

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

Craig A. Reed,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 97-25214 Filed 9-22-97; 8:45 am]

BILLING CODE 3410-34-P

FARM CREDIT SYSTEM INSURANCE CORPORATION

12 CFR Part 1402

RIN 3055-AA06

Releasing Information

AGENCY: Farm Credit System Insurance Corporation.

ACTION: Final rule.

SUMMARY: The Farm Credit System Insurance Corporation (Corporation), through the Corporation Board (Board), issues a final rule amending its regulations governing the release of information. The objective of this action is to conform applicable Corporation regulations to the requirements of the Freedom of Information Act (FOIA), 5 U.S.C. 552, as amended by the Electronic Freedom of Information Act Amendments of 1996 (1996 Amendments), Pub. L. 104-231, and to clarify the address of the official who receives FOIA requests for records.

EFFECTIVE DATE: October 2, 1997.

FOR FURTHER INFORMATION CONTACT: Dorothy L. Nichols, General Counsel, Farm Credit System Insurance Corporation, McLean, VA 22102, (703) 883-4211, TDD (703) 883-4444.

SUPPLEMENTARY INFORMATION: Through the Electronic Freedom of Information Act Amendments of 1996, Congress amended the FOIA to address, among other things, the timing of agency responses to FOIA requests. The FOIA was amended to increase the time limit for agency responses from 10 to 20 working days. Another time-related amendment requires agencies to promulgate regulations under which requests for expedited processing will be considered and to grant such requests upon a showing of a compelling need. These amendments are effective October 2, 1997.

In response to the amendment of the FOIA, the Corporation is amending its regulations at part 1402, subpart B, as a final rule. The amendments to part 1402, subpart B, reflect the requirements of the FOIA, as amended, and are not interpretative. The 1996 Amendments provide Federal agencies with no discretion and require the time-related amendments to be effective on October

2, 1997. Moreover, the regulations that the Corporation adopts to implement the 1996 Amendments and to clarify the address of the Freedom of Information Officer are ministerial, minor, technical, and noncontroversial. For these reasons, the Corporation finds good cause to determine that public notice and comment for this regulation are unnecessary, impractical, and contrary to the public interest, pursuant to the Administrative Procedure Act, 5 U.S.C. 553(a)(3)(B).

Sections 1402.13 and 1402.14 (a) and (d) are amended to reflect that, effective October 2, 1997, the Corporation will have 20 days within which to respond to FOIA requests for records.

Section 1402.13 is also amended to provide that FOIA requests for records should be addressed to the Freedom of Information Officer, Farm Credit System Insurance Corporation, 1501 Farm Credit Drive, McLean, VA 22102.

Finally, the Corporation has added new § 1402.14(e) to address the new requirement that the Corporation promulgate regulations concerning the granting of a request for expedited processing of a FOIA request upon a requester's showing of a compelling need for the information. The new regulation requires the Freedom of Information Officer to notify a requester within 10 calendar days after receipt of such a request whether the Corporation granted expedited processing and, if so, to process the request as soon as practicable. The regulation defines "compelling need" to mean that a failure to obtain the requested records on an expedited basis could reasonably be expected to pose an imminent threat to the life or physical safety of an individual, or, with respect to a request made by a person primarily engaged in disseminating information, that there is an urgency to inform the public concerning actual or alleged Federal Government activity. The regulation further provides that a requester demonstrate a compelling need by a statement certified by the requester to be true and correct to the best of such person's knowledge and belief. The procedures for expedited processing apply to both requests for information and to administrative appeals.

The remaining provisions of the 1996 Amendments to the FOIA do not require amendment of the Corporation's regulations governing the release of information at part 1402.

List of Subjects in 12 CFR Part 1402

Courts, Freedom of information, Government employees.

For the reasons stated in the preamble, part 1402 of chapter XIV, title

12 of the Code of Federal Regulations is amended to read as follows:

PART 1402—RELEASING INFORMATION

1. The authority citation for part 1402 is revised to read as follows:

Authority: Secs. 5.58, 5.59 of the Farm Credit Act (12 U.S.C. 2277a-7, 2277a-8); 5 U.S.C. 552; 52 FR 10012; E.O. 12600, 52 FR 23781, 3 CFR, 1987 Comp., p. 235.

Subpart B—Availability of Records of the Farm Credit System Insurance Corporation

2. Section 1402.13 is revised to read as follows:

§ 1402.13 Request for records.

Requests for records shall be in writing and addressed to the attention of the Freedom of Information Officer, Farm Credit System Insurance Corporation, McLean, Virginia 22102. A request improperly addressed will be deemed not to have been received for purposes of the 20-day time period set forth in § 1402.14(a) of this part until it is received, or would have been received, by the Freedom of Information Officer with the exercise of due diligence by Corporation personnel. Records requested in conformance with this subpart and which are not exempt records may be received in person or by mail as specified in the request. Records to be received in person will be available for inspection or copying during business hours on a regular business day in the offices of the Farm Credit System Insurance Corporation, 1501 Farm Credit Drive, McLean, Virginia 22102.

3. Section 1402.14 is amended by revising paragraphs (a) and (d) and adding paragraph (e) to read as follows:

§ 1402.14 Response to requests for records.

(a) Within 20 days (excluding Saturdays, Sundays, and legal public holidays), or any extensions thereof as provided in paragraph (d) of this section, of the receipt of a request by the Freedom of Information Officer, the Freedom of Information Officer shall determine whether to comply with or deny such a request and transmit a written notice thereof to the requester.

* * * * *

(d) In "unusual circumstances," the 20-day time limit prescribed in paragraphs (a) and (c) of this section, or both, may be extended by the Freedom of Information Officer or, in the case of an appeal, by the General Counsel, provided that the total of all extensions does not exceed 10 days (excluding

Saturdays, Sundays, and legal public holidays). Extensions shall be made by written notice to the requester setting forth the reasons for the extension and the date on which a determination is expected to be dispatched. As used in this paragraph, "*unusual circumstances*" means, but only to the extent reasonably necessary to the proper processing of the request:

(1) The need to search for and collect the requested records from facilities or other establishments that are separate from the office processing the request;

(2) The need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request; or

(3) The need for consultation, which shall be conducted with all practicable speed, with another agency having a substantial interest in the determination of the request or among two or more components of the agency having a substantial subject matter interest therein.

(e) A requester may obtain, upon request, expedited processing of a request for records when the requester demonstrates a "compelling need" for the information. The Freedom of Information Officer will notify the requester within 10 calendar days after receipt of such a request whether the Corporation granted expedited processing. If expedited processing was granted, the request will be processed as soon as practicable.

(1) For the purposes of this paragraph, "*compelling need*" means:

(i) That a failure to obtain requested records on an expedited basis could reasonably be expected to pose an imminent threat to the life or physical safety of an individual; or

(ii) With respect to a request made by a person primarily engaged in disseminating information, urgency to inform the public concerning actual or alleged Federal Government activity.

(2) A requester shall demonstrate a compelling need by a statement certified by the requester to be true and correct to the best of such person's knowledge and belief.

(3) The procedures of this paragraph (e) for expedited processing apply to both requests for information and to administrative appeals.

Dated: September 17, 1997.

Floyd Fithian,

Secretary, Farm Credit System Insurance Corporation Board.

[FR Doc. 97-25237 Filed 9-22-97; 8:45 am]

BILLING CODE 6710-01-P

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 12

[T.D. 97-80]

RIN 1515-AC22

Import Restrictions Imposed on Archaeological Artifacts From Mali

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: Final rule.

SUMMARY: This document amends the Customs Regulations to reflect the imposition of import restrictions on culturally significant archaeological artifacts from the region of the Niger River Valley of Mali and the Bandiagara Escarpment (Cliff), Mali. These restrictions are being imposed pursuant to an agreement between the United States and Mali that has been entered into under the authority of the Convention on Cultural Property Implementation Act in accordance with the United Nations Educational, Scientific and Cultural Organization (UNESCO) Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property. The document also contains the Designated List of Archaeological Material that describes the articles to which the restrictions apply. These import restrictions imposed pursuant to the bilateral agreement between the United States and Mali continue the import restrictions that were imposed on an emergency basis in 1993. Accordingly, this document amends the Customs Regulations by removing Mali from the listing of countries for which emergency actions imposed the import restrictions and adding Mali to the list of countries for which an agreement has been entered into for imposing import restrictions.

EFFECTIVE DATE: September 23, 1997.

FOR FURTHER INFORMATION CONTACT: (Legal Aspects) Donnette Rimmer, Intellectual Property Rights Branch (202) 482-6960; (Operational Aspects) Joan E. Sebanaler, Trade Operations (202) 927-0402.

SUPPLEMENTARY INFORMATION:

Background

The value of cultural property, whether archaeological or ethnological in nature, is immeasurable. Such items often constitute the very essence of a society and convey important information concerning a people's origin, history, and traditional setting.

The importance and popularity of such items regrettably makes them targets of theft, encourages clandestine looting of archaeological sites, and results in their illegal export and import.

The U.S. shares in the international concern for the need to protect endangered cultural property. The appearance in the U.S. of stolen or illegally exported artifacts from other countries where there has been pillage has, on occasion, strained our foreign and cultural relations. This situation, combined with the concerns of museum, archaeological, and scholarly communities, was recognized by the President and Congress. It became apparent that it was in the national interest for the U.S. to join with other countries to control illegal trafficking of such articles in international commerce.

The U.S. joined international efforts and actively participated in deliberations resulting in the 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property (823 U.N.T.S. 231 (1972)). U.S. acceptance of the 1970 UNESCO Convention was codified into U.S. law as the "Convention on Cultural Property Implementation Act" (Pub.L. 97-446, 19 U.S.C. 2601 *et seq.*) ("the Act"). This was done to promote U.S. leadership in achieving greater international cooperation towards preserving cultural treasures that are of importance not only to the nations whence they originate, but also to greater international understanding of mankind's common heritage. The U.S. is, to date, the only major art importing country to implement the 1970 Convention.

During the past several years, import restrictions have been imposed on an emergency basis on archaeological and ethnological artifacts of a number of signatory nations as a result of requests for protection received from those nations as well as pursuant to bilateral agreements between the United States and other countries.

Mali has been one of the countries whose archaeological material has been afforded emergency protection. In T.D. 93-74, § 12.104g(b), Customs Regulations, (19 CFR § 12.104g(b)) was amended to reflect that archaeological material from the region of the Niger River Valley in Mali and the Bandiagara Escarpment (Cliff) in Mali forming part of the remains of the ancient sub-Saharan culture received import protection under the emergency protection provisions of the Act.

Import restrictions are now being imposed on these same archaeological artifacts from Mali as the result of a