§ 3401.103 Procedures for accomplishing disqualification.

(a) An employee, other than a member of the Commission, who is required, in accordance with 5 CFR 2635.402(c), 2635.502(e), or 2635.604(a), to disqualify himself from participation in a particular matter before the Commission shall provide written notice of disqualification to his supervisor and to the DAEO when he becomes aware of the need to disqualify himself from participation in the matter. This procedure is required notwithstanding the guidance in 5 CFR 2635.402(c)(2), 2635.502(e)(2), and 2635.604(c).

(b) An employee may withdraw written notice under paragraph (a) of this section upon determining that disqualification from participation in the matter is no longer required. A withdrawal of disqualification shall be in writing and shall be provided to the employee's supervisor and to the DAEO.

§ 3401.104 Prior approval for outside employment.

(a) *Prior approval requirement.* An employee, other than a special Government employee, must obtain written approval from the DAEO through normal supervisory channels before engaging in outside employment with any person who is a ''prohibited source'' as that term is defined at 5 CFR 2635.203(d).

(b) *Approval of requests.* Approval under this section shall be denied only upon a determination by the DAEO that the outside activity is expected to involve conduct prohibited by statute or Federal regulations, including 5 CFR part 2635.

(c) *Definitions.* For purposes of this section, ''employment'' means any form of non-Federal employment or business relationship or activity involving the provision of personal services by the employee for compensation other than reimbursement of actual and necessary expenses. It includes, but is not limited to, personal services as an officer, director, employee, agent, attorney, consultant, contractor, general partner, or trustee.

Title 18—[Amended]

CHAPTER I—FEDERAL ENERGY REGULATORY COMMISSION

2. Part 3c of 18 CFR is revised to read as follows:

PART 3c—STANDARDS OF CONDUCT

Sec.

3c.1 Cross-reference to employee ethical conduct standards and financial disclosure regulations.
3c.2 Nonpublic information.
3c.3 Reporting fraud, waste, abuse, and corruption and cooperation with official inquiries.

Authority: 15 U.S.C. 717g; 16 U.S.C. 825(b); 42 U.S.C. 7171, 7172.

§ 3c.1 Cross-reference to employee ethical conduct standards and financial disclosure regulations.

Employees of the Federal Energy Regulatory Commission (Commission) are subject to the executive branch-wide financial disclosure regulations at 5 CFR part 2634, the Standards of Ethical Conduct for Employees of the Executive Branch at 5 CFR part 2635, the Commission regulations at 5 CFR part 3401 which supplement the Standards of Ethical Conduct, and the executive branch-wide employee responsibilities and conduct regulation at 5 CFR part 735.

§ 3c.2 Nonpublic information.

(a) Section 301(b) (16 U.S.C. 825(b)) of the Federal Power Act and section 8(b) (15 U.S.C. 717g) of the Natural Gas Act prohibit any employee, in the absence of Commission or court direction, from divulging any fact or information which may come to his or her knowledge during the course of examination of books or other accounts.

(b) The nature and time of any proposed action by the Commission are confidential and shall not be divulged to anyone outside the Commission. The Secretary of the Commission has the exclusive responsibility and authority for authorizing the initial public release of information concerning Commission proceedings.

§ 3c.3 Reporting fraud, waste, abuse, and corruption and cooperation with official inquiries.

(a) Employees shall, in fulfilling the obligation of 5 CFR 2635.101(b)(11), report fraud, waste, abuse, and corruption in Commission programs, including on the part of Commission employees, contractors, subcontractors, grantees, or other recipients of Commission financial assistance, to the Office of Inspector General or other appropriate Federal authority.

(b) All alleged violations of the ethical restrictions described in § 3c.1 that are reported in accordance with paragraph (a) of this section to an appropriate authority within the Commission shall in turn be referred by that authority to the Designated Agency Ethics Official or his or her designee, or the Inspector General.

(c) Employees shall cooperate with official inquiries by the Inspector General; they shall respond to questions truthfully under oath when required, whether orally or in writing, and must provide documents and other materials concerning matters of official interest. An employee is not required to respond to such official inquiries if answers or testimony may subject the employee to criminal prosecution.

[FR Doc. 96–21412 Filed 8–22–96; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 958

[Docket No. FV96–958–2 FIR]

Idaho-Eastern Oregon Onions; Assessment Rate

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: The Department of Agriculture (Department) is adopting as a final rule, with a correction, the provisions of an interim final rule that established an assessment rate for the Idaho-Eastern Oregon Onion Committee (Committee) under Marketing Order No. 958 for the 1996–97 and subsequent fiscal periods. The Committee is responsible for local administration of the marketing order which regulates the handling of onions grown in designated counties in Idaho, and Malheur County, Oregon. Authorization to assess onion handlers enables the Committee to incur expenses that are reasonable and necessary to administer the program.

DATES: Effective on July 1, 1996.

FOR FURTHER INFORMATION CONTACT: Martha Sue Clark, Program Assistant, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, room 2523–S, Washington, DC 20090–6456, telephone 202–720–9918, FAX 202-720–5698, or Robert J. Curry, Marketing Specialist, Northwest Marketing Field Office, Fruit and Vegetable Division, AMS, USDA, Green-Wyatt Federal Building, room 369, 1220 Southwest Third Avenue, Portland, OR 97204, telephone 503–326–2724, FAX 503–326–7440. Small businesses may request information on compliance with this regulation by contacting: Jay Guerber, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, room 2523–S, Washington, DC 20090–6456, telephone 202–720–2491, FAX 202–720–5698.

SUPPLEMENTARY INFORMATION: This rule is issued under Marketing Agreement No. 130 and Order No. 958, both as

amended (7 CFR part 958), regulating the handling of onions grown in designated counties in Idaho, and Malheur County, Oregon. The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the ''Act.''

The Department is issuing this rule in conformance with Executive Order 12866.

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. Under the marketing order now in effect, Idaho-Eastern Oregon onion handlers are subject to assessments. Funds to administer the order are derived from such assessments. It is intended that the assessment rate as issued herein will be applicable to all assessable onions beginning July 1, 1996, and continuing until amended, suspended, or terminated. This rule will not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may file with the Secretary a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law and request a modification of the order or to be exempted therefrom. Such handler is afforded the opportunity for a hearing on the petition. After the hearing the Secretary would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has his or her principal place of business, has jurisdiction to review the Secretary's ruling on the petition, provided an action is filed not later than 20 days after the date of the entry of the ruling.

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Agricultural Marketing Service (AMS) has considered the economic impact of this rule on small entities.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and the rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

There are approximately 550 producers of Idaho-Eastern Oregon onions in the production area and approximately 34 handlers subject to regulation under the marketing order. Small agricultural producers have been defined by the Small Business Administration (13 CFR 121.601) as those having annual receipts of less than $500,000, and small agricultural service firms are defined as those whose annual receipts are less than $5,000,000. The majority of Idaho-Eastern Oregon onion producers and handlers may be classified as small entities.

The Idaho-Eastern Oregon onion marketing order provides authority for the Committee, with the approval of the Department, to formulate an annual budget of expenses and collect assessments from handlers to administer the program. The members of the Committee are producers and handlers of Idaho-Eastern Oregon onions. They are familiar with the Committee's needs and with the costs of goods and services in their local area and are thus in a position to formulate an appropriate budget and assessment. The assessment rate is formulated and discussed in a public meeting. Thus, all directly affected persons have an opportunity to participate and provide input.

The Committee met on March 21, 1996, and unanimously recommended 1996–97 expenditures of $1,115,993 and an assessment rate of $0.10 per hundredweight of onions. In comparison, last year's budgeted expenditures were $1,111,447. The assessment rate of $0.10 is the same as last year's established rate. Major expenditures recommended by the Committee for the 1996–97 year include $10,000 for Committee expenses, $123,593 for salary expenses, $62,400 for travel and office expenses, $60,000 each for research and export, $725,000 for promotion, and $75,000 for a contingency fund. Budgeted expenses for these items in 1995–96 were $10,000, $121,431, $61,600, $59,340, $60,000, $724,076, and $75,000, respectively.

The assessment rate recommended by the Committee was derived by dividing anticipated expenses by expected shipments of Idaho-Eastern Oregon onions. Onion shipments for the year are estimated at 8,800,000 hundredweight, which should provide $880,000 in assessment income. Income derived from handler assessments, along with funds from interest income and the Committee's authorized reserve, will be adequate to cover budgeted expenses. Funds in the reserve will be kept within the maximum permitted by the order.

An interim final rule regarding this action was published in the May 31, 1996, issue of the Federal Register (61 FR 27250). That interim final rule added a new subpart heading—Assessment Rates and § 958.240 to establish an assessment rate for the Committee. That rule provided that interested persons could file comments through July 1, 1996. No comments were received.

While this rule will impose some additional costs on handlers, the costs are in the form of uniform assessments on all handlers. Some of the additional costs may be passed on to producers. However, these costs will be offset by the benefits derived by the operation of the marketing order. Therefore, the AMS has determined that this rule will not have a significant economic impact on a substantial number of small entities.

The assessment rate established in this rule will continue in effect indefinitely unless modified, suspended, or terminated by the Secretary upon recommendation and information submitted by the Committee or other available information.

Although this assessment rate is effective for an indefinite period, the Committee will continue to meet prior to or during each fiscal period to recommend a budget of expenses and consider recommendations for modification of the assessment rate. The dates and times of Committee meetings are available from the Committee or the Department. Committee meetings are open to the public and interested persons may express their views at these meetings. The Department will evaluate Committee recommendations and other available information to determine whether modification of the assessment rate is needed. Further rulemaking will be undertaken as necessary. The Committee's 1996–97 budget and those for subsequent fiscal periods will be reviewed and, as appropriate, approved by the Department.

After consideration of all relevant material presented, including the information and recommendation submitted by the Committee and other available information, it is hereby found that this rule, as hereinafter set forth, will tend to effectuate the declared policy of the Act.

This final rule also adds a new subpart heading—Handling Regulations to the Code of Federal Regulations immediately preceding § 958.328 Handling regulation.

Pursuant to 5 U.S.C. 553, it is also found and determined that good cause exists for not postponing the effective date of this rule until 30 days after publication in the Federal Register because: (1) The Committee needs to have sufficient funds to pay its expenses which are incurred on a continuous

basis; (2) the 1996–97 fiscal period began on July 1, 1996, and the marketing order requires that the rate of assessment for each fiscal period apply to all assessable potatoes handled during such fiscal period; (3) handlers are aware of this action which was unanimously recommended by the Committee at a public meeting and is similar to other assessment rate actions issued in past years; and (4) an interim final rule was published on this action and provided for a 30-day comment period, and no comments were received.

List of Subjects in 7 CFR Part 958

Marketing agreements, Onions, Reporting and recordkeeping requirements.

Accordingly, the interim final rule amending 7 CFR part 958 which was published at 61 FR 27250 on May 31, 1996, is adopted as a final rule with the following change:

PART 958—ONIONS GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO, AND MALHEUR COUNTY, OREGON

1. The authority citation for 7 CFR part 958 continues to read as follows:

Authority: 7 U.S.C. 601–674.

2. Part 958 is amended by adding a new subpart heading immediately preceding § 958.328 to read as follows:

Note: This subpart heading will appear in the Code of Federal Regulations.

Subpart—Handling Regulations

Dated: August 16, 1996.

Robert C. Keeney,

Director, Fruit and Vegetable Division.

[FR Doc. 96–21492 Filed 8–22–96; 8:45 am]

BILLING CODE 3410–02–P

Animal and Plant Health Inspection Service

9 CFR Part 92

[Docket No. 95–079–2]

Importation of Horses

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: We are amending the horse importation regulations to add vesicular stomatitis to the list of diseases from which a premises, and adjoining premises, must be free before a horse from that premises may be imported into the United States. This action appears necessary to prevent the introduction of vesicular stomatitis into the United States.

EFFECTIVE DATE: September 23, 1996.

FOR FURTHER INFORMATION CONTACT: Dr. Gary Colgrove, Chief Staff Veterinarian, National Center for Import and Export, VS, APHIS, 4700 River Road Unit 38, Riverdale, MD 20737–1231, (301) 734–3276.

SUPPLEMENTARY INFORMATION:

Background

The regulations in 9 CFR part 92 (referred to below as ''the regulations'') govern the importation into the United States of specified animals, including horses, to prevent the introduction of various animal diseases into the United States.

Under § 92.314, horses imported into the United States must be accompanied by a health certificate. The health certificate must contain certain information to ensure that the horses intended for importation into the United States are free from communicable diseases. Among other things, the health certificate must state that no cases of certain communicable diseases, including African horse-sickness, dourine, glanders, surra, epizootic lymphangitis, ulcerative lymphangitis, equine piroplasmosis, Venezuelan equine encephalomyelitis, and equine infectious anemia, have occured on the horses' premises of origin, or an adjoining premises, in the 60 days preceding the horses' importation into the United States.

On April 1, 1996, we published in the Federal Register (61 FR 14268–14269, Docket No. 95–079–1) a proposal to amend 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.

We solicited comments concerning our proposal for 60 days ending May 31, 1996. We received four comments by that date. They were from representatives of industry, a researcher, and a veterinary association. One commenter supported the proposed rule. The three other commenters had concerns about limiting the proposed restrictions to the importation of horses. All three of these commenters requested that we extend our proposed restrictions to the importation of all species susceptible to vesicular stomatitis, including cattle, swine, sheep, and llamas.

With few exceptions, the regulations require that horses, swine, and ruminants imported into the United States be accompanied by a certificate stating, among other things, that the animals were inspected prior to importation and were found free of evidence of communicable disease and, insofar as could be determined, exposure to communicable disease within the 60 days preceding importation. The regulations further require that horses, swine, and ruminants presented for entry into the United States be inspected again at the port of entry and found free of evidence of communicable disease and exposure to communicable disease. With certain exceptions, these animals must then undergo quarantine in the United States before being released. In most cases, these restrictions are sufficient to ensure that an animal infected with vesicular stomatitis would not be added to U.S. herds. However, the possibility exists that an animal could be exposed to vesicular stomatitis prior to importation, unbeknownst to the veterinarian signing the required certificate, and that the animal could arrive in the United States before showing any symptoms of the disease. If quarantine were not required, as in the case of certain ruminants from Canada and Mexico, or if the required quarantine period were short, as it is for most horses, the animal could be released even though it was incubating the disease.

Swine, cattle, and other ruminants imported into the United States are imported primarily for slaughter, with a much smaller number imported for breeding. The slaughter animals are either consigned directly to slaughter or are consigned to pastures or feedlots for finish feeding prior to slaughter. Most breeding animals are integrated into U.S. herds.

While a small number of horses are imported for slaughter or breeding, most are imported for exhibition or racing, and they are shipped to multiple locations in the United States, where they have contact with other horses which are also shipped to multiple locations within the United States. As such, imported horses present a relatively high risk, compared to other imported livestock, of spreading vesicular stomatitis if they are incubating the disease when they arrive in the United States. For this reason, our regulations address horses, not other susceptible livestock. We continue to believe that the existing regulations for other livestock are sufficient to ensure that these animals do not present a significant risk of spreading vesicular stomatitis to U.S. herds. Therefore, we are making no change based on these comments.

Therefore, based on the rationale set forth in the proposed rule and in this