

List of Subjects in 5 CFR Part 2635

Conflict of interests, Executive branch standards of ethical conduct, Government employees.

Approved: December 7, 1998.

Stephen D. Potts,

Director, Office of Government Ethics.

For the reasons set forth in the preamble, the Office of Government Ethics is amending part 2635 of subchapter B of chapter XVI of title 5 of the Code of Federal Regulations, as follows:

PART 2635—[AMENDED]

1. The authority citation for part 2635 continues to read as follows:

Authority: 5 U.S.C. 7301, 7351, 7353; 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.

§ 2635.601 [Amended]

2. Section 2635.601 is amended by removing the words “who otherwise would be affected by the performance or nonperformance of the employees’ official duties.” from the end of the first sentence and adding the words “whose financial interests would be directly and predictably affected by particular matters in which the employees participate personally and substantially.” in their place, and by adding the new sentence “See § 2635.402 and § 2640.103 of this chapter.” between the second and third sentences.

§ 2535.602 [Amended]

3. Section 2635.602 is amended by removing the words “the employee’s official duties would affect” from the first sentence of the undesignated introductory text and adding the words “particular matters in which the employee will be participating personally and substantially would directly and predictably affect” in their place, and by removing the words “affected by the performance or nonperformance of his official duties” from the first sentence of the note following the undesignated introductory text and adding the words “affected directly and predictably by particular matters in which he participates personally and substantially” in their place.

4. Section 2635.603 is amended by revising paragraph (d) to read as follows:

§ 2635.603 Definitions.

* * * * *

(d) *Direct and predictable effect, particular matter, and personal and*

substantial have the respective meanings set forth in § 2635.402(b)(1), (3), and (4).

§ 2635.604 [Amended]

5. Section 2635.604 is amended by adding the words “personally and substantially” after the word “participate” in the first sentence of paragraph (a).

§ 2635.605 [Amended]

6. Section 2635.605 is amended by adding the words “personally and substantially” after the word “participate” in the first sentence of paragraph (a), and by adding the words “personally and substantially” after the word “participate” in the first sentence of paragraph (b).

§ 2635.606 [Amended]

7. Section 2635.606 is amended by removing the words “taking official action” from the first sentence of paragraph (a) and adding the words “participating personally and substantially” in their place.

[FR Doc. 99-6492 Filed 3-16-99; 8:45 am]

BILLING CODE 6345-01-U

DEPARTMENT OF AGRICULTURE**Animal and Plant Health Inspection Service****9 CFR Part 52**

[Docket No. 98-123-3]

RIN 0579-AB10

Pseudorabies in Swine, Payment of Indemnity; Technical Amendment

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Interim rule; technical amendment and notice of extension of comment period.

SUMMARY: In an interim rule published in the **Federal Register** on January 15, 1999, and effective as of January 12, 1999, we established animal health regulations to provide for the payment of indemnity by the United States Department of Agriculture for the voluntary depopulation of herds of swine known to be infected with pseudorabies. Although we provided in our interim rule that a premises that has been depopulated of swine may not be restocked for at least 30 days following cleaning and disinfection, it was our intent to also allow an official pseudorabies epidemiologist to allow restocking in less than 30 days or to require a waiting period longer than 30

days as warranted or necessary. In this amendment we are clarifying that intent.

DATES: This amendment is effective March 11, 1999. We invite you to comment on Docket No. 98-123-2 as amended by this docket. We will consider all comments that we receive by April 16, 1999.

ADDRESSES: Please send your comment and three copies to: Docket No. 98-123-2, Regulatory Analysis and Development, PPD, APHIS, Suite 3C03, 4700 River Road, Unit 118, Riverdale, MD 20737-1238.

Please state that your comment refers to Docket No. 98-123-2.

You may read any comments that we receive on these dockets in our reading room. The reading room is located in room 1141 of the USDA South Building, 14th Street and Independence Avenue, SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 690-2817 before coming.

APHIS documents published in the **Federal Register**, and related information, including the names of organizations and individuals who have commented on APHIS rules, are available on the Internet at <http://www.aphis.usda.gov/ppd/rad/webrepor.html>.

FOR FURTHER INFORMATION CONTACT: Dr. Keith Hand, Senior Staff Veterinarian, VS, APHIS, 4700 River Road Unit 41, Riverdale, MD 20737-1231; (301) 734-8073.

SUPPLEMENTARY INFORMATION:**Background**

In an interim rule published in the **Federal Register** on January 15, 1999, and effective as of January 12, 1999 (64 FR 2545-2550, Docket No. 98-123-2), we established animal health regulations to provide for the payment of indemnity by the United States Department of Agriculture for the voluntary depopulation of herds of swine known to be infected with pseudorabies. Although we provided in our interim rule that a premises that has been depopulated of swine may not be restocked for at least 30 days following cleaning and disinfection of the premises, it was our intent to allow an official pseudorabies epidemiologist to allow restocking in less than 30 days or to require a waiting period longer than 30 days before restocking.

We included the 30-day waiting period in the interim rule in order to ensure that the vacated premises was completely free of the pseudorabies virus before being repopulated with

healthy animals. Generally, we consider 30 days to be a sufficient amount of time for the elimination of any pseudorabies virus that might remain on the premises after cleaning and disinfection. However, a premises that has been adequately cleaned and disinfected may, in some cases, not need a 30-day waiting period to ensure that the virus has been eliminated. Conversely, it is possible that it might not be entirely safe to restock a premises until more than 30 days have elapsed following cleaning and disinfection.

It was our intent to allow an official pseudorabies epidemiologist familiar with the individual premises and the cleaning and disinfection done on that premises to determine whether any reduction or addition to the 30-day waiting period was warranted or advisable for that premises. Therefore, we are adding language to § 52.4 to clarify that intent.

This technical amendment is consistent with procedures outlined in our "State-Federal-Industry Program Standards for Pseudorabies Eradication." (A copy of the standards can be obtained by contacting the person listed above under **FOR FURTHER INFORMATION CONTACT**.) At the onset of our accelerated pseudorabies eradication program, we advised States participating in the eradication program that we would proceed in accordance with our existing program standards. The language we are adding to the regulations is consistent with the existing standards.

Comments sent to us on our January 15, 1999, interim rule (Docket No. 98-123-2) were required to be received on or before March 16, 1999. To allow the public enough time to comment on this technical amendment as it relates to the interim rule, we are extending the period during which we will accept comments on Docket No. 98-123-2.

List of Subjects in 9 CFR Part 52

Animal diseases, Pseudorabies, Swine, Indemnity payments, Transportation.

Accordingly, we are amending 9 CFR part 52 as follows:

PART 52—SWINE DESTROYED BECAUSE OF PSEUDORABIES

1. The authority citation for part 52 continues to read as follows:

Authority: 21 U.S.C. 111-113, 114, 114a, 114a-1, 120, 121, 125, and 134b; 7 CFR 2.22, 2.80, and 371.2(d).

2. Section § 52.4 is revised to read as follows:

§ 52.4 Disinfection of premises, conveyances, and materials.

All premises, including barns, stockyards and pens, and all cars and other conveyances, and the materials on any premises or conveyances used to house or transport swine for which indemnity is paid under this part must be cleaned and disinfected under the supervision of an APHIS employee after removal of the swine from the known infected herd. Premises may be restocked with swine 30 days following an approved cleaning and disinfection, unless an official pseudorabies epidemiologist determines that a shorter or longer period of time is adequate or necessary to protect new animals against infection. The owner to whom the indemnity is paid will be responsible for expenses incurred in connection with the cleaning and disinfection, except for cleaning and disinfection of the conveyances used to transport the swine to the location of disposal.

Done in Washington, DC, this 11th day of March 1999.

Craig A. Reed,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 99-6491 Filed 3-16-99; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

17 CFR Parts 202, 240, 242 and 249

[Release No. 34-40760A; File No. S7-12-98]

RIN 3235-AH41

Regulation of Exchanges and Alternative Trading Systems; Correction

AGENCY: Securities and Exchange Commission.

ACTION: Correction to final regulations.

SUMMARY: This document contains corrections to the final regulations which were published Tuesday, December 22, 1998, (63 FR 70844). The regulations related to regulation of exchanges and alternative trading systems.

EFFECTIVE DATE: April 21, 1999, except §§ 242.301(b)(5)(i)(D) and (E) and §§ 242.301(b)(6)(i)(D) and (E), which shall become effective on April 1, 2000.

FOR FURTHER INFORMATION CONTACT: Kevin Ehrlich, Attorney, at (202) 942-0778, Division of Market Regulation, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, DC 20549-1001.

SUPPLEMENTARY INFORMATION:

Background

The final regulations that are the subject of these corrections relate to the regulation of exchanges and alternative trading systems.

Need for Correction

As published, the final regulations contain a rule designation which was previously designated by another final rule. In the final rules for OTC derivatives dealers, published on Tuesday, November 3, 1998, new Rule 17a-4(b)(10) was adopted and became effective on January 4, 1999. The final rules for the regulation of exchanges and alternative trading systems erroneously also designated a new Rule 17a-4(b)(10). This correction redesignates the Rule 17a-4(b)(10) contained in the regulation of exchanges and alternative trading systems release as Rule 17a-4(b)(11) and makes the necessary changes throughout the release text and final rules.

Under section 553(b), notice of proposed rulemaking is not required when the agency for good cause finds that notice and public procedure thereon are "impracticable, unnecessary, or contrary to the public interest." Because the amendments adopted today are technical corrections to clarify the rule designations, the Commission finds that publishing the amendments for comment would be unnecessary. The rule being amended was adopted after notice and the opportunity for public comment.

Under section 553(d), publication of a substantive rule not less than 30 days before its effective date is required except as otherwise provided by the agency for good cause. For the same reasons as described above with respect to notice and opportunity for comment, the Commission finds that there is good cause for having the rule become effective on April 21, 1999.

The Paperwork Reduction Act of 1995¹ does not apply to this rulemaking since these correcting amendments do not require any "collection of information."

Section 23(a)(2) of the Exchange Act² requires the Commission to consider the anti-competitive effects of any rules it adopts thereunder, and to balance them against the benefits that further the purposes of the Act. Furthermore, section 2 of the Securities Act³ and section 3 of the Exchange Act,⁴ as

¹ 44 U.S.C. 3501 *et seq.*

² 15 U.S.C. 78w(a)(2).

³ 15 U.S.C. 77b.

⁴ 15 U.S.C. 78c.