

Rules and Regulations

Federal Register

Vol. 69, No. 51

Tuesday, March 16, 2004

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

Animal and Plant Health Inspection Service

7 CFR Part 330

[Docket No. 00-063-3]

Plant Protection Act; Revisions to Authority Citations; Technical Amendment

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule; technical amendment.

SUMMARY: In a final rule published in the *Federal Register* and effective on April 27, 2001, we amended the regulations in title 7, chapter III, and title 9, chapter 1, to reflect enactment of the Plant Protection Act (Pub. L. 106-224, 114 Stat. 438, 7 U.S.C. 7701-7772). In the rule, we revised authority citations and removed references to plant protection and quarantine statutes that were repealed by the Plant Protection Act. One of the changes to 7 CFR part 330 was in error. We are amending the regulations in part 330 to correct this error.

EFFECTIVE DATE: April 27, 2001.

FOR FURTHER INFORMATION CONTACT: Ms. Cynthia Howard, Chief, Regulatory Analysis and Development, PPD, APHIS, 4700 River Road Unit 118, Riverdale MD 20737; (301) 734-5957.

SUPPLEMENTARY INFORMATION:

Background

On April 27, 2001, APHIS published a final rule amending the regulations in title 7, chapter III, and title 9, chapter I, to reflect enactment of the Plant Protection Act (Pub. L. 106-224, 114 Stat. 438, 7 U.S.C. 7701-7772). The final rule (66 FR 21049-21064, Docket No. 00-063-2) revised the authority citations to the regulations and removed

references to plant protection and quarantine statutes that were repealed by the Plant Protection Act. In a number of instances, the rule added references to the Plant Protection Act in the place of references to the repealed statutes, which included the Plant Quarantine Act (7 U.S.C. 151-164a, 167), the Federal Plant Pest Act (7 U.S.C. 147a note, 150aa *et seq.*), and others.

One of our changes, to 7 CFR part 330, was in error. In 7 CFR part 330, "Federal Plant Pest Regulations; General; Plant Pests; Soil, Stone, and Quarry Products; Garbage," we amended § 330.106, "Emergency measures," by removing a reference to the Plant Quarantine Act and adding in its place a reference to the Plant Protection Act in the following sentence: "This section does not authorize action with respect to any means of conveyance, product, article, or plant pest which, at the time of the proposed action, is subject to disposal under the Plant Quarantine Act." We should have removed the sentence.

Prior to enactment of the Plant Protection Act, the Plant Quarantine Act authorized the Secretary to take actions to prevent the dissemination of plant pests by nursery stock and other plants and plant products, and the Federal Plant Pest Act, which came later, extended the Secretary's authority to any means of conveyance and other nonplant articles that presented a risk of disseminating plant pests. The regulations in part 330 were promulgated under the authority of the Federal Plant Pest Act. The Federal Plant Pest Act, in its section on emergency measures by the Secretary (7 U.S.C. 150dd), stated that "this subsection shall not authorize such action [meaning emergency measures, including disposal] with respect to any product, article, means of conveyance, or plant pest subject, at the time of the proposed action, to disposal under the Plant Quarantine Act." The sentence we amended in § 330.106 paralleled this provision.

The Plant Protection Act consolidated our authorities for preventing the dissemination of plant pests into one statute. Thus, the sentence we amended was no longer necessary and should have been removed. This document amends the regulations to remove that sentence.

List of Subjects in 7 CFR Part 330

Customs duties and inspection, Imports, Plant diseases and pests, Quarantine, Reporting and recordkeeping requirements, Transportation.

■ Accordingly, we are amending 7 CFR part 330 as follows:

PART 330—FEDERAL PLANT PEST REGULATIONS; GENERAL; PLANT PESTS; SOIL, STONE, AND QUARRY PRODUCTS; GARBAGE

■ 1. The authority citation for part 330 continues to read as follows:

Authority: 7 U.S.C. 450, 7701-7772, and 8301-8317; 21 U.S.C. 136 and 136a; 31 U.S.C. 9701; 42 U.S.C. 4331 and 4332; 7 CFR 2.22, 2.80, and 371.3.

§ 330.106 [Amended]

■ 2. In § 330.106, paragraph (a) is amended by removing the sixth sentence.

Done in Washington, DC, this 10th day of March, 2004.

Kevin Shea,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 04-5870 Filed 3-15-04; 8:45 am]

BILLING CODE 3410-34-P

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Part 795

OMB Control Numbers

AGENCY: National Credit Union Administration (NCUA).

ACTION: Final rule.

SUMMARY: NCUA is updating its listing of regulations and their corresponding Office of Management and Budget (OMB) control numbers to comply with Paperwork Reduction Act requirements.

DATES: Effective March 16, 2004.

ADDRESSES: National Credit Union Administration, 1775 Duke Street, Alexandria, Virginia 22314-3428.

FOR FURTHER INFORMATION CONTACT: Regina M. Metz, Staff Attorney, Division of Operations, Office of General Counsel, at the above address or telephone: (703) 518-6540.

SUPPLEMENTARY INFORMATION:

A. Background

NCUA is amending its regulation on OMB control numbers to reflect changes in NCUA's information collection requirements and related OMB's control numbers occurring since NCUA last revised the display table. 12 CFR 795.1; 64 FR 49080, Sept. 10, 1999. NCUA displays the control numbers to comply with the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35, and OMB's implementing regulation, 5 CFR part 1320.

The regulation conforms with OMB's recommendation that agencies issuing regulations that contain information collections display the related control numbers in a table in the CFR. 5 CFR 1320.3(f)(3) and 1320.5(b)(2)(ii)(C). The table identifies those NCUA regulations with their corresponding OMB control numbers but excludes, as recommended by OMB, OMB control numbers already displayed in NCUA's forms, questionnaires, instructions, and other written collections of information. 12 CFR 795.1(b); 5 CFR 1320.3(f).

B. Final Rule

The NCUA Board is issuing the amendments to § 795.1 as a final rule because the publication of the OMB numbers in a display table provides information to the public in a recommended format. Therefore, public comment and a delayed effective date are both unnecessary. If the rule is effective upon publication, then NCUA can immediately display the updated table. Accordingly, for good cause, the Board finds that, under 5 U.S.C. 553(b)(3)(B), notice and public procedures are impracticable, unnecessary, and contrary to the public interest; and, under 5 U.S.C. 553(d)(3), the rule will be effective immediately and without 30 days advanced notice of publication.

C. Regulatory Procedures

Regulatory Flexibility Act

The Regulatory Flexibility Act requires NCUA to prepare an analysis to

describe any significant economic impact a rule may have on a substantial number of small entities, primarily those under one million dollars in assets. The final rule will not have a significant economic impact on a substantial number of small credit unions, and therefore, a regulatory flexibility analysis is not required.

Paperwork Reduction Act

NCUA has determined that the final rule would not increase paperwork requirements under the Paperwork Reduction Act of 1995 and regulations of the Office of Management and Budget.

Executive Order 13132

Executive Order 13132 encourages independent regulatory agencies to consider the impact of their actions on state and local interests. In adherence to fundamental federalism principles, NCUA, an independent regulatory agency as defined in 44 U.S.C. 3502(5), voluntarily complies with the executive order. This final rule would not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government. NCUA has determined that this final rule does not constitute a policy that has federalism implications for purposes of the executive order.

The Treasury and General Government Appropriations Act, 1999—Assessment of Federal Regulations and Policies on Families

The NCUA has determined that this final rule will not affect family well-being within the meaning of section 654 of the Treasury and General Government Appropriations Act, 1999, Pub. L. 105-277, 112 Stat. 2681 (1998).

Small Business Regulatory Enforcement Fairness Act

The Small Business Regulatory Enforcement Fairness Act of 1996 (Pub.

L. 104-121) provides generally for congressional review of agency rules. A reporting requirement is triggered in instances where NCUA issues a final rule as defined by Section 551 of the Administrative Procedures Act. 5 U.S.C. 551. OMB is reviewing this rule to determine whether it is major for purposes of the Small Business Regulatory Enforcement Fairness Act of 1996.

List of Subjects in 12 CFR Part 795

Credit unions, Collection requirements.

By the National Credit Union Administration Board on March 5, 2004.

Becky Baker,

Secretary of the Board.

■ For the reasons set forth above, National Credit Union Administration amends 12 CFR part 795 as follows:

PART 795—OMB CONTROL NUMBERS

■ 1. The authority citation for part 795 continues to read as follows:

Authority: 12 U.S.C. 1766(a) and 5 U.S.C. 3507(f).

■ 2. In § 795.1, paragraphs (a) and (b) are revised to read as follows:

§ 795.1 OMB control numbers.

(a) *Purpose.* This subpart collects and displays the control numbers assigned to NCUA's information collection requirements by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35. NCUA intends to comply with the requirement that agencies display a current OMB control number upon the collection of information. 44 U.S.C. 3507(a)(3). The table does not include the currently valid OMB control numbers already on display in NCUA's forms, questionnaires, instructions, and other written collections of information. 5 CFR 1320.3(f).

(b) *Display.*

12 CFR part or section where identified and described	Current OMB control No.
701.1	3133-0015
701.14	3133-0121
701.21	3133-0139
701.22	3133-0058
701.23	3133-0141
701.26	3133-0127
701.31	3133-0149
701.32	3133-0068
701.33	3133-0114
701.34	3133-0117
701.36	3133-0130
701.36	3133-0140
701.36	3133-0040

12 CFR part or section where identified and described	Current OMB control No.
702	3133-0154
703	3133-0133
704	3133-0129
706	3133-0165
707	3133-0134
708a	3133-0153
708b	3133-0024
	3133-0099
711	3133-0152
712	3133-0149
714	3133-0151
716	3133-0163
722	3133-0125
723	3133-0101
740.2	3133-0098
740.3	3133-0149
741	3133-0099
	3133-0142
	3133-0163
748	3133-0033
	3133-0108
749	3133-0032
	3133-0057
	3133-0058
	3133-0059
	3133-0080
760	3133-0143
792	3133-0146

[FR Doc. 04-5902 Filed 3-15-04; 8:45 am]
 BILLING CODE 7535-01-P

DEPARTMENT OF HOMELAND SECURITY

Bureau of Customs and Border Protection

DEPARTMENT OF THE TREASURY

19 CFR Part 12

[CBP Dec. 04-08]

RIN 1505-AB50

Import Restrictions Imposed on Archaeological Material Originating in Honduras

AGENCY: Customs and Border Protection, Homeland Security.

ACTION: Final rule.

SUMMARY: This document amends the Customs and Border Protection (CBP) Regulations to reflect the imposition of import restrictions on certain archaeological material originating in the Republic of Honduras (Honduras). These restrictions are being imposed pursuant to an agreement between the United States and Honduras 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 amends the CBP Regulations by adding Honduras to the list of countries for which an agreement has been entered into for imposing import restrictions. The document also contains the Designated List of Pre-Columbian Archaeological Material from Honduras that describes the types of articles to which the restrictions apply.

EFFECTIVE DATE: March 16, 2004.

FOR FURTHER INFORMATION CONTACT:

(Legal Aspects) Joseph Howard, Intellectual Property Rights Branch (202) 572-8701; (Operational Aspects) Michael Craig, Trade Compliance and Facilitation (202) 927-0370.

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 make them targets of theft, encourage clandestine looting of archaeological sites, and result in their illegal export and import.

The United States shares in the international concern for the need to protect endangered cultural property.

The appearance in the United States 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 United States to join with other countries to control illegal trafficking of such articles in international commerce.

The United States 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 to the nations from where they originate and contribute to greater international understanding of mankind's common heritage.

During the past several years, import restrictions have been imposed on archaeological and ethnological