

Authority: 7 U.S.C. 450, 7701–7772, 7781–7786, and 8301–8317; 21 U.S.C. 136 and 136a; 31 U.S.C. 9701; 7 CFR 2.22, 2.80, and 371.4.

§ 94.12, 94.16, 94.17, 94.18 [Amended]

■ 2. Sections 94.12, 94.16, 94.17, and 94.18 are amended by redesignating footnotes 12 through 18 as footnotes 13 through 19, respectively.

■ 3. In § 94.9, a new paragraph (e) and a new footnote 12 are added and the OMB citation at the end of the section is revised to read as follows:

§ 94.9 Pork and pork products from regions where classical swine fever exists.

* * * * *

(e) Uncooked pork or pork products that originated in a region considered to be free of classical swine fever (CSF) and are processed in a region where CSF exists may be imported into the United States under the following conditions:

(1) *Shipment to approved establishments.* (i) The uncooked pork or pork products must be shipped from the CSF-free region of origin in closed containers sealed with serially numbered seals applied by an official of the national government of that region. They must be accompanied by a certificate that is signed by an official of that region's national government and that specifies the product's region of origin, the name and number of the establishment of origin, and the processing establishment to which the uncooked pork or pork products are consigned, and the numbers of the seals applied to the shipping containers.

(ii) The uncooked pork or pork products may be removed from containers at the processing establishment in the region where CSF is considered to exist only after an official of that region's national government has determined that the seals are intact and free of any evidence of tampering.

(2) *Handling of uncooked pork and pork products.* Establishments¹² in regions where CSF is considered to exist that process uncooked pork or pork products for export to the United States:

(i) May not receive or handle any live swine;

(ii) May not receive, handle, or process uncooked pork or pork products that originate in regions affected with CSF;

(iii) Must keep the certificate required by paragraph (e)(1)(i) of this section on file at the facility for a period of at least 2 years after export of processed products to the United States, and must

make those records available to USDA inspectors during inspections; and (iv) Must be evaluated and approved by APHIS through a site inspection.

(3) *Compliance agreement.* The operators of the processing establishment must sign a compliance agreement with APHIS, stating that:

(i) All meat processed for importation to the United States will be processed in accordance with the requirements of this part; and

(ii) A full-time, salaried meat inspection official of the national government of the region in which the processing facility is located will supervise the processing and examination of the product, and certify that it has been processed in accordance with this section; and

(iii) APHIS personnel or other persons authorized by the Administrator may enter the establishment, unannounced, to inspect the establishment and its records.

(4) *Cooperative service agreement.* The processing establishment, or a party on its behalf, must enter into a cooperative service agreement with APHIS to pay all expenses incurred by APHIS for the initial evaluation of the processing establishment and periodically thereafter, including travel, salary, subsistence, administrative overhead, and other incidental expenses, including excess baggage up to 150 pounds. In accordance with the terms of the cooperative service agreement, before the APHIS representative's site inspection, the operator of the processing establishment or the party acting on their behalf must deposit with the Administrator an amount equal to the approximate cost of one inspection by an APHIS representative, including travel, salary, subsistence, administrative overhead, and other incidental expenses, including excess baggage up to 150 pounds. As funds from that amount are obligated, a bill for costs incurred based on official accounting records will be issued to restore the deposit to the original level, revised as necessary to allow for inflation or other changes in estimated costs. To be current, bills must be paid within 14 days of receipt.

(5) *Shipment to the United States.* Uncooked pork or pork products to be imported into the United States must be shipped from the region where they were processed in closed containers sealed with serially numbered seals applied by an official of the national government of that region. The shipments must be accompanied by a certificate signed by an official of the national government of the region where the pork or pork products were

processed that lists the numbers of the seals applied and states that all of the conditions of this paragraph (e) have been met. The certificate shall also state that the container seals specified in paragraph (e)(1)(i) and (ii) of this section were found by an official of the region's national government to be intact and free of any evidence of tampering on arrival at the processing establishment in the CSF-affected region. A copy of this certificate must be kept on file at the processing establishment for at least 2 years.

(Approved by the Office of Management and Budget under control numbers 0579–0015 and 0579–0333)

§ 94.17 [Amended]

■ 4. In § 94.17, newly redesignated footnote 17 is amended by removing the words “footnote 15” and adding the words “footnote 16” in their place and by removing the words “§ 94.17(e) of this part” and adding the words “paragraph (e) of this section” in their place.

Done in Washington, DC, this 27th day of March 2008.

Kevin Shea,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. E8–6800 Filed 4–1–08; 8:45 am]

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FEDERAL RESERVE SYSTEM

12 CFR Part 268

[Docket No. OP–1264]

Rules Regarding Equal Opportunity

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule.

SUMMARY: The Board of Governors of the Federal Reserve System (the Board) has adopted a final rule that amends the section of its Rules Regarding Equal Opportunity (EEO Rules) which governs the employment of persons who are not United States citizens consistent with the Board's requirements for the security of its information. The amendment to this rule was first published on November 8, 2005, as an immediately effective interim rule with opportunity for public comment. The Board received no comments on the rule. On its own initiative, to address additional operational issues, the Board made further changes to the rule and on August 7, 2006, published a new immediately effective interim rule with opportunity for public comment. The Board received no comments on the

¹² See footnote 9 in § 94.8.

rule. With the changes discussed below, the Board is now adopting the August 7, 2006, interim rule as the final rule.

DATES: This final rule is effective April 2, 2008.

FOR FURTHER INFORMATION CONTACT:

Alicia S. Foster, Senior Counsel (202–452–5289), Legal Division, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue, NW., Washington, DC 20551. For users of Telecommunications Device for the Deaf (TDD) only, contact 202–263–4869.

SUPPLEMENTARY INFORMATION: On November 8, 2005, by an immediately effective interim rule (70 FR 67641), the Board amended § 268.205 to permit the Board to hire certain Non-Citizens into positions requiring access to information of the Federal Open Market Committee (FOMC), subject to particular conditions and a preference for U.S. citizens over equally qualified non-citizens.¹ The Board received no comments on the November 2005 interim rule. After the Board published the November 2005 interim rule and before the Board published the rule in final form, however, it became apparent that the hiring pressures that affected positions requiring access to FOMC Information and prompted the change in the EEO Rules also existed with respect to certain positions requiring access to Confidential Supervisory Information, a second category of Sensitive Information. Therefore, on August 7, 2006, the Board published a new interim rule (71 FR 44555) that extended the hiring requirements that apply to FOMC Information to Confidential Supervisory Information and made some additional modifications that apply to access to FOMC and Confidential Supervisory Information. The 60-day comment period for the interim rule ended on October 6, 2006. The Board received no comments on the August 2006 interim rule. With the changes noted below, the Board is now adopting the August 2006 interim rule as the final rule.

The Board is making three substantive changes to the August 2006 interim rule. First, the Board is amending § 268.205(a)(9)(iii), which applies only to persons who were employed by the Federal Reserve as of January 1, 2006, and permits an employee who is a lawfully admitted permanent resident alien, an alien lawfully admitted for temporary resident, a refugee, or person granted asylum to qualify as a Protected Individual for purposes of the Board's

rule even if he or she filed for citizenship beyond the six-month period set forth in 8 U.S.C. 1324b(a)(3)(B)(i). In addition to the requirements set out in the interim rule for persons in this category, the final rule is amended to reflect the current policy of the Board that these employees complete a satisfactory background check. Thus, the Board is amending § 268.205(a)(9)(iii) to add a new paragraph (E) that expressly requires that an employee may qualify under this section only if he or she also passes a background investigation acceptable to the Board. Because of the addition of this new paragraph, which is now the last paragraph in this section, punctuation changes are also being made to existing paragraphs (C) and (D).

Second, the Board is modifying § 268.205(c)(4)(i) of the interim rule, which addresses access by Reserve Bank employees to FOMC Information, to clarify the interplay between the § 268.205 rule and the separate rules of the FOMC. The FOMC's rules now apply the Board's rule under § 268.205 to access to FOMC information by non-citizens employed anywhere in the Federal Reserve System, and the Board has amended § 268.205(c)(4)(i) to reflect this action.

Third, the Board is amending the rule to include a new paragraph, § 268.205(c)(5), addressing exceptions to the rule's requirements as they apply to access to Confidential Supervisory Information. The Board believes this new exception is necessary to cover unusual, unforeseen situations that may arise. Because the need for an exception should rarely arise, however, the exception is very narrow. To be granted an exception, the requester must demonstrate that unusual circumstances exist and that the employee for whom access is being requested has a strong and particularized need for access to the Confidential Supervisory Information. All exceptions for access to Confidential Supervisory Information must be approved by the Chairman of the Board's Committee on Supervisory and Regulatory Affairs. A similar provision is not necessary for FOMC Information because the rules of the FOMC delineate when exceptions, including those on the basis of citizenship may be granted, for access to FOMC Information by Board and Reserve Bank employees and others. As a result of this new paragraph (5), the existing paragraph (c)(5) has been redesignated as paragraph (c)(6).

Finally, the Board is making editorial corrections to the phrases "appropriations laws" and the "appropriations ban" as referenced in

the definition of "Country List" at § 268.205(a)(3).

Final Regulatory Flexibility Act Analysis

The Regulatory Flexibility Act (Pub. L. 96–354, 5 U.S.C. 601 *et seq.*), generally requires an agency to perform an assessment of the impact a rule is expected to have on small entities. However, under section 605(b) of the Regulatory Flexibility Act (RFA), 5 U.S.C. 605(b), the regulatory flexibility analysis otherwise required under section 604 of the RFA is not required if an agency certifies, along with a statement providing the factual basis for such certification, that the rule will not have a significant economic impact on a substantial number of small entities. Because this rule governs the Board's dealings with its employees and applicants for employment and access to FOMC and Confidential Supervisory Information by Reserve Bank employees, and would not affect small entities as defined for purposes of the RFA, the Board certifies that the rule will not have a significant economic impact on a substantial number of small entities.

Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. ch. 3506; 5 CFR 1320 Appendix A.1), the Board reviewed the rule under the authority delegated to the Board by the Office of Management and Budget. No collections of information pursuant to the Paperwork Reduction Act are contained in this rule.

Plain Language

Section 722 of the Gramm-Leach-Bliley Act requires each federal banking agency to use plain language in all rules published after January 1, 2000. The Board has attempted to use plain language in drafting this rule. In the interim proposals, the Board invited comments on whether it could take additional steps to make the rule easier to understand. The Board received no comments on § 268.205.

List of Subjects in 12 CFR Part 268

Administrative practice and procedure, Aged, Civil rights, Equal employment opportunity, Federal buildings and facilities, Federal Reserve System, Government employees, Individuals with disabilities, Religious discrimination, Sex discrimination, Wages.

Authority and Issuance

For the reasons discussed in the preamble, the interim rule amending 12

¹ Access to FOMC Information is also governed by the rules of the FOMC. See, for example, 12 CFR part 271.

CFR part 268, which was published at 71 FR 44555 on August 7, 2006, is adopted as final with the following changes:

PART 268—RULES REGARDING EQUAL OPPORTUNITY

■ 1. The authority citation for part 268 continues to read as follows:

Authority: 12 U.S.C. 244 and 248 (i), (k), and (l).

■ 2. Amend § 268.205 as follows:

- a. In paragraph (a)(3), correct “appropriations’ laws” to read “appropriations laws” and correct “appropriations’ ban” to read “appropriations ban”.
- b. Remove the word “and” at the end of paragraph (a)(9)(iii)(C) and add “; and” at the end of paragraph (a)(9)(iii)(D).
- c. Add a new paragraph (a)(9)(iii)(E).
- d. Revise paragraph (c)(4)(i).
- e. Redesignate paragraph (c)(5) as paragraph (c)(6), and add a new paragraph (c)(5).

The additions and revisions read as follows:

§ 268.205 Employment of aliens; Access to sensitive information.

(a) * * *

(9) * * *

(iii) * * *

(E) Has completed a background investigation acceptable to the Board.

* * * * *

(c) * * *

(4) * * *

(i) *FOMC Information.* By action of the FOMC, a Reserve Bank employee may access FOMC Information in accordance with these rules.

* * * * *

(5) *Exceptions for access to Confidential Supervisory Information.* A Board or Reserve Bank employer may request an exception for access to Confidential Supervisory Information. The requester must demonstrate that unusual circumstances exist and that the Board or Reserve Bank employee for whom access is being requested has a strong and particularized need for access to the information. All exceptions for access to Confidential Supervisory Information must be approved by the Chairman of the Board’s Committee on Supervisory and Regulatory Affairs.

* * * * *

By order of the Board of Governors of the Federal Reserve System, March 27, 2008.

Jennifer J. Johnson,
Secretary of the Board.

[FR Doc. E8–6655 Filed 4–1–08; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2008–0163; Airspace Docket No. 08–AGL–2]

Amendment of Class E Airspace; Indianapolis, IN

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Direct final rule; request for comments.

SUMMARY: This action amends Class E airspace at Indianapolis, IN. Additional controlled airspace is necessary to accommodate aircraft using new RNA V Global Positioning System (GPS) Standard Instrument Approach Procedures (SIAPs) at Hendricks County—Gordon Graham Field, Indianapolis, IN. This action is necessary for the safety and management of Instrument Flight Rules (IFR) operations at Hendricks County—Gordon Graham Field, Indianapolis, IN.

DATES: *Effective Dates:* 0901 UTC June 5, 2008. Comments for inclusion in the rules Docket must be received May 19, 2008. The Director of the Federal Register approves this incorporation by reference action under Title 1, Code of Federal Regulations, part 51, subject to the annual revision of FAA Order 7400.9 and publication of conforming amendments.

ADDRESSES: Send comments on this proposal to the U.S. Department of Transportation, Docket Operations, 1200 New Jersey Avenue, SE., West Building Ground Floor, Room WI2–140, Washington, DC 20590–0001. You must identify the docket number FAA–2008–0163/Airspace Docket No. 08–AGL–2, at the beginning of your comments. You may also submit comments through the Internet at <http://regulations.gov>. You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Docket Office (telephone 1–800–647–5527) is on the ground floor of the building at the above address.

FOR FURTHER INFORMATION CONTACT: Joe Yadouga, Central Service center, System Support Group, Federal Aviation Administration, Southwest Region, Fort Worth, TX 76193–0530; telephone (817) 222–5597.

SUPPLEMENTARY INFORMATION:

The Direct Final Rule Procedure

The FAA anticipates that this regulation will not result in adverse or negative comments, and, therefore, issues it as a direct final rule. Unless a written adverse or negative comment or a written notice of intent to submit an adverse or negative comment is received within the comment period, the regulation will become effective on the date specified above. After the close of the comment period, the FAA will publish a document in the **Federal Register** indicating that no adverse or negative comments were received and confirming the effective date of the rule. If the FAA receives, within the comment period, an adverse or negative comment, or written notice of intent to submit such a document, a document withdrawing the direct final rule will be published in the **Federal Register**, and a notice of proposed rulemaking may be published with a new comment period.

Comments Invited

Although this action is in the form of a direct final rule, and was not preceded by a notice of proposed rulemaking, interested persons are invited to comment on this rule by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the direct final rule. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the direct final rule. Commenters wishing the FAA to acknowledge receipt of their comments on this rule must submit with those comments a self-addressed, stamped postcard on which the following statement is made: “Comments to Docket No. FA–2008–0163, Airspace docket No. 08–AGL–2.” The postcard will be date/time stamped and returned to the commenter. Communications should identify both docket numbers and be submitted in triplicate to the address specified under the caption **ADDRESSES** above or through the Web site. All communications received on or before the closing date for comments will be considered, and this rule may be amended or withdrawn in light of the comments received.

The Rule

This amendment to Title 14, Code of Federal Regulations (14 CFR) part 71, amends Class E airspace at Indianapolis, IN, by providing additional controlled airspace to support the new RVAN