

interest and that there is good cause under 5 U.S.C. 553 for making this action effective less than 30 days after publication in the **Federal Register**.

We will consider comments we receive during the comment period for this interim rule (see **DATES** above). After the comment period closes, we will publish another document in the **Federal Register**. The document will include a discussion of any comments we receive and any amendments we are making to the rule as a result of the comments.

#### **Executive Order 12866 and Regulatory Flexibility Act**

This rule has been reviewed under Executive Order 12866. For this action, the Office of Management and Budget has waived its review process required by Executive Order 12866.

This action amends the Oriental fruit fly regulations by removing portions of San Bernardino and San Diego Counties, CA, from the list of quarantined areas.

County records indicate that within the quarantined portion of San Bernardino County, CA, there are 10 to 15 small growers who could be affected by the lifting of the quarantine in this interim rule. There is no commercial agricultural acreage nor any flea markets or certified farmers' markets within the area. The number of nurseries and fruit and produce dealers located within the area is presently unknown.

We expect that the effect of this interim rule on the small entities referred to above will be minimal. Small entities located within the quarantined area that sell regulated articles do so primarily for local intrastate, not interstate, movement, so the effect, if any, of this rule on these entities appears likely to be minimal. In addition, the effect on any small entities that may move regulated articles interstate has been minimized during the quarantine period by the availability of various treatments that allow these small entities, in most cases, to move regulated articles interstate with very little additional cost. Thus, just as the previous interim rule establishing the quarantined area in San Bernardino, CA, had little effect on the small growers in the area, the lifting of the quarantine in the current interim rule will also have little effect.

Within the quarantined area of San Diego County, CA, the State of California has identified 101 markets/produce vendors, 3 farmers' markets, 20 nurseries, and 2 growers. No data are available on how many of these entities are small.

The effect on any entities, large or small, that may move regulated articles

interstate has been minimized during the quarantine period by the availability of various treatments that allow these entities, in most cases, to move regulated articles interstate with very little additional cost. For many businesses, no additional costs have been incurred. As far as we can determine, no entities have gone out of business due to the quarantine. It is, therefore, highly unlikely that the lifting of the quarantine in San Diego County, CA, will have a significant economic effect on any entities, large or small, in that area.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action will not have a significant economic impact on a substantial number of small entities.

#### **Executive Order 12372**

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.025 and is subject to Executive Order 12372, which requires intergovernmental consultation with State and local officials. (See 7 CFR part 3015, subpart V.)

#### **Executive Order 12988**

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule: (1) Preempts all State and local laws and regulations that are inconsistent with this rule; (2) has no retroactive effect; and (3) does not require administrative proceedings before parties may file suit in court challenging this rule.

#### **Paperwork Reduction Act**

This interim rule contains no information collection or recordkeeping requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

#### **List of Subjects in 7 CFR Part 301**

Agricultural commodities, Plant diseases and pests, Quarantine, Reporting and recordkeeping requirements, Transportation.

#### **PART 301—DOMESTIC QUARANTINE NOTICES**

1. The authority citation for part 301 continues to read as follows:

**Authority:** 7 U.S.C. 166, 7711, 7712, 7714, 7731, 7735, 7751, 7752, 7753, and 7754; 7 CFR 2.22, 2.80, and 371.3.

Section 301.75–15 also issued under Sec. 204, Title II, Pub. L. 106–113, 113 Stat. 1501A–293; sections 301.75–15 and 301.75–16 also issued under Sec. 203, Title II, Pub. L. 106–224, 114 Stat. 400 (7 U.S.C. 1421 note).

2. In § 301.93–3, paragraph (c) is revised to read as follows:

#### **§ 301.93–3 Quarantined areas.**

\* \* \* \* \*

(c) The areas described below are designated as quarantined areas: There are no areas in the continental United States quarantined for the Oriental fruit fly.

Done in Washington, DC, this 9th day of May, 2002.

**Peter Fernandez,**

*Acting Administrator, Animal and Plant Health Inspection Service.*

[FR Doc. 02–12136 Filed 5–14–02; 8:45 am]

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## **DEPARTMENT OF AGRICULTURE**

### **Animal and Plant Health Inspection Service**

#### **9 CFR Part 94**

[Docket No. 01–122–2]

#### **Change in Disease Status of Slovakia and Slovenia Because of BSE**

**AGENCY:** Animal and Plant Health Inspection Service, USDA.

**ACTION:** Affirmation of interim rule as final rule.

**SUMMARY:** We are adopting as a final rule, without change, an interim rule that amended the regulations by adding Slovakia and Slovenia to the list of regions where bovine spongiform encephalopathy exists because the disease has been detected in native-born animals in those regions. Slovakia and Slovenia had already been listed among the regions that present an undue risk of introducing bovine spongiform encephalopathy into the United States, so the effect of the interim rule was a continued restriction on the importation of ruminants that have been in Slovakia or Slovenia and meat, meat products, and certain other products of ruminants that have been in either of those regions. The interim rule was necessary in order to update the disease status of Slovakia and Slovenia regarding bovine spongiform encephalopathy.

**EFFECTIVE DATE:** The interim rule became effective on February 1, 2002.

**FOR FURTHER INFORMATION CONTACT:** Dr. Gary Colgrove, Chief Staff Veterinarian, Sanitary Issues Management Staff, National Center for Import and Export, VS, APHIS, 4700 River Road Unit 38, Riverdale, MD 20737–1231; (301) 734–4356.

**SUPPLEMENTARY INFORMATION:**

## Background

In an interim rule effective and published in the **Federal Register** on February 1, 2002 (67 FR 4877–4878, Docket No. 01–122–1), we amended the regulations in 9 CFR part 94 by adding Slovakia and Slovenia to the list of regions where bovine spongiform encephalopathy (BSE) exists. Slovakia and Slovenia had previously been listed in § 94.18(a)(2) as regions that present an undue risk of introducing BSE into the United States. However, due to the detection of BSE in native-born animals in those regions, the interim rule was necessary to update the disease status of Slovakia and Slovenia regarding BSE.

Comments on the interim rule were required to be received on or before April 2, 2002. We did not receive any comments. Therefore, for the reasons given in the interim rule, we are adopting the interim rule as a final rule.

This action also affirms the information contained in the interim rule concerning Executive Order 12866 and the Regulatory Flexibility Act, Executive Order 12988, and the Paperwork Reduction Act.

Further, for this action, the Office of Management and Budget has waived the review process required by Executive Order 12866.

## List of Subjects in 9 CFR Part 94

Animal diseases, Imports, Livestock, Meat and meat products, Milk, Poultry and poultry products, Reporting and recordkeeping requirements.

## PART 94—RINDERPEST, FOOT-AND-MOUTH DISEASE, FOWL PEST (FOWL PLAGUE), EXOTIC NEWCASTLE DISEASE, AFRICAN SWINE FEVER, HOG CHOLERA, AND BOVINE SPONGIFORM ENCEPHALOPATHY: PROHIBITED AND RESTRICTED IMPORTATIONS

Accordingly, we are adopting as a final rule, without change, the interim rule that amended 9 CFR part 94 that was published at 67 FR 4877–4878 on February 1, 2002.

**Authority:** 7 U.S.C. 450, 7711, 7712, 7713, 7714, 7751, and 7754; 19 U.S.C. 1306; 21 U.S.C. 111, 114a, 134a, 134b, 134c, 134f, 136, and 136a; 31 U.S.C. 9701; 42 U.S.C. 4331 and 4332; 7 CFR 2.22, 2.80, and 371.4.

Done in Washington, DC, this 9th day of May, 2002.

**Peter Fernandez,**

*Acting Administrator, Animal and Plant Health Inspection Service.*

[FR Doc. 02-12137 Filed 5-14-02; 8:45 am]

## FEDERAL DEPOSIT INSURANCE CORPORATION

### 12 CFR Part 366

#### RIN 3064-AC29

#### Minimum Standards of Integrity and Fitness for an FDIC Contractor

**AGENCY:** Federal Deposit Insurance Corporation.

**ACTION:** Interim final rule.

**SUMMARY:** The Federal Deposit Insurance Corporation (FDIC) is issuing a rule entitled, “Minimum Standards of Integrity and Fitness for an FDIC Contractor”. This rule replaces the March 11, 1996, interim final rule entitled, “Contractor Conflicts of Interest”. This rule establishes standards for independent contractors governing contracting prohibitions, conflicts of interest, ethical responsibilities, confidential information, and reportable information. It is also consistent with the goals and purposes of titles 18 and 41 of the United States Code. This rule is in addition to, and not in lieu of, any other statute or rule which may apply to the conduct of persons performing services pursuant to a contract.

**DATES:** This rule becomes effective May 15, 2002. We must receive your written comments on or before July 15, 2002.

**ADDRESSES:** Address your written comments to Robert E. Feldman, Executive Secretary, Attention: comments/OES, and:

1. Mail to Federal Deposit Insurance Corporation, 550 17th Street, NW., Washington, DC 20429;

2. Hand-deliver to the guard station located at the rear of the 17th Street Building on F Street, between 8:30 a.m. and 5:00 p.m. on business days;

3. Fax to (202) 898-3838;

4. E-mail to: [comments@FDIC.gov](mailto:comments@FDIC.gov) <<mailto:comments@fdic.gov>>; or

5. Post on the FDIC internet site at <http://www.fdic.gov/regulations/laws/Federal/propose.html>.

Comments are available for inspection and photocopying at the FDIC Public Information Center, Room 100, 801 17th Street, NW., Washington, DC, between 9:00 a.m. and 4:30 p.m. on business days.

#### FOR FURTHER INFORMATION CONTACT:

Martin A. Blumenthal, Counsel, (202) 736-0359, or Peter M. Somerville, Counsel, (202) 736-0110, Legal Division; or Donald L. Rosholt, Senior Ethics Program Specialist, Office of the Executive Secretary, (202) 898-7287, Federal Deposit Insurance Corporation, 550 17th Street, NW., Washington, DC 20429. These are not toll-free numbers.

**SUPPLEMENTARY INFORMATION:** The contents of this preamble are listed in the following outline:

#### I. Introduction

- A. Overview
- B. Authority
- C. Background

#### II. Comparison of this rule to the March 11, 1996, interim final rule

- A. General changes
- B. Definitional changes
- C. Prohibition from performing services on our behalf
- D. Contractor responsibilities and requirements
- E. Contractor's expectations, rights, and obligations

#### III. Matters of Regulatory Procedure

- A. Regulatory Flexibility Act
- B. Paperwork Reduction Act
- C. The Treasury and General Government Appropriations Act, 1999—Assessment of Federal Regulations and Policies on Families
- D. Congressional Review Act

## I. Introduction

### A. Overview

This rule sets forth integrity and fitness provisions for FDIC contractors in three areas. The first area regards those persons from whom the FDIC is prohibited from entering into a contract. The second area identifies integrity and fitness responsibilities for independent contractors. These include conflicts of interest, minimum standards of ethical responsibility, confidential information, and information that contractors must disclose to the FDIC. The last area regards a contractor's expectations, rights and obligations. These include what advice and determinations the FDIC will provide a contractor, reconsiderations and reviews of those determinations, and the possible consequences a person may face for violating the provisions of this rule.

This rule and **SUPPLEMENTARY INFORMATION** section are drafted in plain language. The word “person” refers to an individual, corporation, partnership, or other entity with a legally independent existence. The terms “I”, “me”, “my”, “mine”, “you”, and “yourself” refer to a person who submits an offer to perform or performs, directly or indirectly, contractual services or functions on behalf of the FDIC. The terms “we”, “our”, and “us” refer to the FDIC, except when the FDIC operates an insured depository institution such as a bridge bank or conservatorship. The phrase “insured depository institution” refers to any bank or savings association whose deposits are insured by the FDIC.