECTIVE DATE:** January 30, 2008.

**ADDRESSES:** Privacy and Civil Liberties Oversight Board, The White House, Washington, DC 20502, (202) 456-1240. Mail security procedures may delay the delivery of mail. The fax number is: (202) 456-1066.

**FOR FURTHER INFORMATION CONTACT:** Mark A. Robbins, (202) 456-1065.

**SUPPLEMENTARY INFORMATION:** The Intelligence Reform and Terrorism Prevention Act (IRTPA) of 2004, Pub. L. 108-458 (IRTPA), established the PCLOB, at the recommendation of the 9/11 Commission. PCLOB is presently part of the White House Office and operates within the Executive Office of the President. It has a general responsibility to ensure that privacy and

civil liberties are appropriately considered as part of the development and implementation of policies and programs designed to protect the Nation against terrorism. IRTPA subjected the Board to the Freedom of Information Act, 5 U.S.C. 552 (FOIA). IRTPA § 1061(i)(2). PCLOB promulgated regulations to implement FOIA which were published as interim final regulations in the **Federal Register** on April 10, 2007.

On August 3, 2007, the President signed into law the Implementing Recommendations of the 9/11 Commission Act of 2007 (Pub. L. 110-53). Among other things, this law abolishes the present Board no later than January 30, 2008 and replaces it with a new independent agency within the Executive Branch. This new entity will promulgate its own regulations consistent with its responsibilities.

Upon closure, the records of the present PCLOB will be transferred to the National Archives and Records Administration pursuant to the Federal Records Act (44 U.S.C. 3101) and will be available to interested members of the public consistent with the provisions of FOIA.

#### List of Subjects in 6 CFR Chapter X

Freedom of Information Act Procedures.

■ Accordingly, by the authority of the Intelligence Reform and Terrorism Prevention Act (IRTPA) of 2004, Pub. L. 108-458, the Privacy and Civil Liberties Oversight Board is removing 6 CFR Chapter X, in its entirety.

**Mark A. Robbins,**

*Executive Director, Privacy and Civil Liberties Oversight Board.*

[FR Doc. 07-5834 Filed 11-26-07; 8:45 am]

**BILLING CODE 3195-W7-M**

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## DEPARTMENT OF AGRICULTURE

### Office of the Secretary

#### 7 CFR Part 1

#### Official Records, Authentication

**AGENCY:** Office of the Secretary, USDA.

**ACTION:** Final rule.

**SUMMARY:** This final rule amends Department of Agriculture (USDA) regulations on the procedures that

USDA agencies follow upon receipt of a request for an authenticated copy of an agency document. Specifically, this rule authorizes the Inspector General to authenticate copies of documents in the records of the Office of Inspector General (OIG).

**DATES:** Effective November 27, 2007.

**FOR FURTHER INFORMATION CONTACT:** Mr. David R. Gray, Counsel to the Inspector General, Office of Inspector General, U.S. Department of Agriculture, 1400 Independence Avenue, SW., Room 441-E, Washington, DC 20250-2308, Telephone: (202) 720-9110, Facsimile: (202) 690-1528, e-mail: [dry@oig.usda.gov](mailto:dry@oig.usda.gov).

**SUPPLEMENTARY INFORMATION:** 7 CFR 1.22 provides that when a USDA agency receives a request for an authenticated copy of an agency document, the agency will send a correct copy to the Office of the General Counsel (OGC). If appropriate, OGC will authenticate the document by certifying that the copy is correct and affixing the USDA seal on the document. The regulation makes an exception for two offices within USDA: (1) The Hearing Clerk in the Office of Administrative Law Judges (OALJ) may authenticate copies of documents in the records of the Hearing Clerk; and (2) the Director of the National Appeals Division (NAD) may authenticate copies of documents in the records of the NAD.

This amendment provides that the Inspector General may authenticate copies of documents in the records of OIG.

Pursuant to section 2 of the Inspector General Act of 1978 (5 U.S.C. App. 3), Congress established Offices of Inspectors General to serve as independent and objective units within Government departments and agencies that would promote economy, efficiency, and effectiveness in the administration of, and prevent and detect fraud and abuse in, the programs and operations of such departments and agencies. Toward that end, the USDA-OIG conducts investigations, audits, inspections, and reviews related to USDA programs and operations, and prepares reports and other documents setting forth the results of such investigations, audits, inspections, and reviews.

OIG controls the distribution and release of its documents in response to requests pursuant to the Freedom of Information Act (5 U.S.C. 552) and the

Privacy Act (5 U.S.C. 552a). This rule ensures that the authentication of OIG documents is conducted by the Inspector General, who may certify that a copy of a requested document is authentic, true, and correct.

This rule relates to internal agency management. Therefore, pursuant to 5 U.S.C. 553, notice of proposed rulemaking and opportunity for comment are not required. This rule may be made effective less than 30 days after publication in the **Federal Register**. Further, this rule is exempt from the provisions of Executive Order 12866 because it relates to internal agency management. In addition, the provisions of the Regulatory Flexibility Act relating to an initial and final regulatory flexibility analysis (5 U.S.C. 603, 604) are not applicable to this final rule because USDA was not required to publish a notice of proposed rulemaking under 5 U.S.C. 553 or any other law. Finally, this action does not require review by Congress because it is not a rule as defined in 5 U.S.C. 804.

#### List of Subjects in 7 CFR Part 1

Administrative practice and procedure, Freedom of information, Privacy.

■ For the reasons set forth in the preamble, USDA amends 7 CFR part 1 as follows:

#### PART 1—ADMINISTRATIVE REGULATIONS

■ 1. The authority citation for subpart A continues 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. Revise § 1.22 to read as follows:

##### § 1.22 Authentication.

When a request is received for an authenticated copy of a document that the agency determines to make available to the requesting party, the agency shall cause a correct copy to be prepared and sent to the Office of the General Counsel, which shall certify the same and cause the seal of the Department to be affixed, except that the Hearing Clerk in the Office of Administrative Law Judges may authenticate copies of documents in the records of the Hearing Clerk, the Director of the National Appeals Division may authenticate copies of documents in the records of the National Appeals Division, and the Inspector General may authenticate copies of documents in the records of the Office of Inspector General.

Dated: October 18, 2007.

**Charles F. Conner,**

*Acting Secretary of Agriculture.*

[FR Doc. 07-5826 Filed 11-26-07; 8:45 am]

**BILLING CODE 3410-23-M**

#### EXPORT-IMPORT BANK OF THE UNITED STATES

#### 12 CFR Parts 403, 407 and 414

**RIN 3048-ZA03**

#### Technical Amendments

**AGENCY:** Export-Import Bank of the United States.

**ACTION:** Final rule.

**SUMMARY:** The Export-Import Bank of the United States (Ex-Im Bank) is amending a number of its regulations by making minor, non-substantive revisions. This rule makes the following changes: removing references to an internal committee that no longer exists, correcting the time of Board meetings, and updating contact information at the Department of Justice. The rule also establishes a new part that implements Ex-Im Bank's authority, found at 12 U.S.C. 635(a)(1), to collect reasonable fees to cover the cost of conferences, seminars and publications.

**DATES:** The effective date for this final is November 27, 2007.

**FOR FURTHER INFORMATION CONTACT:**

Brian J. Sonfield, Assistant General Counsel for Administration, (202) 565-3439, [brian.sonfield@exim.gov](mailto:brian.sonfield@exim.gov).

**SUPPLEMENTARY INFORMATION:**

##### A. Background

Ex-Im Bank recently reviewed its existing regulations to ensure that they accurately reflect the Bank's current operating procedures. The review revealed that minor, nonsubstantive revisions are necessary to part 407 (governing the public observation of Ex-Im Bank meetings) and part 403 (governing the procedures for handling and safeguarding classified information). The review also indicated the need for a regulation implementing the Bank's statutory authority to collect conference and publication fees.

##### B. Regulatory Changes

###### Part 407

This Part contains Ex-Im Bank's regulations governing the public observation of its Board of Director meetings, promulgated in part under the Government in the Sunshine Act, 5 U.S.C. 552b(g). Several provisions within this part make reference to the "Executive Committee of the Board of

Directors," an entity that no longer exists. The amendment deletes these references. A couple of provisions also make reference to regularly scheduled Board meetings as being held on Thursdays at 9 a.m. The meetings are now held at 9:30 a.m., and the amendments reflect this change.

###### Section 403.11

This section concerns classification, declassification and safeguarding of national security information and details enforcement and investigation procedures. Subsection 403.11(b)(12) currently requires Ex-Im Bank to consult with the Department of Justice's Criminal Division prior to taking action against an employee in connection with an unauthorized disclosure of classified information. Disclosures of classified information are now handled by the Department of Justice's National Security Division, and the amendment reflects this change.

###### Section 414

This new section is created to implement Ex-Im Bank's authority, pursuant to 12 U.S.C. § 635(a)(1), to collect reasonable fees to cover the costs of conferences, seminars and publications.

#### List of Subjects

12 CFR Part 403

Classified information.

12 CFR Part 407

Sunshine Act.

12 CFR Part 414

Exports, Government publications.

■ Accordingly, for the reasons stated in the preamble, Ex-Im Bank amends the Code of Federal Regulations, Title 12, Chapter IV, parts 403 and 407 as follows and adds part 414 as described below:

#### PART 403—CLASSIFICATION, DECLASSIFICATION, AND SAFEGUARDING OF NATIONAL SECURITY INFORMATION

■ 1. The authority citation for part 403 continues to read as follows:

**Authority:** E.O. 12356, National Security Information, April 2, 1982 (3 CFR, 1982 Comp. p. 166) (hereafter referred to as the "Order"), Information Security Oversight Directive No. 1, June 25, 1982 (32 CFR Part 2001) (hereafter referred to as the "Directive"), and National Security Decision Directive 84, "Safeguarding National Security Information," signed by the President on March 11, 1983 (hereafter referred to as "NSDD 84").