

Administration shall purchase, directly or indirectly, from his component, the General Services Administration, or the agent of either, property formerly used by that component and no such employee shall use property formerly used by his component which has been purchased, directly or indirectly, by his spouse or minor child from his component, the General Services Administration, or to the agent of either.

§ 3801.105 Personal use of Government property.

Employees are prohibited by part 2635 of this title from using Government property for other than authorized purposes. The Department rule authorizing limited personal use of Department of Justice office and library equipment and facilities by its employees is at 28 CFR 45.4.

§ 3801.106 Outside employment.

(a) *Definition.* For purposes of this section, *outside employment* means any form of employment, business relationship or activity, involving the provision of personal services whether or not for compensation, other than in the discharge of official duties. It includes, but is not limited to, services as a lawyer, officer, director, trustee, employee, agent, consultant, contractor, or general partner. Speaking, writing and serving as a fact witness are excluded from this definition, so long as they are not combined with the provision of other services that do fall within this definition, such as the practice of law. Employees who wish to engage in compensated speaking and writing should review § 2635.807 of this title.

(b) *Prohibited outside employment.* (1) No employee may engage in outside employment that involves:

(i) The practice of law, unless it is uncompensated and in the nature of community service, or unless it is on behalf of himself, his parents, spouse, or children;

(ii) Any criminal or have as corpus matter, be it Federal, State, or local; or

(iii) Litigation, investigations, grants or other matters in which the Department of Justice is or represents a party, witness, litigant, investigator or grant-maker.

(2) Where application of the restrictions of paragraph (b)(1) of this section will cause undue personal or family hardship; unduly prohibit an employee from completing a professional obligation entered into prior to Government service; or unduly restrict the Department from securing necessary and uniquely specialized services, the restrictions may be waived

in writing based upon a determination that the activities covered by the waiver are not expected to involve conduct prohibited by statute or Federal regulation. Employees should refer to DOJ Order 1735.1 on obtaining waivers. The Order is available from the agency designee which, for purposes of this rule, shall be the Deputy Designated Agency Ethics Official for the component.

(c) *Prior approval for outside employment.* (1) An employee must obtain written approval before engaging in outside employment, not otherwise prohibited by paragraph (b) of this section that involves:

(i) The practice of law; or

(ii) A subject matter, policy, or program that is in his component's area of responsibility.

(2) Employees should refer to DOJ Order 1735.1 for procedures on obtaining prior approval. A waiver granted pursuant to paragraph (b)(2) of this section will be sufficient to satisfy this prior approval requirement.

(3) Approval shall be granted only upon a determination that the outside employment is not expected to involve conduct that is prohibited by statute or Federal regulation.

TITLE 28—[AMENDED]

CHAPTER I—DEPARTMENT OF JUSTICE

PART 45—[AMENDED]

2. The authority citation for part 45 is revised to read as follows:

Authority: 5 U.S.C. 301, 7301; 18 U.S.C. 207; 28 U.S.C. 503, 528; DOJ Order 1735.1.

3. Section 45.1 is republished to read as follows:

§ 45.1 Cross-reference to ethical standards and financial disclosure regulations.

Employees of the Department of Justice are subject to the executive branch-wide Standards of Ethical Conduct at 5 CFR part 2635, the Department of Justice regulations at 5 CFR part 3801 which supplement the executive branch-wide standards, the executive branch-wide financial disclosure regulations at 5 CFR part 2634 and the executive branch-wide employee responsibilities and conduct regulations at 5 CFR part 735.

§ 45.3 [Removed]

§ 45.4 [Redesignated as § 45.3]

4. Section 45.3 is removed and § 45.4 is redesignated as § 45.3.

5. A new § 45.4 is added to read as follows:

§ 45.4 Personal use of Government property.

(a) Employees may use Government property only for official business or as authorized by the Government. See 5 CFR 2635.101(b)(9), 2635.704(a). The following uses of Government office and library equipment and facilities are hereby authorized:

(1) Personal uses that involve only negligible expense (such as electricity, ink, small amounts of paper, and ordinary wear and tear); and

(2) Limited personal telephone/fax calls to locations within the office's commuting area, or that are charged to non-Government accounts.

(b) The foregoing authorization does not override any statutes, rules, or regulations governing the use of specific types of Government property (e.g. internal Departmental policies governing the use of electronic mail; and 41 CFR (FPMR) 101-35.201, governing the authorized use of long-distance telephone services), and may be revoked or limited at any time by any supervisor or component for any business reason.

(c) In using Government property, employees should be mindful of their responsibility to protect and conserve such property and to use official time in an honest effort to perform official duties. See 5 CFR 2635.101(b)(9), 2635.704(a), 2635.705(a).

[FR Doc. 97-11476 Filed 5-1-97; 8:45 am]

BILLING CODE 4410-AR-M

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 301

[Docket No. 97-023-1]

Pink Bollworm Regulated Areas

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Interim rule and request for comments.

SUMMARY: We are amending the pink bollworm regulations by removing all or portions of previously regulated areas in Clay, Crittenden, and Mississippi Counties in Arkansas; Dunklin, New Madrid, and Pemiscot Counties in Missouri; and Dyer and Lauderdale Counties in Tennessee from the list of suppressive areas for pink bollworm. We are also removing Missouri and Tennessee from the list of States quarantined because of pink bollworm. We are taking this action because trapping surveys show that the pink

bollworm no longer exists in these areas. This action is necessary to relieve unnecessary restrictions on the interstate movement of regulated articles from these previously regulated areas. This rule also adds a previously nonregulated portion of Poinsett County in Arkansas to the list of suppressive areas for pink bollworm. This action imposes restrictions on the interstate movement of regulated articles from the regulated area in Poinsett County in Arkansas. This action is necessary to prevent the interstate movement of pink bollworm into noninfested areas.

DATES: Interim rule effective May 2, 1997. Consideration will be given only to comments received on or before July 1, 1997.

ADDRESSES: Please send an original and three copies of your comments to Docket No. 97-023-1, Regulatory Analysis and Development, PPD, APHIS, Suite 3C03, 4700 River Road Unit 118, Riverdale, MD 20737-1238. Please state that your comments refer to Docket No. 97-023-1. Comments received may be inspected at USDA, room 1141, South Building, 14th Street and Independence Avenue SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays. Persons wishing to inspect comments are requested to call ahead on (202) 690-2817 to facilitate entry into the comment reading room.

FOR FURTHER INFORMATION CONTACT: Mr. Gary Cunningham, Chief Operations Officer, Program Support Staff, PPQ, APHIS, suite 4C09, 4700 River Road Unit 138, Riverdale, MD 20737-1236, (301) 734-8676; or e-mail: gcunningham@hal.aphis.usda.gov.

SUPPLEMENTARY INFORMATION:

Background

The pink bollworm, *Pectinophora gossypiella* (Saunders), is one of the world's most destructive pests of cotton. This insect spread to the United States from Mexico in 1917 and now exists throughout most of the cotton-producing States west of the Mississippi River.

The pink bollworm regulations, contained in 7 CFR 301.52 through 301.52-10 (referred to below as the regulations), quarantine certain States and restrict the interstate movement of regulated articles from regulated areas in quarantined States for the purpose of preventing the interstate spread of pink bollworm.

Regulated areas for the pink bollworm are designated as either suppressive areas or generally infested areas. Restrictions are imposed on the interstate movement of regulated

articles from both types of areas in order to prevent the movement of pink bollworm into noninfested areas.

Prior to the effective date of this document, all or portions of Clay, Crittenden, and Mississippi Counties in Arkansas; Dunklin, New Madrid, and Pemiscot Counties in Missouri; and Dyer and Lauderdale Counties in Tennessee were designated as suppressive areas. Based on 2 years of negative trapping surveys conducted by inspectors of Arkansas, Missouri, and Tennessee State and county agencies, and by inspectors of the Animal and Plant Health Inspection Service (APHIS), we have determined that pink bollworm no longer exists in these areas. We are, therefore, removing these areas from the list of suppressive areas in § 301.52-2a.

However, surveys conducted by inspectors of APHIS and by State agencies in Arkansas have established that pink bollworm has spread into a portion of Poinsett County, AR. Therefore, in order to prevent the further spread of pink bollworm, we are also amending the list of regulated areas in § 301.52-2a of the regulations by adding a portion of Poinsett County, AR, as a pink bollworm suppressive area. A description of the area designated as a suppressive area is set forth in the rule portion of this document.

As of the effective date of this document, there will be no areas in Missouri or Tennessee regulated because of the pink bollworm. We are, therefore, also removing Missouri and Tennessee from the list of States in § 301.52-2a quarantined because of the pink bollworm.

Immediate Action

The Administrator of the Animal and Plant Health Inspection Service has determined that there is good cause for publishing this interim rule without prior opportunity for public comment. Immediate action is necessary to prevent the interstate movement of pink bollworm to noninfested areas of the United States, and is warranted to relieve unnecessary restrictions on the interstate movement of regulated articles from areas where pink bollworm no longer exists.

Because prior notice and other public procedures with respect to this action are impracticable and contrary to the public interest under these conditions, we find good cause under 5 U.S.C. 553 to make it effective upon publication in the **Federal Register**. We will consider comments that are received within 60 days of publication of this rule in the **Federal Register**. After the comment period closes, we will publish another

document in the **Federal Register**. It 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 interim rule relieves unnecessary restrictions on the interstate movement of regulated articles from certain areas previously regulated for pink bollworm in Arkansas, Missouri, and Tennessee. This interim rule also imposes restrictions on the interstate movement of regulated articles from a portion of Poinsett County in Arkansas in order to prevent the interstate movement of pink bollworm into noninfested areas.

This emergency situation make compliance with section 603 and timely compliance with section 604 of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) impracticable. If we determine that this rule will have a significant economic impact on a substantial number of small entities, then we will discuss the issues raised by section 604 of the Regulatory Flexibility Act in our Final Regulatory Flexibility Analysis.

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 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.

Accordingly, 7 CFR part 301 is amended as follows:

PART 301—DOMESTIC QUARANTINE NOTICES

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

Authority: 7 U.S.C. 147a, 150bb, 150dd, 150ee, 150ff, 161, 162, and 164–167; 7 CFR 2.22, 2.80, and 371.2(c).

§ 301.52 [Amended]

2. In § 301.52, paragraph (a) is amended by removing the words “Missouri,” and “Tennessee.”

3. Section 301.52–2a is amended as follows:

a. The entry for Arkansas is revised to read as set forth below.

b. The entry for Missouri and all of the material pertaining to Missouri are removed.

c. The entry for Tennessee and all of the material pertaining to Tennessee are removed.

§ 301.52–2a Regulated areas; suppressive and generally infested areas.

* * * * *

Arkansas

(1) *Generally infested area.* None.

(2) *Suppressive area.*

Poinsett County. T. 12 N., R. 5 E.; Sections 22, 23, 24, 25, 26, 27, 34, 35, and 36.

* * * * *

Done in Washington, DC, this 25th day of April 1997.

Charles P. Schwalbe,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 97–11463 Filed 5–1–97; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 340

[Docket No. 95–040–2]

RIN 0579–AA73

Genetically Engineered Organisms and Products; Simplification of Requirements and Procedures for Genetically Engineered Organisms

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: This document amends the regulations pertaining to genetically engineered plants introduced under notification and to the petition process for the determination of nonregulated

status. The notification amendments allow most genetically engineered plants that are considered regulated articles to be introduced under the notification procedure, provided that the introduction meets certain eligibility criteria and performance standards. The petition amendments enable the Animal and Plant Health Inspection Service to extend an existing determination of nonregulated status to certain additional regulated articles that are closely related to an organism for which a determination of nonregulated status has already been made. We have prepared guidelines to provide additional information to developers of regulated articles and other interested persons regarding procedures, methods, scientific principles, and other factors that could be considered in support of certain actions under the regulations, and anticipate developing other such guidelines when appropriate for other actions. We are also reducing the field test reporting requirements for certain multi-year field trials conducted under permit or notification procedures.

The amendments simplify procedures for the introduction of certain genetically engineered organisms, requirements for certain determinations of nonregulated status, and procedures for the reporting of field tests conducted under notification. We are also changing all references to “Biotechnology, Biologics, and Environmental Protection” to “Animal and Plant Health Inspection Service” to reflect an internal reorganization within the Agency.

EFFECTIVE DATE: June 2, 1997.

FOR FURTHER INFORMATION CONTACT: Dr. John Payne, Director, Biotechnology and Scientific Services, PPQ, APHIS, 4700 River Road Unit 98, Riverdale, MD 20737–1237; (301) 734–7602. For technical information, contact Dr. Michael Schechtman, Domestic Programs Leader, Biotechnology and Scientific Services, PPQ, APHIS; (301) 734–7601. Guidelines for extensions to determinations of nonregulated status are available on the Internet at the APHIS World Wide Web site, <http://www.aphis.usda.gov/bbep/bp/>, or by mail from Ms. Kay Peterson at the address listed above.

SUPPLEMENTARY INFORMATION:

Background

The regulations in 7 CFR part 340, referred to as the “regulations,” pertain to the introduction (importation, interstate movement, and release into the environment) of genetically engineered organisms and products that are derived from known plant pests

(regulated articles). Before introducing a regulated article, a person is required under § 340.0 of the regulations to either (1) notify the Animal and Plant Health Inspection Service (APHIS) in accordance with § 340.3 or (2) obtain a permit in accordance with § 340.4. Introductions under notification must meet specified eligibility criteria and performance standards. Under § 340.4, a permit is granted when APHIS has determined that the conduct of the trial, under the conditions specified by the applicant or stipulated by APHIS, does not pose a plant pest risk.

On August 22, 1995, APHIS published in the **Federal Register** a proposed rule on Genetically Engineered Organisms and Products; Simplification of Requirements and Procedures for Genetically Engineered Organisms and Products (60 FR 43567–43573, Docket No. 95–040–1). This rule proposed to amend the regulations to allow the introduction under notification procedures of any plant species that is not listed as a noxious weed under regulations in 7 CFR part 360, and for release in the environment, is not considered a weed in the area of the proposed release into the environment. In addition, APHIS proposed to increase the range of virus resistance modifications allowable under notification. APHIS also proposed to amend its administrative procedures by discontinuing the requirement that States in every case provide concurrences for notifications for interstate movement prior to APHIS acknowledgment, and to simplify the reporting requirements on the performance characteristics of regulated articles in field trials conducted under permit or notification.

APHIS further proposed to amend the regulations pertaining to petitions for determinations for nonregulated status in § 340.6 to allow the extension of a previously issued determination of nonregulated status to certain additional regulated articles that are closely related to an organism that was determined not to be a regulated article in the initial determination.

To provide information regarding procedures, methods, practices, or protocols, APHIS indicated its intention to prepare guidelines relating to such considerations.

We solicited comments concerning our proposal for 60 days ending October 23, 1995. During the designated comment period, APHIS received a total of 50 comments on the proposed amendments from industry, universities, State departments of agriculture, science policy organizations, environmental groups,