

# Rules and Regulations

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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

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## OVERSEAS PRIVATE INVESTMENT CORPORATION

### 5 CFR Chapter XXXIII

### 22 CFR Part 705

RINs 3209-AA00, 3209-AA04, 3209-AA15, and 3209-AA16

### Supplemental Standards of Ethical Conduct for Employees of the Overseas Private Investment Corporation

AGENCY: Overseas Private Investment Corporation (OPIC).

ACTION: Interim rule.

**SUMMARY:** The Overseas Private Investment Corporation, with the concurrence of the Office of Government Ethics (OGE), is issuing a regulation for employees of OPIC that supplements the executive branch-wide Standards of Ethical Conduct issued by OGE. The Overseas Private Investment Corporation is also repealing its existing agency standards of conduct regulations that are now superseded by the branch-wide Standards of Ethical Conduct and by the executive branch financial disclosure regulation also issued by OGE. In the place of those OPIC regulations, the Overseas Private Investment Corporation is substituting a cross-reference to the new branch-wide regulations and this supplemental regulation.

**DATES:** Interim rule effective July 17, 1993. Comments are invited and must be received on or before August 2, 1993.

**ADDRESSES:** Send comments to the Overseas Private Investment Corporation, 1100 New York Avenue, NW., Washington, DC 20527, Attention Ms. Scott.

**FOR FURTHER INFORMATION CONTACT:** Jane H. Chalmers or Kathryn R. Scott, Overseas Private Investment Corporation, Office of Legal Affairs, telephone (202) 336-8400.

## SUPPLEMENTARY INFORMATION:

### I. Analysis of Regulation

On August 7, 1992, the Office of Government Ethics published the Standards of Ethical Conduct for Employees of the Executive Branch (Standards) for codification at 5 CFR part 2635. See 57 FR 35006-35067, as corrected at 57 FR 48557 (October 27, 1992) and 57 FR 52583 (November 4, 1992). The Standards, effective February 3, 1993, set uniform ethical conduct standards applicable to all executive branch personnel.

With the concurrence of OGE, 5 CFR 2635.105 authorizes executive agencies to publish agency-specific supplemental regulations that are necessary to properly implement their respective ethics programs. The Overseas Private Investment Corporation and OGE have determined that the following interim supplemental rule is necessary for successful implementation of OPIC's ethics program, in light of OPIC's operations.

5 CFR 2635.105 and 2635.803 authorize individual agencies, by supplemental regulation, to require employees to obtain approval before engaging in outside employment activities. This interim rule, for codification at 5 CFR 4301.101, will require any employee of OPIC who wants to engage in outside employment to obtain prior approval of such activity from OPIC's Designated Agency Ethics Official.

The Overseas Private Investment Corporation is also repealing its existing standards of conduct regulations at 22 CFR part 705 which, except for the sections noted immediately below, were superseded by the executive branch-wide Standards on February 3, 1993. Sections 705.735-104, 705.735-109 and part of 705.735-110 of OPIC's standards, dealing with financial disclosure, were superseded on October 5, 1992 by OGE's executive branch-wide financial disclosure regulation codified at 5 CFR part 2634. See 57 FR 11800-11830 (April 7, 1992), as amended at 57 FR 21854-21855 (May 22, 1992) and 57 FR 62605 (December 31, 1992). In place of its old standards at 22 CFR part 705, OPIC is issuing a residual cross-reference provision at new 22 CFR 705.101 to refer to both the branch-wide Standards and financial disclosure regulations and to OPIC's new supplemental regulation.

## II. Matters of Regulatory Procedure

### Administrative Procedure Act

As General Counsel of OPIC, I have found good cause pursuant to 5 U.S.C. 553(b) for waiving, as unnecessary and contrary to the public interest, the general notice of proposed rulemaking and the 30-day delay in effectiveness as to these interim rules and repeal. The reason for this determination is that it is important to a smooth transition from OPIC's prior ethics rules to the new executive branch-wide Standards and financial disclosure regulations that these rulemaking actions take place as soon as possible. Furthermore, this rulemaking is related to OPIC organization, procedure and practice. Nonetheless, this is an interim rulemaking, with provision for a 45-day public comment period. The Overseas Private Investment Corporation will review all comments received during the comment period and will consider any modifications that appear appropriate in adopting these rules as final, with the concurrence of the Office of Government Ethics.

### Executive Order 12291, Federal Regulation

As General Counsel of OPIC, I have determined that this is not a major rule as defined in section 1(b) of Executive Order 12291 of February 17, 1981.

### Regulatory Flexibility Act

As General Counsel of OPIC, I have determined under the Regulatory Flexibility Act (5 U.S.C. chapter 6) that this regulation will not have a significant impact on small business entities because it affects only OPIC employees.

### Paperwork Reduction Act

As General Counsel of OPIC, I have determined that the Paperwork Reduction Act (44 U.S.C. chapter 35) does not apply because this regulation does not contain any information collection requirements that require the approval of the Office of Management and Budget.

### List of Subjects in 5 CFR Part 4301 and 22 CFR Part 705

Conflict of interests, Government employees.

Dated: March 3, 1993.

Jane H. Chalmers,  
Acting General Counsel, Overseas Private  
Investment Corporation.

Approved: March 18, 1993.

Stephen D. Potts,  
Director, Office of Government Ethics.

For the reasons set forth in the preamble, the Overseas Private Investment Corporation, in concurrence with the Office of Government Ethics, is amending title 5 of the Code of Federal Regulations and title 22, chapter VII, of the Code of Federal Regulations, as follows:

#### TITLE 5—[AMENDED]

1. A new chapter XXXIII, consisting of part 4301, is added to title 5 of the Code of Federal Regulations to read as follows:

##### 5 CFR CHAPTER XXXIII—OVERSEAS PRIVATE INVESTMENT CORPORATION

##### PART 4301—SUPPLEMENTAL STANDARDS OF ETHICAL CONDUCT FOR EMPLOYEES OF THE OVERSEAS PRIVATE INVESTMENT CORPORATION

###### § 4301.101 Prior approval for outside employment.

Any employee of the Overseas Private Investment Corporation who is interested in engaging in outside employment must first obtain approval from the Designated Agency Ethics Official before engaging in such employment activity. For this purpose, employment has the meaning set forth in § 2635.603(a) of this title.

**Authority:** 5 U.S.C. 7301; 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; 5 CFR 3635.105, 2635.803.

##### 22 CFR CHAPTER VII—OVERSEAS PRIVATE DEVELOPMENT CORPORATION, INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

2. Part 705 of 22 CFR chapter VII is revised to read as follows:

##### PART 705—EMPLOYEE ETHICAL CONDUCT STANDARDS AND FINANCIAL DISCLOSURE REGULATIONS

###### § 705.101 Cross-reference to employee ethical conduct standards and financial disclosure regulations.

Employees of the Overseas Private Investment Corporation (OPIC) should refer to the executive branch-wide Standards of Ethical Conduct at 5 CFR part 2635, the OPIC regulation at 5 CFR 4301.101 which supplements the

executive branch-wide standards, and the executive branch-wide financial disclosure regulation at 5 CFR part 2634.

**Authority:** 5 U.S.C. 7301.

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#### DEPARTMENT OF AGRICULTURE

##### Agricultural Marketing Service

##### 7 CFR Part 999

[Docket No. FV-92-039FR]

##### Final Rule Establishing Pit and Pit Fragment Tolerances for Dried Prunes Imported into the United States

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

**ACTION:** Final rule.

**SUMMARY:** The Agricultural Marketing Service is adopting, without modification, as a final rule the provisions of an interim final rule which established pit and pit fragment tolerances for imported pitted and pitted macerated dried prunes. Prior to the interim final rule, no tolerance was specified for pits or pit fragments under the import regulation. This action is required under section 8e of the Agricultural Marketing Agreement Act of 1937 to bring the import requirements for dried prunes into conformity with the requirements of the marketing order for dried prunes produced in California. **EFFECTIVE DATE:** July 19, 1993.

**FOR FURTHER INFORMATION CONTACT:** Richard Van Diest, California Marketing Field Office, Fruit and Vegetable Division, AMS, USDA, 2202 Monterey Street, suite 102B, Fresno, California 93721, telephone (209) 487-5901; or Kathleen M. Finn, Marketing Order Administration Branch, F&V, AMS, USDA, P.O. Box 96456, room 2523-S, Washington, DC 20090-6456; telephone (202) 720-1509.

**SUPPLEMENTARY INFORMATION:** This final rule, which adopts the interim final rule which amended the prune import regulation (§ 999.200), is issued under section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), hereinafter referred to as the Act. Section 8e provides that whenever certain specified commodities, including prunes, are regulated under a Federal marketing order, imports of that commodity must meet the same or comparable grade, size, quality, and maturity requirements as those in effect for the domestically produced commodity. Marketing Order

No. 993, as amended (7 CFR part 993), prescribes grade and size requirements for dried prunes produced in California.

This final rule has been reviewed by the Department of Agriculture (Department) in accordance with Departmental Regulation 1512-1 and the criteria contained in Executive Order 12291 and has been determined to be a "non-major" rule.

This final rule has also been reviewed under Executive Order 12778, Civil Justice Reform. This action is not intended to have retroactive effect. This rule will not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule. There are no administrative procedures which must be exhausted prior to any judicial challenge to the provisions of this rule.

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

Import regulations issued under the Act are based on regulations established under Federal marketing orders for fresh fruits, vegetables, and specialty crops, like prunes. Thus, import regulations should also have small entity orientation and impact both small and large business entities in a manner comparable to rules issued under such marketing orders.

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, including importers, are defined as those whose annual receipts are less than \$3,500,000. Currently, pitted and pitted macerated dried prunes are not imported into the United States, and thus, at this time no importers are affected by the regulations implemented by this action.

Grade and size requirements are included in section 999.200 covering prunes imported into the United States. However, these requirements did not set standards for pitted and pitted macerated dried prunes. The interim final rule established the requirements