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OFFICE OF GOVERNMENT ETHICS

5 CFR Parts 2610, 2634, 2636 and 2641

RINs 3209-AA00, 3209-AA13, 3209-AA14

Addition of Paperwork Approval Numbers to and Updating and Correction of Citations in Certain Regulations of the Office of Government Ethics

AGENCY: Office of Government Ethics (OGE).

ACTION: Final rule; technical amendments.

SUMMARY: The Office of Government Ethics is adding the approval control numbers assigned by the Office of Management and Budget (OMB) under the Paperwork Reduction Act to various information collection requirements set forth in certain portions of its financial disclosure and outside employment regulations. In addition, OGE is updating a couple of authority citations and correcting a couple of citation errors in certain of its regulations.

EFFECTIVE DATE: July 7, 1994.

FOR FURTHER INFORMATION CONTACT: William E. Gressman, Office of Government Ethics, telephone: 202-523-5757, FAX: 202-523-6325.

SUPPLEMENTARY INFORMATION: The Office of Government Ethics is amending two of its regulations, codified at 5 CFR parts 2634 and 2636, to add reference to OMB paperwork approval control numbers for the various executive branch-wide information collections contained therein. The paperwork approval numbers for pertinent provisions of the financial disclosure regulation and related forms used to actually collect information are being added in parenthetical references to the appropriate sections of part 2634. These approval numbers cover reporting requirements for executive branch personnel (and certain members of the

public) in part 2634 and the Standard Form (SF) 278 Public Financial Disclosure Report, the OGE Form 201 used to seek access to SF 278s and certain other covered records under the Ethics in Government Act, the SF 450 Confidential Financial Disclosure Report and the various model trust documents and certificates used in connection with qualified trusts. In addition, OGE is indicating the OMB paperwork approval number for the as-yet not effective confidential reporting provision for payments to charitable organizations in lieu of honoraria at § 2636.205 of its outside employment regulation. Finally, OGE is updating the authority citations for 5 CFR parts 2636 and 2641 and is correcting two errors in citations in 5 CFR 2610.201(f) and 2641.101 of its regulations.

Administrative Procedure Act

Pursuant to 5 U.S.C. 553 (b) and (d), as Director of the Office of Government Ethics, I find good cause exists for waiving the general notice of proposed rulemaking and 30-day delay in effectiveness as to these minor revisions. The notice and delayed effective date are being waived because these technical amendments and corrections to certain OGE regulations concern matters of agency organization, practice and procedure and because it is in the public interest that correct and up-to-date citations and information about paperwork approval numbers for the respective information collection requirements be contained in the regulations as soon as possible.

Executive Order 12866

In promulgating these technical amendments to its regulations, OGE has adhered to the regulatory philosophy and the applicable principles of regulation set forth in section 1 of Executive Order 12866, Regulatory Planning and Review. These amendments and corrections have not been reviewed by the Office of Management and Budget under that Executive order, as they deal with agency organization, management and personnel matters and are not, in any event, deemed "significant" thereunder.

Regulatory Flexibility Act

As Director of the Office of Government Ethics, I certify under the Regulatory Flexibility Act (5 U.S.C. chapter 6) that this rulemaking will not

have a significant economic impact on a substantial number of small entities.

Paperwork Reduction Act

The Paperwork Reduction Act (44 U.S.C. chapter 35) does not apply because this technical amendments rulemaking does not itself contain any new information collection requirements that require the approval of the Office of Management and Budget (rather, as noted above, in pertinent part references to existing OMB paperwork control numbers are being added at appropriate places in OGE's regulations).

List of Subjects in 5 CFR Parts 2610, 2634, 2636, and 2641

Administrative practice and procedure, Certificates of Divestiture, Conflict of interests, Financial disclosure, Government employees, Penalties, Privacy, Reporting and recordkeeping requirements, Trusts and trustees.

Approved: June 24, 1994.

Stephen D. Potts,

Director, Office of Government Ethics.

For the reasons set forth in the preamble, the Office of Government Ethics is amending 5 CFR parts 2634 and 2636 and correcting 5 CFR parts 2610 and 2641 as follows:

PART 2610—[CORRECTED]

1. The authority citation for part 2610 continues to read as follows:

Authority: 5 U.S.C. 504(c)(1); 5 U.S.C. App. (Ethics in Government Act of 1978).

§ 2610.201 [Corrected]

2. In § 2610.201, the parenthetical citation to the Paperwork Reduction Act in paragraph (f) "(5 U.S.C. chapter 35)" is revised to read "(44 U.S.C. chapter 35)".

PART 2634—[AMENDED]

3. The authority citation for part 2634 continues to read as follows:

Authority: 5 U.S.C. App. (Ethics in Government Act of 1978); 26 U.S.C. 1043; E.O. 12674, 54 FR 15159, 3 CFR, 1989 Comp., p. 215, as modified by E.O. 12731, 55 FR 42547, 3 CFR, 1990 Comp., p. 306.

4. A new § 2634.409 is added to read as follows:

§ 2634.409 OMB Control Number.

The various model trust documents and Certificates of Independence and Compliance referenced in this subpart, together with the underlying regulatory provisions (and appendixes A, B and C to this part for the Certificates), are all approved by the Office of Management and Budget under control number 3209-0007.

§ 2634.601 [Amended]

5. Section 2634.601 is amended by adding at the end of the regulatory text the following parenthetical phrase "(Approved by the Office of Management and Budget under control numbers 3209-0001 and 3209-0006)".

§ 2634.603 [Amended]

6. Section 2634.603 is amended by adding at the end of the regulatory text the following parenthetical phrase "(Approved by the Office of Management and Budget under control numbers 3209-0001 and 3209-0002)".

PART 2636—[AMENDED]

7. The authority citation for part 2636 is revised to read as follows:

Authority: 5 U.S.C. App. (Ethics in Government Act of 1978); E.O. 12674, 54 FR 15159, 3 CFR, 1989 Comp., p. 215, as modified by E.O. 12731, 55 FR 42547, 3 CFR, 1990 Comp., p. 306.

§ 2636.205 [Amended]

8. Section 2636.205 is amended by adding at the end of the regulatory text the following parenthetical phrase "(Approved by the Office of Management and Budget under control number 3209-0004)".

PART 2641—[CORRECTED]

9. The authority citation for part 2641 is revised to read as follows:

Authority: 5 U.S.C. App. (Ethics in Government Act of 1978); 18 U.S.C. 207; E.O. 12674, 54 FR 15159, 3 CFR, 1989 Comp., p. 215, as modified by E.O. 12731, 55 FR 42547, 3 CFR, 1990 Comp., p. 306.

§ 2641.101 [Corrected]

10. In § 2641.101, the statutory citation in paragraph (2) under the definition of *Senior employee* "5 U.S.C. 5302" is revised to read "5 U.S.C. 5304".

[FR Doc. 94-16095 Filed 7-6-94; 8:45 am]

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DEPARTMENT OF AGRICULTURE**Animal and Plant Health Inspection Service****9 CFR Part 97**

[Docket No. 94-029-1]

Commuted Traveltime Periods: Overtime Services Relating to Imports and Exports

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: We are amending the regulations concerning overtime services provided by employees of Veterinary Services by adding a commuted traveltime allowance for travel between two locations in Oregon. Commuted traveltime allowances are the periods of time required for Veterinary Services employees to travel from their dispatch points and return there from the places where they perform Sunday, holiday, or other overtime duty. The Government charges a fee for certain overtime services provided by Veterinary Services employees and, under certain circumstances, the fee may include the cost of commuted traveltime. This action is necessary to inform the public of commuted traveltime between these locations.

EFFECTIVE DATE: July 7, 1994.

FOR FURTHER INFORMATION CONTACT: Ms. Louise R. Lothery, Director, Resource Management Support, Veterinary Services, APHIS, USDA, room 740, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, (301) 436-7517.

SUPPLEMENTARY INFORMATION:**Background**

The regulations in 9 CFR, chapter I, subchapter D, and 7 CFR, chapter III, require inspection, laboratory testing, certification, or quarantine of certain animals, animal byproducts, plants, plant products, or other commodities intended for importation into, or exportation from, the United States. When these services must be provided by an employee of Veterinary Services (VS) on a Sunday or holiday, or at any other time outside the VS employee's regular duty hours, the Government charges a fee for the services in accordance with 9 CFR part 97. Under circumstances described in § 97.1(a), this fee may include the cost of commuted traveltime. Section 97.2 contains administrative instructions prescribing commuted traveltime allowances, which reflect, as nearly as

practicable, the periods of time required for VS employees to travel from their dispatch points and return there from the places where they perform Sunday, holiday, or other overtime duty.

We are amending § 97.2 of the regulations by adding a commuted traveltime allowance for travel between two locations in Oregon. The amendment is set forth in the rule portion of this document. This action is necessary to inform the public of the commuted traveltime between the dispatch and service locations.

We are also amending § 97.2 to correct the spelling of Troutdale, OR.

Effective Date

The commuted traveltime allowances appropriate for employees performing services at ports of entry, and the features of the reimbursement plan for recovering the cost of furnishing port of entry services, depend upon facts within the knowledge of the Department of Agriculture. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Accordingly, pursuant to the administrative procedure provisions in 5 U.S.C. 553, we find upon good cause that prior notice and other public procedure with respect to this rule are impracticable and unnecessary; we also find good cause for making this rule effective less than 30 days after publication of this document in the **Federal Register**.

Executive Order 12866 and Regulatory Flexibility Act

This final 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.

The number of requests for overtime services of a VS employee at the locations affected by our rule represents an insignificant portion of the total number of requests for these services in the United States.

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.)