

agency officials and employees are advised to consult with their designated agency ethics officials for guidance regarding any conflicts of interests that may arise under 18 U.S.C. 205. Moreover, the modification to section 205 permitting Federal employees to represent certain nonprofit organizations before the Government in certain circumstances is different in focus, from the separate, and consistent requirement in these supplemental standards regulations that OPM employees obtain prior approval before engaging in certain outside activities. OPM feels both regulations are consistent with current Government-wide policy and each other, and it should not revise the scope of the approval for teaching, speaking and writing which relates to official duties in this part 4501 regulation applicable to OPM employees. This authority will be exercised consistent with the provisions of 18 U.S.C. 205, as amended, and other applicable conflicts laws and regulations.

Definitions

The employee asserts that the regulations are confusing in that they refer to definitions contained elsewhere in the Code of Federal Regulations, such as definitions of "official duties", "outside activity", "profession", "prohibited source", and "compensation", to which, he contends, most OPM readers do not have access. The prior approval requirement regarding teaching, speaking, and writing, contained at 5 CFR 4501.103(a)(2), supplements the Office of Government Ethics Standards contained at 5 CFR 2635.801 and 2635.807. The definition of "compensation" is contained at 5 CFR 2635.807(a)(2)(iii). Section 4501.103(d) defines the terms "active participant," "nonpublic information," "professional services," "prohibited source," and "relates to the employee's official duties." It is OPM's view that the terms necessary for employees to understand the regulation are adequately provided and cross-references are clearly stated. However, should access to the regulations pose a problem or should any other confusion exist, agency ethics officials are available to answer specific questions regarding any ethics provision's applicability to OPM employees.

Appearance of OPM Sanctioning an Outside Activity

The personnel management association official commented that the prior approval requirement raises the question of whether "approval" of an

outside activity would constitute "sanction" of the activity by OPM. The agency has a legitimate interest in the teaching, making of a speech or other presentation by an agency employee on a matter that relates to the employee's official duties and which, by the manner of its presentation, could create the appearance of being the official position of OPM. However, the prior approval requirement, as previously discussed, is meant to provide an opportunity to counsel in order to ensure that the agency and employee are aware of any violation of ethics laws or regulations. It should not in any way indicate that OPM is sanctioning the activity.

In summary, OPM has determined not to modify any of the substantive provisions in adopting the interim supplemental OPM standards at 5 CFR part 4501 as final. A typographical error will be corrected as noted below.

IV. Correction of Typographical Error

OPM is correcting in this final rule a typographical error that appeared in the authority citation for part 4501 which incorrectly cites 5 CFR 2635.802 as "2635.-802".

Regulatory Flexibility Act

As Director of OPM, I certify that this regulation will not have significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act (5 U.S.C. chapter 6).

Paperwork Reduction Act

As Director of OPM, 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 Parts 1001 and 4501

Conflict of interests, Government employees.

Dated: July 16, 1997.

James B. King,

Director, U.S. Office of Personnel Management.

Approved: July 29, 1997.

Stephen D. Potts,

Director, Office of Government Ethics.

Accordingly, OPM is adopting the interim rule, adding 5 CFR part 4501 and amending 5 CFR part 1001, which was published at 61 FR 36993 on July 16, 1996, as a final rule with the following change.

Chapter XXXV Office of Personnel Management

PART 4501—SUPPLEMENTAL STANDARDS OF ETHICAL CONDUCT FOR EMPLOYEES OF THE OFFICE OF PERSONNEL MANAGEMENT

1. The authority citation for part 4501 is corrected to read as follows:

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 2635.105, 2635.702, 2635.703, 2635.802, 2635.803, 2635.805.

[FR Doc. 97-21047 Filed 8-8-97; 8:45 am]

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DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 94

[Docket No. 94-106-7]

RIN 0579-AA71

Importation of Beef From Argentina; Technical Amendment

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule; technical amendment.

SUMMARY: In a final rule published in the **Federal Register** on June 26, 1997, that will be effective August 25, 1997, we amended the regulations governing the importation of meat and meat products by allowing, under certain conditions, the importation of fresh, chilled or frozen, beef from Argentina. It was our intent that the amended regulations also allow the importation of cured or cooked beef that would otherwise not be allowed importation, provided it meets the same requirements as for fresh, chilled or frozen, beef. In this amendment, we are clarifying that intent. We are also correcting the Supplementary Information of the final rule to include the date of publication and **Federal Register** citation of a document we referred to.

DATES: This amendment is effective August 25, 1997.

FOR FURTHER INFORMATION CONTACT: Dr. Gary Colgrove, Chief Staff Veterinarian, National Center for Import and Export, VS, APHIS, 4700 River Road Unit 38, Riverdale, MD 20737-1231, (301) 734-8590.

SUPPLEMENTARY INFORMATION:

Conditions for Importation of Beef From Argentina

In a final rule published in the **Federal Register** on June 26, 1997, that will be effective August 25, 1997 (62 FR 34385–34394, Docket No. 94–106–5), we amended the regulations regarding the importation of meat and meat products in 9 CFR part 94 by adding a new § 94.21 to allow, under certain specified conditions, the importation of fresh, chilled or frozen beef from Argentina. The amended regulations should also have allowed the importation of cured or cooked beef from Argentina that would not otherwise be allowed importation, provided it meets the same requirements as for fresh, chilled or frozen beef.

Until the effective date of the final rule, the only beef allowed to be imported into the United States from Argentina is beef that has been cured or cooked in accordance with § 94.4 of the regulations. Because Argentina is not listed in § 94.1 as a country in which foot-and-mouth disease (FMD) and rinderpest are not known to exist, due to continued vaccination for FMD, the requirements of § 94.4 have been considered necessary to assure that any FMD virus in the beef has been destroyed. (Rinderpest has never been known to exist in Argentina.) The curing requirements include a specific water-protein ratio that must be met, and the cooking provisions include very specific time/temperature requirements.

In our final rule, we added to the regulations a § 94.21 to allow the importation into the United States of fresh, chilled or frozen, beef from Argentina under certain conditions. We explained in the final rule that we consider the unrestricted importation of such beef from Argentina to present a low risk of introducing FMD into this country. This conclusion was based on the fact that the last outbreak of FMD occurred in Argentina in 1994, on review by the Animal and Plant Health Inspection Service (APHIS) of information submitted by the government of Argentina, and on the results of a 1994 on-site APHIS evaluation of Argentina's animal health program and an updated risk assessment recently prepared by APHIS.

As we explained in our final rule, because vaccinations for FMD in Argentina continue, and because Argentina supplements its national meat supply by importing fresh, chilled, or frozen meat of ruminants and swine from countries in which FMD is known to exist, it is necessary to impose certain conditions on the importation of fresh,

chilled, or frozen beef from Argentina to ensure that the importation of such beef poses a negligible risk of the introduction of FMD into the United States. As set forth in the final rule, these conditions include certification of the following: (1) That the beef originated in Argentina; (2) that the beef came from bovines that were moved directly from the premises of origin to the slaughterhouse without any contact with other animals; (3) that the beef has not been in contact with beef from regions of greater disease risk; (4) that the beef originated from premises where FMD and rinderpest have not been present during the lifetime of any bovines slaughtered for export; (5) that the beef originated from premises on which bovines or swine have not been vaccinated with modified or attenuated live viruses for FMD or where bovines have not been vaccinated for rinderpest during the lifetime of any of the bovines slaughtered for export; (6) that the beef comes from carcasses that have been allowed to mature at 40 to 50 °F (4 to 10 °C) for a minimum of 36 hours after slaughter and have reached a maximum pH of 5.8 in the loin muscle at the end of the maturation period; and (7) that all bone, blood clots, and lymphoid tissue have been removed from the beef.

Although we specified in the final rule that the adherence to the above conditions would reduce to a negligible level any risk that fresh, chilled or frozen beef from Argentina would introduce FMD into the United States, we did not intend to imply that beef that is not fresh, chilled or frozen, could not also be imported into the United States with negligible risk if the same conditions were met. It was our intent that beef that has been cured or cooked other than in accordance with the provisions of § 94.4 could be imported if it meets the import conditions for fresh, chilled or frozen, beef. Therefore, we are adding language to § 94.4, paragraphs (a) and (b), to clarify that intent.

Correction of Supplementary Information

In the Supplementary Information section of the June 26, 1997, final rule (Docket No. 94–106–5), we inadvertently neglected to include the publication date and **Federal Register** citation of another final rule we referred to (Docket No. 94–106–6, "Importation of Pork from Sonora, Mexico"). In FR Doc. 97–16748 (62 FR 34385–34394), under Supplementary Information, at page 34385, third column, third line from the bottom, the words: "countries. On June 26, 1997, we" should have read: "countries. On May 9, 1997, we"

and at page 34386, first column, second and third line, the words: "State of Sonora, Mexico (62 FR (INSERT FR CITE), Docket No. 94–106–6), based" should have read: "State of Sonora, Mexico (62 FR 25439–25443, Docket No. 94–106–6), based".

List of Subjects in 9 CFR Part 94

Animal diseases, Imports, Livestock, Meat and meat products, Milk, Poultry and poultry products, Reporting and recordkeeping requirements.

Accordingly, 9 CFR part 94 is amended to read as follows:

PART 94—RINDERPEST, FOOT-AND-MOUTH DISEASE, FOWL PEST (FOWL PLAGUE), EXOTIC NEWCASTLE DISEASE, AFRICAN SWINE FEVER, HOG CHOLERA, AND BOVINE SPONGIFORM ENCEPHALOPATHY: PROHIBITED AND RESTRICTED IMPORTATIONS

1. The authority citation for part 94 continues to read as follows:

Authority: 7 U.S.C. 147a, 150ee, 161, 162, and 450; 19 U.S.C. 1306; 21 U.S.C. 111, 114a, 134a, 134b, 134c, 134f, 136, and 136a; 31 U.S.C. 9701; 42 U.S.C. 4331 and 4332; 7 CFR 2.22, 2.80, and 371.2(d).

2. In § 94.4, in both paragraphs (a) and (b), the introductory text is revised to read as follows:

§ 94.4 Cured or cooked meat from countries where rinderpest or foot-and-mouth disease exists.

(a) Except for cured beef from Argentina that meets the requirements for the importation of fresh, chilled or frozen, beef as provided in § 94.21, the importation of cured meats derived from ruminants or swine, originating in any country designated in § 94.1, is prohibited unless the following conditions have been fulfilled:

* * * * *

(b) Except for cooked beef from Argentina that meets the requirements for the importation of fresh, chilled or frozen, beef as provided in § 94.21, the importation of cooked meats from ruminants or swine originating in any country where rinderpest or foot-and-mouth disease exists, as designated in § 94.1, is prohibited, except as provided in this section.

* * * * *

Done in Washington, DC, this 5th day of August 1997.

Terry L. Medley,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 97–21107 Filed 8–8–97; 8:45 am]

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