

Commission may be in the employ of or hold any official relation to any person significantly regulated by the Commission under that Act. In addition, the Commissioners are prohibited by section 4(b) of the Communications Act, at 47 U.S.C. 154(b)(4), from engaging in any other business, vocation, profession, or employment.

Note: Under the Supplemental Standards of Ethical Conduct for Employees of the Federal Communications Commission, at 5 CFR 3901.102, professional employees of the Commission must obtain approval before engaging in the private practice of the same profession as that of the employee's official position, whether or not for compensation.

§ 19.735-202 Financial interests prohibited by the Communications Act.

(a) No Commissioner shall have a pecuniary interest in any hearing or proceeding in which he participates. (47 U.S.C. 154(j).)

(b) (1) Section 4(b) of the Communications Act, at 47 U.S.C. 154(b)(2)(A), provides:

No member of the Commission or person employed by the Commission shall:

(i) Be financially interested in any company or other entity engaged in the manufacture or sale of telecommunications equipment which is subject to regulation by the Commission;

(ii) Be financially interested in any company or other entity engaged in the business of communication by wire or radio or in the use of the electromagnetic spectrum;

(iii) Be financially interested in any company or other entity which controls any company or other entity specified in clause (i) or clause (ii), or which derives a significant portion of its total income from ownership of stocks, bonds, or other securities of any such company or other entity; or

(iv) Be employed by, hold any official relation to, or own any stocks, bonds, or other securities of, any person significantly regulated by the Commission under this act; except that the prohibitions established in this subparagraph shall apply only to financial interests in any company or other entity which has a significant interest in communications, manufacturing, or sales activities which are subject to regulation by the Commission.

(2) To determine whether an entity has a significant interest in communications related activities that are subject to Commission regulations, the Commission shall consider, without excluding other relevant factors, the criteria in section 4(b) of the Communications Act, at 47 U.S.C. 154(b)(3). These criteria include:

(i) The revenues and efforts directed toward the telecommunications aspect of the business;

(ii) The extent of Commission regulation over the entity involved;

(iii) The potential economic impact of any Commission action on that particular entity; and

(iv) The public perception regarding the business activities of the company.

(3)(i) Section 4(b) of the Communications Act, at 47 U.S.C. 154(b)(2)(B)(i), permits the Commission to waive the prohibitions at 47 U.S.C. 154(b)(2)(A). The Act's waiver provision at 47 U.S.C. 154(b)(2)(B)(i) provides:

The Commission shall have authority to waive, from time to time, the application of the prohibitions established in subparagraph (A) of section 4(b) to persons employed by the Commission if the Commission determines that the financial interests of a person which are involved in a particular case are minimal, except that such waiver authority shall be subject to the provisions of section 208 of title 18, United States Code. The waiver authority established in this subparagraph shall not apply with respect to members of the Commission.

(ii)(A) Requests for waiver of the provisions of 47 U.S.C. 154(b)(2)(A) may be submitted by an employee to the Head of the employee's Office or Bureau, who will endorse the request with an appropriate recommendation and forward the request to the Designated Agency Ethics Official. The Designated Agency Ethics Official has delegated authority to waive the applicability of 47 U.S.C. 154(b)(2)(A).

(B) All requests for waiver shall be in writing and in the required detail. The dollar value for the financial interest sought to be waived shall be expressed explicitly or in categories of value provided at 5 CFR 2634.301(d).

(C) Copies of all waiver requests and the action taken thereon shall be maintained by the Designated Agency Ethics Official. In any case in which the Commission exercises the waiver authority established in section 4(b) of the Communications Act, the Commission shall publish notice of such action in the Federal Register and shall furnish notice of such action to the appropriate committees of each House of the Congress. Each such notice shall include information regarding the identity of the person receiving the waiver, the position held by such person, and the nature of the financial interests which are the subject of the waiver.

§ 19.735-203 Nonpublic information.

(a) Except as authorized in writing by the Chairman pursuant to paragraph (b) of this section, or otherwise as authorized by the Commission or its rules, nonpublic information shall not be disclosed, directly or indirectly, to any person outside the Commission. Such information includes, but is not limited to, the following:

(1) The content of agenda items (except for compliance with the Government in the Sunshine Act, 5 U.S.C. 552b); or

(2) Actions or decisions made by the Commission at closed meetings or by circulation prior to the public release of such information by the Commission.

(b) An employee engaged in outside teaching, lecturing, or writing shall not use nonpublic information obtained as a result of his Government employment in connection with such teaching, lecturing, or writing except when the Chairman gives written authorization for the use of that nonpublic information on the basis that its use is in the public interest.

(c) This section does not prohibit the disclosure of an official Commission meeting agenda listing titles and summaries of items for discussion at an open Commission meeting. Also, this section does not prohibit the disclosure of information about the scheduling of Commission agenda items.

Note: Employees also should refer to the provisions of the Standards of Ethical Conduct for Employees of the Executive Branch, at 5 CFR 2635.703, on the use of nonpublic information. As is the case with section 2635.703, this part is intended only to cover knowing unauthorized disclosures of nonpublic information.

[FR Doc. 96-27735 Filed 10-30-96; 8:45 am]

BILLING CODE 6712-01-F

DEPARTMENT OF AGRICULTURE

Rural Housing Service

Rural Business-Cooperative Service

Rural Utilities Service

Farm Service Agency

7 CFR Parts 1901, 1924, 1944

RIN 0575-AC06

Davis-Bacon Act *C*

AGENCIES: Rural Housing Service, Rural Business-Cooperative Service, Rural Utilities Service, and Farm Service Agency, USDA.

ACTION: Final rule.

SUMMARY: The Rural Housing Service (RHS) is removing its regulation that contains procedures and requirements for complying with the Davis-Bacon and related Acts. Under the reorganization of the Department of Agriculture, RHS is the successor to the former Farmers Home Administration (FmHA) for the administration of rural housing programs under title V of the Housing Act of 1949. Regulations regarding

Planning and Performing Development Work, and Farm Labor Housing Grants are also impacted by this rule. This regulation is being removed since the portions thereof that contain information the public needs to know are published in 29 CFR parts 1, 3, and 5. Therefore, this action will remove duplication of regulations. This rule, however, will not remove or change the requirement for certain RHS-financed construction projects to comply with the Davis-Bacon and related Acts.

EFFECTIVE DATE: October 31, 1996.

FOR FURTHER INFORMATION CONTACT:

Keith A. Suerdieck, Architect, Rural Housing Service, USDA, Ag Box 0761, Room 6309, South Agriculture Building, 14th Street and Independence Avenue SW., Washington, D.C. 20250-0761, Telephone (202) 720-9619.

SUPPLEMENTARY INFORMATION:

Classification

This rule has been determined to be not significant for purposes of Executive Order 12866 and, therefore, has not been reviewed by the Office of Management and Budget.

Regulatory Flexibility Act

This rule has been reviewed with regard to the requirements of the Regulatory Flexibility Act (5 U.S.C. 601-612). The Administrator of RHS has determined and certified that this action will not have a significant economic impact on a substantial number of small entities since it will not change the requirements and procedures of the Davis-Bacon and other related Acts, as published in 29 CFR parts 1, 3 and 5 and as they apply to the affected projects financed by RHS.

The Unfunded Mandate Reform Act

Title II of the Unfunded Mandate Reform Act of 1995 (UMRA), Pub. L. 104-4, establishes requirements for Federal agencies to assess the effects of their regulatory actions on state, local, and tribal governments and the private sector. Under section 202 of the UMRA, RHS generally must prepare a written statement, including a cost-benefit analysis, for proposed and final rules with "Federal mandates" that may result in expenditures to state, local or tribal governments, in the aggregate, or to the private sector. When such a statement is needed for a rule, section 205 of the UMRA generally requires RHS to identify and consider a reasonable number of regulatory alternatives and adopt the least costly, more cost-effective or least burdensome alternative that achieves the objective of the rule.

This rule contains no Federal mandates (under regulatory provisions of title II of the UMRA) for state, local, and tribal governments or the private sector. Thus, this rule is not subject to the requirements of sections 202 and 205 of the UMRA.

Environmental Impact Statement

This document has been reviewed in accordance with 7 CFR part 1940, subpart G, "Environmental Program." It is the determination of RHS that this action does not constitute a major Federal action significantly affecting the quality of the human environment, and in accordance with the National Environmental Policy Act of 1969, Pub. L. 91-190, an Environmental Impact Statement is not required.

Programs Affected

The affected programs are listed in the Catalog of Federal Domestic Assistance under Numbers:

- 10.405 Farm Labor Housing Loans and Grants
- 10.415 Rural Rental Housing Loans

Intergovernmental Consultation

For the reason set forth in the final rule related Notice to 7 CFR part 3015, subpart V, 48 FR 29115, June 24, 1983, these programs are excluded from the scope of Executive Order 12372, which requires intergovernmental consultation with State and local officials.

Civil Justice Reform

This final rule has been reviewed under Executive Order 12778, Civil Justice Reform. In accordance with this rule: (1) All state and local laws and regulations that are in conflict with this rule will be preempted; (2) no retroactive effect will be given to this rule; and (3) administrative proceedings in accordance with the regulations at 7 CFR part 11 and part 1900, subpart B, be exhausted before bringing suit in court challenging action taken under this rule unless those regulations specifically allow bringing suit at an earlier time.

Paperwork Reduction Act

The information collection requirements contained in this regulation have been previously approved by the Office of Management and Budget (OMB) under the provisions of 44 U.S.C. chapter 35 and have been assigned OMB control numbers 1215-0017, 1215-0140, and 1215-0149, in accordance with the Paperwork Reduction Act of 1980. This final rule does not impose any new information collection requirements from those approved by OMB.

Discussion

Procedures and requirements contained in this regulation for complying with the Davis-Bacon and related Acts are also contained in the Department of Labor regulations (29 CFR parts 1, 3, and 5). In keeping with the spirit of regulation reduction, RHS feels there is no need for the procedures and requirements to be published in more than one regulation. The requirement for certain RHS-financed construction projects to comply with the Davis-Bacon and related Acts is not removed or changed in any way by this rule.

Portions of this regulation that only involve internal Agency management are revised as an agency guideline. The guideline is for RHS usage in implementing procedures as prescribed in the Department of Labor regulations. The guideline is not published in the Code of Federal Regulations, but is available in any RHS office. Attached to the guideline is a copy of the labor standards provisions published in 29 CFR part 5 and may be locally reproduced and distributed to program participants as necessary.

It is the policy of this Department to publish for comment rules relating to public property, loans, grants, benefits or contracts notwithstanding the exemption in 5 U.S.C. 553 with respect to such rules. This action, however, is not published for prior notice and comment since it involves only internal Agency management, and publication for prior notice and comment is unnecessary and contrary to the public interest.

Conforming changes which are necessary to other regulations as a result of removing subpart D of part 1901 are included.

List of Subjects in 7 CFR Parts 1901, 1924, and 1944

Agriculture, Construction management, Construction and repair, Energy conservation, Farm labor housing, Grant programs—Housing and community development, Housing, Loan programs—Agriculture, Loan programs—Housing and community development, Low and moderate income housing, Migrant labor, Minimum wages, Nonprofit organizations, Public housing, Rent subsidies, Rural housing.

Accordingly, parts 1901, 1924 and 1944 of title 7, Code of Federal Regulations are amended as follows:

PART 1901—PROGRAM-RELATED INSTRUCTIONS

Subpart D—[Removed and Reserved]

1. Under the Authority 7 U.S.C. 1989, 42 U.S.C. 1480, and subpart D, consisting of §§ 1901.151–1901.158 and Exhibit A, is removed and reserved.

PART 1924—CONSTRUCTION AND REPAIR

2. The authority citation for part 1924 is revised to read as follows:

Authority: 5 U.S.C. 301; 7 U.S.C. 1989; 42 U.S.C. 1480.

Subpart A—Planning and Performing Construction and Other Development

3. Section 1924.6 is amended in paragraph (a)(3)(iv) by revising the words “and/or” to “or;” in paragraph (a)(6) by revising the reference to “SCS” to read “NRCS;” in the first sentence of paragraph (a)(8) by revising the phrase “physically handicapped persons” to read “people with disabilities”; and by revising paragraph (a)(5) to read as follows:

§ 1924.6 Performing development work.

* * * * *

(a) * * *

(5) *Labor standards provisions.* The provisions of the Davis-Bacon and related acts, which are published by the Department of Labor (29 CFR parts 1, 3 and 5), will apply when the contract involves either LH grant assistance, or 9 or more units in a project being assisted under the HUD section 8 housing assistance payment program for new construction.

* * * * *

§ 1924.13 [Amended]

4. Section 1924.13 is amended in paragraph (e)(1)(ii), Item XVI by removing the phrase “[Exhibit A to Subpart D of Part 1901 of this chapter, where applicable.]” and by adding the phrase “[Where applicable.]”.

* * * * *

PART 1944—HOUSING

5. The authority citation for part 1944 continues to read as follows:

Authority: 5 U.S.C. 301; 7 U.S.C. 1989; 42 U.S.C. 1480.

Subpart D—Farm Labor Housing Loan and Grant Policies, Procedures, and Authorizations

6. Section 1944.169 is amended in paragraph (c)(4)(v) by revising the reference to the “Administrator of the Soil Conservation Service” to read

“Chief of the Natural Resources Conservation Service;” and by revising paragraph (c)(2) to read as follows:

§ 1944.169 Technical, legal, and other services.

* * * * *

(c) * * *

(2) *Labor standards provisions.*

Construction financed with the assistance of an LH grant will be subject to the provisions of the Davis-Bacon and related acts, and the regulations implementing those acts published by the Department of Labor regulations at 29 CFR parts 1, 3, and 5.

* * * * *

Subpart D [Amended]

7. Exhibit A–1 to subpart D is amended by removing the last two sentences in paragraph II (E) and adding a new sentence in their place to read “If an LH grant is proposed, construction will be subject to the provisions of the Davis-Bacon and related Acts. LH grant applicants should, therefore, obtain a copy of the Department of Labor regulations (29 CFR part 5), which contain the applicable labor standards provisions.”

Dated: August 16, 1996.

Jill Long Thompson,

Under Secretary, Rural Development.

[FR Doc. 96–27766 Filed 10–30–96; 8:45 am]

BILLING CODE 3410–XY–U

Animal and Plant Health Inspection Service

9 CFR Parts 71 and 75

[Docket No. 96–040–2]

CEM; Remove Interstate Movement Regulations

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Direct final rule; confirmation of effective date.

SUMMARY: On September 10, 1996, the Animal and Plant Health Inspection Service published a direct final rule. (See 61 FR 47669–47671, Docket No. 96–040–1.) The direct final rule notified the public of our intention to remove the regulations governing the interstate movement of horses affected with or exposed to contagious equine metritis and to add this disease to a list of diseases not known to exist in the United States. The last areas of the United States quarantined for contagious equine metritis were removed from quarantine in 1987, and the disease has not been known to exist

in the United States since that time. We did not receive any written adverse comments or written notice of intent to submit adverse comments in response to the direct final rule.

EFFECTIVE DATE: The effective date of the direct final rule is confirmed as: November 12, 1996.

FOR FURTHER INFORMATION CONTACT: Dr. Tim Cordes, Senior Staff Veterinarian, National Animal Health Programs, VS, APHIS, 4700 River Road Unit 43, Riverdale, MD 20737–1231, (301) 734–3279.

Authority: 21 U.S.C. 111–113, 114a, 114a–1, 115–117, 120–126, and 134–134h; 7 CFR 2.22, 2.80, and 371.2(d).

Done in Washington, D.C., this 24th day of October 1996.

A. Strating,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 96–27973 Filed 10–30–96; 8:45 am]

BILLING CODE 3410–34–P

9 CFR Part 78

[Docket No. 96–043–1]

Brucellosis in Cattle; State and Area Classifications; Louisiana

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Interim rule and request for comments.

SUMMARY: We are amending the brucellosis regulations concerning the interstate movement of cattle by changing the classification of Louisiana from Class A to Class Free. We have determined that Louisiana meets the standards for Class Free status. This action relieves certain restrictions on the interstate movement of cattle from Louisiana.

DATES: Interim rule effective October 31, 1996. Consideration will be given only to comments received on or before December 30, 1996.

ADDRESSES: Please send an original and three copies of your comments to Docket No. 96–043–1, 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. 96–043–1. 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.