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OFFICE OF GOVERNMENT ETHICS

5 CFR Part 2636

Regulation Requiring Confidential Reporting of Payments to Charitable Organizations in Lieu of Honoraria; Further Deferral of Effective Date

AGENCY: Office of Government Ethics.

ACTION: Further deferral of effective date of interim rule provision.

SUMMARY: The Office of Government Ethics (OGE) is further deferring the effective date of its interim rule for the executive branch on confidential reporting of payments to charities in lieu of honoraria (see 56 FR 1727–1728, January 17, 1991 and 56 FR 21589, May 10, 1991). The regulation, 5 CFR 2636.205, will now become effective on February 18, 1992.

DATES: The effective date of 5 CFR 2636.205 is further deferred until February 18, 1992.

ADDRESSES: Any comments or questions should be sent to William E. Gressman, Office of Government Ethics, suite 500, 1201 New York Avenue, NW., Washington, DC 20005–3917.

FOR FURTHER INFORMATION CONTACT: Mr. Gressman of OGE at the address above, telephone (202/FTS) 523–5757, FAX (202/FTS) 523–6325.

SUPPLEMENTARY INFORMATION: The Office of Government Ethics published 5 CFR 2636.205, the confidential reporting provision for payments to charitable organizations in lieu of honoraria, as an interim rule in the **Federal Register** on January 17, 1991 and provided for an effective date of May 15, 1991 (see 56 FR 1721–1730). The remainder of that interim regulation, 5 CFR part 2636, entitled "Limitations on Outside Employment and Prohibition of Honoraria; Confidential Reporting of Payments to Charities in Lieu of Honoraria," was effective January 1, 1991 and continues in effect. On May 10, 1991, OGE deferred the effective date of § 2636.205 until October 15, 1991 in order to allow more time to adopt a new reporting form; as noted below, OGE now needs additional time to complete that process.

OGE continues to work on a draft confidential standard reporting form to collect the information specified in 5 CFR 2636.205 and the underlying section of the Ethics in Government Act as amended, 5 U.S.C. appendix 102(a)(1)(A). Because the new form will collect information from some members of the public (terminees who file after leaving the Government) as well as current Federal employees, it must be submitted to the Office of Management and Budget (OMB) for review and approval under the Paperwork Reduction Act of 1980, 44 U.S.C. chapter 35 (the § 2636.205 regulation itself was approved thereunder by OMB on April 10, 1991). In addition, since the form will be a standard form, OGE will also submit it to the General Services Administration (GSA) for its review and approval in accordance with standard form clearance procedures. In order to allow an adequate amount of time for OGE to finish preparing the new reporting form, submit it to OMB and GSA for approval, and provide for a public comment period before final issuance of the form, the Office of Government Ethics has determined to further defer the effective date of the 5 CFR 2636.205 reporting regulation until February 18, 1992.

Approved: October 7, 1991.

Stephen D. Potts,

Director, Office of Government Ethics.

[FR Doc. 91–24588 Filed 10–10–91; 8:45 am]

BILLING CODE 6345–01–M

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 75

[No. LS–90–112]

Increase Testing Fees for Inspection and Certification of Quality of Agricultural and Vegetable Seeds Under the Agricultural Marketing Act of 1946

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This final rule amends 7 CFR part 75 by increasing the applicable fees for testing seed under the voluntary seed inspection and certification program. The increased fees which are to be paid by the users of the service are necessary because of increased costs of operating the program. The increased fees are intended to generate sufficient revenue to offset the costs of operating the program. In addition, a new section is added to display the OMB control number assigned to the information collection requirements contained in part 75.

EFFECTIVE DATE: November 12, 1991.

FOR FURTHER INFORMATION CONTACT: James P. Triplitt, Chief, Seed Regulatory and Testing Branch, 301–344–4430.

SUPPLEMENTARY INFORMATION: This rule is authorized by the Agricultural Marketing Act (AMA) of 1946, as amended, 7 U.S.C. 1621 *et seq.*, which provides for voluntary seed inspection and certification services. The AMA authorizes the Secretary to inspect, and certify the quality of agricultural products and collect such fees as reasonable to cover as nearly as practicable the cost of service rendered. This revision is to increase the fees to be charged for the inspection and certification of agricultural and vegetable seeds to reflect the Department's cost of operating the program.

This action has been reviewed under Executive Order No. 12291 and Departmental Regulation 1512–1 and has been determined to be a non-major rule under the criteria contained therein. This action was also reviewed under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The Administrator of AMS has determined that this action will not have a substantial economic impact on a significant number of small entities. Although some seed growers and shippers using this service may be classified as small entities, the effect of the increased fees will be minimal. Under this final rule the average cost for a test will increase from $41.26 to approximately $49.98. It is estimated that the total revenue generated by this increase will be approximately $20,000 annually.

The AMA provides for the inspection and certification of quality of agricultural and vegetable seeds in order to brinq about efficient, orderly marketing and to assist the development of new or expanding markets. The AMA provides for the collection of fees and charges equal to the cost of providing the service. The service is voluntary and available to anyone.

Under the voluntary program samples of agricultural and vegetable seeds submitted are tested for factors such as purity and germination at the request of the applicant for the service. In addition, grain samples, submitted at the applicant's request, by the Federal Grain Inspection Service are examined for the presence of certain weed and crop seed. A Federal Seed Analysis, Sample Inspection, Certificate is issued giving the test results. Of 2,000 samples tested in 1990, most represented seed or grain scheduled for export. Many importing countries require a Federal Seed Analysis Certificate on U.S. seed.

The fees were last increased June 1, 1984. Since that time there have been increases in salaries and fringe benefits of botanists, clerical, and supervisory personnel as well as all administrative costs of operating the program. In addition, some aging testing equipment such as seed germinators must be replaced in order to continue to provide accurate, timely test results. After reviewing the current costs the department determined that the present fees were insufficient to cover the department's cost of operation. In view of the above, the hourly rate for voluntary seed inspection and certification services is increased from $23.40 to $29.40. In addition, the cost of issuing additional duplicate original certificates will be increased from $3.30 to $7.35. Approximately one-fourth hour is required to issue additional duplicate certificates.

In addition, this final rule adds a new § 75.49 to display the OMB control number assigned to the information collection requirements in part 75. The information collection requirements contained in part 75 have been previously approved by the Office of Management and Budget in accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. chapter 35), and has been assigned OMB Control No. 0581–0140.

A proposed rule was published in the **Federal Register** on May 2, 1991 [56 FR 20146]. Comments on the proposed rule were invited from interested persons until June 3, 1991. No comments were received. Therefore, it has been determined that the changes to the regulations as proposed should be adopted.

List of Subjects in 7 CFR Part 75

Administrative practice and procedure, Agricultural commodities, Reporting and recordkeeping requirements, Seeds, Vegetables.

PART 75—REGULATIONS FOR INSPECTION AND CERTIFICATION OF QUALITY OF AGRICULTURAL AND VEGETABLE SEEDS

1. The authority citation for 7 CFR part 75 continues to read as follows:

Authority: Secs. 203, 205, 60 Stat. 1087 and 1090, as amended (7 U.S.C. 1622 and 1624).

§ 75.41 [Amended]

2. In § 75.41, remove "$23.40" and add in its place "$29.40."

§ 75.47 [Amended]

3. In § 75.47, remove "$3.30" and add in its place "$7.35."

4. Section 75.49 is added to read as follows:

§ 75.49 OMB control numbers.

The control number assigned to the information collection requirements by the Office of Management and Budget pursuant to the Paperwork Reduction Act of 1980 is as follows: OMB Control No. 0581–0140.

Done at Washington, DC on October 4, 1991.

Kenneth C. Clayton,

Acting Administrator.

[FR Doc. 91–24362 Filed 10–10–91; 8:45 am]

BILLING CODE 3410–02–M

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7 CFR Part 1210

[WRPA Docket No. 1; FV–91–253]

Watermelon Research and Promotion Plan; Amendments to Rules and Regulations

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: The Department of Agriculture is adopting without modification as a final rule an interim final rule which amended the Watermelon Research and Promotion Plan's rules and regulations by clarifying when the 90-day refund period begins for assessments paid by producers and handlers and specifying that, when requesting a refund, handlers must submit copies of a specified report, and producers must submit receipts or copies of receipts received from handlers on the date the producer's watermelons were handled. This action benefits both producers and handlers by clarifying when the refund period starts and what documentation is acceptable for proving payment of assessments.

EFFECTIVE DATE: October 11, 1991.

FOR FURTHER INFORMATION CONTACT: Richard H. Mathews, Marketing Order Administration Branch, F&V, AMS, USDA, room 2525–South, P.O. Box 96456, Washington, DC 20090–6456; telephone (202) 447–4140.

SUPPLEMENTARY INFORMATION: This final rule is issued under the Watermelon Research and Promotion Plan (Plan) (7 CFR part 1210). The Plan is effective under the Watermelon Research and Promotion Act (7 U.S.C. 4901–4916), hereinafter referred to as the Act.

This final rule has been reviewed by the Department of Agriculture (Department) in accordance with Departmental Regulation No. 1512–1 and the criteria contained in Executive Order 12291 and has been determined to be a "non-major" rule.

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

The Act and Plan provide that all producers (not including persons engaged in the growing of less than five acres of watermelons) and handlers of watermelons are subject to regulation under the Plan for watermelons produced in the contiguous 48 States. The Act and Plan provide that watermelon producers and handlers pay equal assessments for operating the program. The Act and Plan further provide that handlers are responsible for collecting and submitting both producer and handler assessments to the National Watermelon Promotion Board (Board), reporting their handling of watermelons, and for maintaining records necessary to verify their reportings.

There are approximately 750 watermelon handlers and 5,000 watermelon producers subject to regulation under the Plan. Small agricultural service firms are defined by the Small Business Administration (13 CFR 121.2) as those having annual receipts of less than $3,500,000 and small agricultural producers are defined as those having annual receipts of less than $500,000. The majority of watermelon handlers and producers may be classified as small entities.

This action will not have a significant economic impact on small handlers or producers. This action benefits both producers and handlers by clarifying when the refund period starts and what documentation is acceptable for proving payment of assessments.

Section 1647(b)(2) of the Act (7 U.S.C. 4906(b)(2)) and 1210.327(b) of the Plan (7 CFR 1210.327(b)) authorize the Board to recommend to the Secretary such rules and regulations as are necessary to effectuate the terms and conditions of the Plan.

An interim final rule amending § 1210.520 (7 CFR 1210.520) was issued June 21, 1991, and published in the **Federal Register** (56 FR 29399, June 27, 1991), based on recommendations from the board. That rule specified that the 90-day refund period begins for both producers and handlers on the last day of the month of handling. That rule further required that, when requesting a refund, handlers must submit copies of a specified report, and producers must submit receipts or copies of receipts received from handlers on the date the producer's watermelons were handled. It was also provided that interested persons could file written comments through July 29, 1991. Twenty-one comments, all favoring the amendments, were received from producers, handlers, persons commenting on behalf of the National Watermelon Promotion Board, as well as a dietician.

In compliance with Office of Management and Budget (OMB) regulations (5 CFR part 1320) which implement the Paperwork Reduction Act (PRA) of 1980 (44 U.S.C. 3501 *et seq.*), the information collection requirements and refund application forms used under the provisions of § 1210.520 have been previously approved by OMB and assigned OMB Control Number 0581–0158. Recently this OMB Control Number was redesignated by OMB as OMB Control Number 0581–0093. This action places no new recordkeeping or reporting requirements on producers or handlers.

Based on available information, the Administrator of the AMS has determined that the issuance of this rule will not have a significant economic impact on a substantial number of small entities.

Upon the basis of the evidence provided by the Board, and the comments submitted regarding the interim final rule, it is found that this action, and all of its terms and conditions as set forth, finalizing the interim final rule, as published in the **Federal Register** (56 FR 29399, June 27, 1991), will tend to effectuate the declared policy of the Act.

Pursuant to the provisions in 5 U.S.C. 553, it is found and determined that good cause exists for not postponing the effective date of this action until 30 days after publication in the **Federal Register**, because: (1) This action maintains the clarifications and specifications of the interim final rule; (2) the interim final rule provided a 30-day comment period, and twenty-one comments, all favoring the amendments, were received; (3) the 1991 crop year is currently underway; and (4) no useful purpose would be served by delaying the effective date until 30 days after publication.

List of Subjects in 7 CFR Part 1210

Administrative practice and procedure, Advertising, Agricultural research, Reporting and recordkeeping requirements, Watermelons.

For the reasons set forth in the preamble, part 1210, chapter XI of title 7 is amended as follows:

PART 1210—WATERMELON RESEARCH AND PROMOTION PLAN

1. The authority citation for 7 CFR part 1210 continues to read as follows:

Authority: 7 U.S.C. 4901–4916.

2. Accordingly, the interim final rule amending the provisions of § 1210.520, which was published in the **Federal Register** (56 FR 29399, June 27, 1991), is adopted as a final rule without change.

Dated: October 4, 1991.

William J. Doyle,

Acting Deputy Director, Fruit and Vegetable Division.

[FR Doc. 91–24361 Filed 10–10–91; 8:45 am]

BILLING CODE 3410–02–M

NUCLEAR REGULATORY COMMISSION

10 CFR Part 2

Policy and Procedures for Enforcement Actions; Policy Statement, Correction

AGENCY: Nuclear Regulatory Commission.

ACTION: Policy statement: correction.

SUMMARY: This action corrects the Commission's statement of policy and procedure for NRC enforcement actions codified as appendix C to 10 CFR part 2. On August 2, 1991 (56 FR 36998), the Nuclear Regulatory Commission published a policy statement in the **Federal Register** that modified the Commission's Enforcement Policy to add an additional example to the Reactor Operations Supplement involving maintenance related violations and to delete the civil penalty adjustment factor for violations involving maintenance deficiencies. This document inadvertently replaced an example that was added to the Reactor Operations Supplement involving a licensed operator's confirmed positive drug test by a final rule published on July 15, 1991 (56 FR 32066). This action is necessary to restore the text of appendix C, supplement 1, paragraph c.9 that was added in the July 15, 1991, final rule and to correct the paragraph designation of the paragraph added in the August 2, 1991, policy statement.

EFFECTIVE DATE: August 2, 1991.

FOR FURTHER INFORMATION CONTACT: James Lieberman, Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Telephone (301) 492–0741.

PART 2—RULES OF PRACTICE FOR DOMESTIC LICENSING PROCEEDINGS

1. The authority citation for part 2 continues to read in part as follows:

Authority: Sec 161, 68 Stat. 948, as amended (42 U.S.C. 2201); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841).

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2. Appendix C, supplement 1, is corrected by revising example c.9 and by adding example c.10 to read as follows:

Appendix C—General Statement of Policy and Procedure for NRC Enforcement Actions

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Supplement I—Severity Categories

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Reactor Operations

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C. Severity Level III—Violations involving for example:

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9. A licensed operator's confirmed positive test for drugs or alcohol that does not result in a Severity Level I or II violation.

10. Equipment failures caused by inadequate or improper maintenance that substantially complicates recovery from a plant transient.

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Dated at Rockville, Maryland this 8th day of October 1991.

For the Nuclear Regulatory Commission.