

**List of Subjects in 5 CFR Part 8301**

Conflict of interests, Government employees.

**Authority and Issuance**

For the reasons set forth in the preamble, the Department, in concurrence with OGE, is amending 5 CFR part 8301 as follows:

**PART 8301—SUPPLEMENTAL STANDARDS OF ETHICAL CONDUCT FOR EMPLOYEES OF THE DEPARTMENT OF AGRICULTURE**

- 1. The authority citation for § 8301.105 is revised to read as follows:

**Authority:** 5 U.S.C. 7301; 5 U.S.C. App. (Ethics in Government Act of 1978); E.O. 12674, 54 FR 15159 (April 12, 1989); 3 CFR, 1989 Comp., p. 215, as modified by E.O. 12731, 55 FR 42547 (October 17, 1990); 3 CFR, 1990 Comp., p. 306; 5 CFR 2635.105, 2635.403, 2635.502 and 2635.803.

- 2. Revise § 8301.105 to read as follows:

**§ 8301.105 Additional rules for attorneys in the Office of the General Counsel.**

(a) *Additional rules for attorneys in the Office of the General Counsel regarding the outside practice of law.* Any attorney serving within the Office of the General Counsel shall obtain written approval, in accordance with the procedures set forth in § 8301.102(c) and the standard for approval set forth in paragraph (b) of this section, before engaging in the outside practice of law, whether compensated or not. For purposes of this section the “outside practice of law” means those activities requiring professional licensure by a state bar as an attorney and include, but are not limited to, providing legal advice to a client, drafting legal documents, and representing clients in legal negotiations or litigation.

(b) *Standard for approval.* Approval shall be granted by the agency designee unless it is determined that the outside practice of law is expected to involve conduct prohibited by statute or Federal regulation, including 5 CFR part 2635, or paragraph (c) of this section.

(c)(1) *Prohibited outside practice of law applicable to attorneys in the Office of the General Counsel.* An employee who serves as an attorney within the Office of the General Counsel shall not engage in any outside practice of law that might require the attorney to:

(i) Assert a legal position that is or appears to be in conflict with the interests of the Department of Agriculture, the client to which the attorney owes a professional responsibility; or

(ii) Interpret any statute, regulation, or rule administered or issued by the

Department of Agriculture, or where a supervisory attorney determines that the outside practice of law would conflict with the employee's official duties or create the appearance of a loss of the attorney's impartiality, as prohibited by 5 CFR 2635.802; or

(iii) Act as an agent or attorney in any matter in which the U.S. government is a party or has a direct and substantial interest, as prohibited by 18 U.S.C. 205.

(2) *Exceptions.* Nothing in paragraph (c)(1) of this section prevents an attorney in the Office of the General Counsel from:

(i) Acting, with or without compensation, as an agent or attorney for, or otherwise representing, the employee's parents, spouse, child, or any other person for whom, or for any estate for which, the employee is serving as guardian, executor, administrator, trustee, or other personal fiduciary to the extent permitted by 18 U.S.C. 203(d) and 205(e), or from providing advice or counsel to such persons or estates; or

(ii) Acting, without compensation, as an agent or attorney for, or otherwise representing, any person who is the subject of disciplinary, loyalty, or other personnel administration proceedings in connection with those proceedings, or from providing uncompensated advice and counsel to such person to the extent permitted by 18 U.S.C. 205; or

(iii) Acting, without compensation, as an agent or attorney for, or otherwise representing any cooperative, voluntary, professional, recreational, or similar organization or group not established or operated for profit, if a majority of the organization's or group's members are current employees of the United States or the District of Columbia, or their spouses or dependent children. As limited by 18 U.S.C. 205(d), this exception is not permitted for any representation with respect to a matter which involves prosecuting a claim against the United States under 18 U.S.C. 205(a)(1) or 18 U.S.C. 205(b)(1), or involves a judicial or administrative proceeding where the organization or group is a party, or involves a grant, contract, or other agreement providing for the disbursement of Federal funds to the organization or group; or

(iv) Giving testimony under oath or from making statements required to be made under penalty for perjury or contempt.

(3) *Specific approval procedures for paragraph (c)(2) of this section.*

(i) The exceptions to 18 U.S.C. 203 and 205 described in paragraph (c)(2)(i) of this section do not apply unless the employee obtained the prior approval of the Government official responsible for

the appointment of the employee to a Federal position.

(ii) The exceptions to 18 U.S.C. 205 described in paragraphs (c)(2)(ii) and (c)(2)(iii) of this section do not apply unless the employee has obtained the prior approval of a supervisory official who has authority to determine whether the employee's proposed representation is consistent with the faithful performance of the employee's duties.

(d) *Pro Bono activity.* Subject to compliance with paragraph (c) of this section, attorneys within the Office of the General Counsel are permitted to provide outside *pro bono* legal services (without compensation other than reimbursement of expenses) to organizations or individuals through a non-profit organization, without obtaining prior written approval in accordance with the procedures set forth in § 8301.102(c).

**Stephen Alexander Vaden,**  
*General Counsel, U.S. Department of Agriculture.*

**Emory A. Rounds, III,**  
*Director, U.S. Office of Government Ethics.*  
[FR Doc. 2020-03058 Filed 3-4-20; 8:45 am]

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**DEPARTMENT OF AGRICULTURE****Agricultural Marketing Service****7 CFR Part 920**

[Doc. No. AMS-SC-20-0016; SC20-920-1 CR]

**Kiwifruit Grown in California; Continuance Referendum**

**AGENCY:** Agricultural Marketing Service, USDA.

**ACTION:** Referendum order.

**SUMMARY:** This document directs that a referendum be conducted among eligible California kiwifruit growers to determine whether they favor continuance of the marketing order regulating the handling of kiwifruit grown in California.

**DATES:** The referendum will be conducted from May 18 through May 29, 2020. Only current producers of kiwifruit within the California production area that produced kiwifruit during the period August 1, 2018, through July 31, 2019, are eligible to vote in this referendum.

**ADDRESSES:** Copies of the marketing order may be obtained from the California Marketing Field Office, Marketing Order and Agreement Division, Specialty Crops Program, AMS, U.S. Department of Agriculture,

2202 Monterey Street, Suite 102B, Fresno, California 93721–3129, or the Office of the Docket Clerk, Marketing Order and Agreement Division, Specialty Crops Program, AMS, USDA, 1400 Independence Avenue SW, STOP 0237, Washington, DC 20250–0237, or internet: <http://www.regulations.gov>.

**FOR FURTHER INFORMATION CONTACT:** Jeffery Rymer, Marketing Specialist, or Terry Vawter, Regional Director, California Marketing Field Office, Marketing Order and Agreement Division, Specialty Crops Program, AMS, USDA; Telephone: (559) 487–5901, Fax: (559) 487–5906, or Email: [JefferyM.Rymer@usda.gov](mailto:JefferyM.Rymer@usda.gov) or [Terry.Vawter@usda.gov](mailto:Terry.Vawter@usda.gov).

**SUPPLEMENTARY INFORMATION:** Pursuant to Marketing Order No. 920, as amended (7 CFR part 920), hereinafter referred to as the “Order,” and the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the “Act,” it is hereby directed that a referendum be conducted to ascertain whether continuance of the Order is favored by growers. The referendum shall be conducted from May 18 through May 29, 2020, among eligible California kiwifruit growers. Only current growers who were also engaged in the production of kiwifruit in California during the period of August 1, 2018, through July 31, 2019, may participate in the continuance referendum.

USDA has determined that continuance referenda are an effective means for determining whether growers favor the continuation of marketing order programs. USDA would consider termination of the Order if less than fifty percent of the growers voting in the referendum and growers of less than fifty percent of the volume of California kiwifruit represented in the referendum favor continuance of their program. In evaluating the merits of continuance versus termination, USDA will consider the results of the continuance referendum and other relevant information regarding operation of the Order. USDA will also consider the Order’s relative benefits and disadvantages to growers, processors, and consumers to determine whether continuing the Order would tend to effectuate the declared policy of the Act.

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the ballot materials used in the referendum have been approved by the Office of Management and Budget (OMB) under OMB No. 0581–0189, Fruit Crops. It has been estimated that it will take an average of 20 minutes for each of the approximately 150 growers

of California kiwifruit to cast a ballot. Participation is voluntary. Ballots postmarked after May 29, 2020, will not be included in the vote tabulation.

Jeffery Rymer and Terry Vawter of the California Marketing Field Office, Specialty Crops Program, AMS, USDA, are hereby designated as the referendum agents of the Secretary of Agriculture to conduct this referendum. The procedure applicable to the referendum shall be the “Procedure for the Conduct of Referenda in Connection With Marketing Orders for Fruits, Vegetables, and Nuts Pursuant to the Agricultural Marketing Agreement Act of 1937, as Amended” (7 CFR part 900.400 *et seq.*).

Ballots will be mailed to all growers of record and may also be obtained from the referendum agents or their appointees.

#### List of Subjects in 7 CFR Part 920

Marketing agreements, Kiwifruit, Reporting and recordkeeping requirements.

**Authority:** 7 U.S.C. 601–674.

Dated: February 25, 2020.

#### Bruce Summers,

*Administrator, Agricultural Marketing Service.*

[FR Doc. 2020–04176 Filed 3–4–20; 8:45 am]

**BILLING CODE 3410–02–P**

## NUCLEAR REGULATORY COMMISSION

### 10 CFR Part 72

[NRC–2019–0195]

RIN 3150–AK38

#### List of Approved Spent Fuel Storage Casks: NAC International MAGNASTOR® System, Certificate of Compliance No. 1031, Amendment No. 8

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Direct final rule; confirmation of effective date.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) is confirming the effective date of March 24, 2020, for the direct final rule that was published in the **Federal Register** on January 9, 2020. This direct final rule amended the NRC’s spent fuel storage regulations by revising the “List of approved spent fuel storage casks” to include Amendment No. 8 to Certificate of Compliance No. 1031 for the NAC International, Inc. MAGNASTOR® System.

**DATES:** The effective date of March 24, 2020, for the direct final rule published

January 9, 2020 (85 FR 1096), is confirmed.

**ADDRESSES:** Please refer to Docket ID NRC–2019–0195 when contacting the NRC about the availability of information for this action. You may obtain publicly-available information related to this action by any of the following methods:

- **Federal Rulemaking Website:** Go to <https://www.regulations.gov> and search for Docket ID NRC–2019–0195. Address questions about NRC dockets to Carol Gallagher; telephone: 301–415–3463; email: [Carol.Gallagher@nrc.gov](mailto:Carol.Gallagher@nrc.gov). For technical questions, contact the individuals listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

- **NRC’s Agencywide Documents Access and Management System (ADAMS):** You may obtain publicly-available documents online in the ADAMS Public Documents collection at <https://www.nrc.gov/reading-rm/adams.html>. To begin the search, select “Begin Web-based ADAMS Search.” For problems with ADAMS, please contact the NRC’s Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to [pdr.resource@nrc.gov](mailto:pdr.resource@nrc.gov). The proposed amendment to the certificate of compliance, the proposed changes to the technical specifications, and the preliminary safety evaluation report are available in ADAMS under Accession No. ML19228A234. The final amendment to the certificate of compliance, final changes to the technical specifications, and final safety evaluation report can also be viewed in ADAMS under Accession No. ML20036E079.

- **NRC’s PDR:** You may examine and purchase copies of public documents at the NRC’s PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

#### FOR FURTHER INFORMATION CONTACT:

Bernard White, Office of Nuclear Material Safety and Safeguards; telephone: 301–415–6577; email: [Bernard.White@nrc.gov](mailto:Bernard.White@nrc.gov) or Edward M. Lohr, Office of Nuclear Material Safety and Safeguards; telephone: 301–415–0253; email: [Edward.Lohr@nrc.gov](mailto:Edward.Lohr@nrc.gov). Both are staff of the U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

**SUPPLEMENTARY INFORMATION:** On January 9, 2020 (85 FR 1096), the NRC published a direct final rule amending § 72.214 of title 10 of the *Code of Federal Regulations*, “List of approved spent fuel storage casks” to include Amendment No. 8 to Certificate of Compliance No. 1031 for the NAC International, Inc. MAGNASTOR®