

§ 6701.107 Reporting waste, fraud, abuse and corruption.

GSA employees shall disclose immediately any waste, fraud, abuse, and corruption to appropriate authorities, such as the Office of Inspector General.

TITLE 41—[AMENDED]**CHAPTER 105—GENERAL SERVICES ADMINISTRATION**

2. Part 105-735 of 41 CFR chapter 105 is revised to read as follows:

PART 105-735—STANDARDS OF CONDUCT**§ 105-735.1 Cross-references to employee ethical conduct standards, financial disclosure regulations, and other regulations.**

Employees of the General Services Administration are subject to the executive branch-wide standards of ethical conduct at 5 CFR part 2635, GSA's regulations at 5 CFR part 6701 which supplement the executive branch-wide standards, the regulations on employee responsibilities and conduct at 5 CFR part 735, and the executive branch financial disclosure regulations contained in 5 CFR part 2634, and GSA Order ADM 7900.9A, which can be obtained from the GSA Office of General Counsel.

Authority: 5 U.S.C. 7301.

[FR Doc. 96-27967 Filed 10-31-96; 8:45 am]

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DEPARTMENT OF AGRICULTURE**Animal and Plant Health Inspection Service****7 CFR Part 301**

[Docket No. 95-087-2]

Japanese Beetle; Domestic Quarantine and Regulations

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: We are adopting as a final rule, with two changes, an interim rule that amended the Japanese beetle quarantine and regulations by adding Minnesota and Wisconsin to the list of quarantined States and by providing greater specificity about what actions must be taken to prevent the spread of Japanese beetle by aircraft from regulated airports. This action was necessary to prevent the spread of Japanese beetle into noninfested areas of the United States. The interim rule also amended the regulations to allow

carriers at regulated airports the option of performing some activities under a compliance agreement with the Animal and Plant Health Inspection Service, rather than in the presence of an inspector.

EFFECTIVE DATE: December 2, 1996.

FOR FURTHER INFORMATION CONTACT: Mr. Ronald P. Milberg, Operations Officer, Program Support, PPQ, APHIS, 4700 River Road Unit 134, Riverdale, MD 20737-1236, (301) 734-5255.

SUPPLEMENTARY INFORMATION:**Background**

The Japanese beetle feeds on fruits, vegetables, and ornamental plants and is capable of causing damage to over 300 potential hosts. The Japanese beetle quarantine and regulations, contained in 7 CFR 301.48 through 301.48-7 (referred to below as the regulations), quarantine certain States and restrict the interstate movement of aircraft from regulated airports in the quarantined States to prevent the spread of the Japanese beetle to the seven States listed in § 301.48(b) (Arizona, California, Idaho, Nevada, Oregon, Utah, and Washington, referred to below as the protected States). Under § 301.48-4 of the regulations, a regulated article may move interstate from a regulated airport to any of the protected States only if certain conditions have been met.

In an interim rule effective June 20, 1996, and published in the Federal Register on June 25, 1996 (61 FR 32636-32641, Docket No. 95-087-1), the Animal and Plant Health Inspection Service (APHIS) amended the regulations to (1) add Minnesota and Wisconsin to the list of States quarantined for Japanese beetle; (2) provide greater specificity about what actions must be taken to ensure aircraft do not spread Japanese beetle from regulated airports; (3) allow carriers at regulated airports the option of performing some activities under a compliance agreement with APHIS, rather than in the presence of an inspector; and (4) amend the definition of "regulated airport" to include portions of airports, as well as entire airports. This action was necessary to help prevent the spread of Japanese beetle into the protected States.

We solicited comments concerning the interim rule for 60 days ending August 26, 1996. We received one comment by that date. The comment received was from a State government. The commenter was generally supportive of the interim rule but included three suggestions pertaining to content changes and one suggestion to delay publication of a final rule. We

have carefully considered the suggestions made in this comment. They are discussed below.

The first suggestion was to leave the determination of what constitutes daylight hours up to local APHIS personnel at the regulated airports. (The interim rule specified that the regulatory provisions apply between the hours of 7:00 a.m. and 8:00 p.m. because Japanese beetles are active during daylight hours only.) The concern expressed was that operational problems could occur when determining airport regulation status along timeline divisions. For example, an aircraft at a regulated airport in the central time zone could require treatment at 7:00 p.m., whereas an aircraft at a nearby airport in the eastern time zone (8:00 p.m.) would not be subject to the same regulatory requirements.

We designed the regulations to prevent adult Japanese beetles from flying into aircraft destined for any of the protected States. Because of the Japanese beetle life cycle, the adult beetles are active in most parts of the United States only in the summer months during daylight hours. More specifically, adult Japanese beetles are generally active only when the air reaches a certain temperature. We believe the period of greatest flight activity occurs between the hours of 10:00 a.m. and 3:00 p.m. during the months of July through mid-September in most parts of the country. Because the hours of 7:00 a.m. to 8:00 p.m. are roughly the hours of daylight in many parts of the United States during the summer months, we established that timeframe as the period of regulatory activity to ensure we would cover any possible Japanese beetle flight activity.

We are not making any change to the regulations based on this comment because we are not aware of any operational problems that have occurred to date as a result of the 7:00 a.m. to 8:00 p.m. timeframe and, furthermore, we believe that having an established timeframe for regulatory activity will make conducting operations at the airports easier—not more difficult.

The second suggestion was to eliminate language concerning how to apply an approved pesticide in an aircraft (i.e., holding the pesticide at a 45-degree angle and aerating for 15 minutes). These instructions pertain to the application of the pesticide d-phenothrin. The concern was that d-phenothrin is not the only pesticide approved for use against Japanese beetle in aircraft and the language in the regulations should allow for use of any approved and effective treatment.

We agree with the reasons presented for this suggestion. Accordingly, we are removing the language in § 301.48–4(d)(4) that pertains to application of d-phenothrin.

The third suggestion was to eliminate the term “tail swapping” in the regulations because of concerns that this term is not commonly used and could be misconstrued.

We believe the term “tail swapping” is commonly used by the airline industry and, therefore, is appropriate for use in a regulation targeted at that industry. However, to ensure clarity, we are changing the wording in § 301.48–4(d)(6). As reworded, § 301.48–4(d)(6) will begin: “When a designated aircraft is replaced with an alternate one just prior to departure (the procedure known as ‘tail swapping’). * * *”

The final suggestion was to delay issuance of this final rule until the list of infested States used in the U.S./Canada Japanese Beetle Harmonization Plans has been finalized.

We are not taking any action in regard to this suggestion because this list, which is primarily used by noninfested States to regulate the movement of nursery stock from infested States, is constantly being updated. It will never be “finalized,” *per se*. Just as we added Minnesota and Wisconsin to the list of quarantined States in the interim rule, if we determine that a State other than those currently listed in § 301.48(a) is infested with Japanese beetles and needs to be quarantined, we will take action at that time to include that State in the list of quarantined States.

Therefore, based on the rationale set forth in the interim rule and in this document, we are adopting the provisions of the interim rule as a final rule, with the changes discussed in this document.

This final rule also affirms the information contained in the interim rule concerning Executive Order 12866 and the Regulatory Flexibility Act, Executive Orders 12372 and 12778, and the National Environmental Policy Act.

Paperwork Reduction Act

In accordance with section 3507(d) of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the information collection or recordkeeping requirements included in this final rule have been approved by the Office of Management and Budget (OMB) under OMB control number 0579–0088.

List of Subjects in 7 CFR Part 301

Agricultural commodities, Plant diseases and pests, Quarantine, Reporting and recordkeeping requirements, Transportation.

Accordingly, the interim rule amending 7 CFR part 301 which was published at 61 FR 32636–32641 on June 25, 1996, is adopted as a final rule with the following changes:

PART 301—DOMESTIC QUARANTINE NOTICES

1. The authority citation for part 301 continues to read as follows:

Authority: 7 U.S.C. 150bb, 150dd, 150ee, 150ff, 161, 162, and 164–167; 7 CFR 2.22, 2.80, and 371.2(c).

2. In § 301.48–4, paragraph (d)(4) and the first sentence of paragraph (d)(6) are revised to read as follows:

§ 301.48–4 Conditions governing the interstate movement of regulated articles from quarantined States.

* * * * *

(d) * * *

(4) Aircraft must be treated in accordance with the Treatment Manual no more than 1 hour before loading. Particular attention should be paid to the ball mat area and the holes around the main entrance. The aircraft must then be aerated under safeguard conditions as required by the Treatment Manual.

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(6) When a designated aircraft is replaced with an alternate one just prior to departure (the procedure known as “tail swapping”), the alternate aircraft must be inspected and all Japanese beetles must be removed. * * *

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

A. Strating,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 96–27972 Filed 10–31–96; 8:45 am]

BILLING CODE 3410–34–P

FEDERAL RESERVE SYSTEM

12 CFR Part 225

[Regulation Y; Docket No. R–0936]

Bank Holding Companies and Change in Bank Control (Regulation Y)

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Interim rule with request for comments.

SUMMARY: Section 2208 of the Economic Growth and Regulatory Paperwork Reduction Act of 1996 amended the Bank Holding Company Act to eliminate the requirement that bank holding companies seek Board approval *before* engaging *de novo* in permissible

nonbanking activities listed in Regulation Y if the holding company is well-capitalized and meets certain other criteria specified in the statute. Section 2208 also established an expedited procedure for well-capitalized bank holding companies that meet these criteria to obtain Board approval to acquire smaller companies that engage in any permissible nonbanking activities listed in Regulation Y as well as to engage in nonbanking activities that the Board has approved only by order. These changes are effective immediately.

Section 2208 provides that a bank holding company shall be considered “well-capitalized” if it meets the capital levels required by the Board. For purposes of determining the capital levels at which a bank holding company shall be considered “well-capitalized” under section 2208 and Regulation Y, the Board has adopted, as an interim rule, risk-based capital thresholds that are the same as the levels set for determining that a state member bank is well capitalized under the provisions established under section 38 of the Federal Deposit Insurance Act, and a modified leverage ratio. Because section 2208 became effective upon enactment on September 30, 1996, this definition is adopted effective immediately on an interim basis. The Board invites public comment on the definition of “well-capitalized,” including how this provision in section 2208 applies to foreign banking organizations. The Board will adjust the definition as appropriate in light of public comment.

DATES: Interim rule effective October 23, 1996; comments must be received by December 2, 1996.

ADDRESSES: Comments should refer to Docket No. R–0936, and may be mailed to Mr. William W. Wiles, Secretary, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue, NW., Washington, DC 20551. Comments may also be delivered to Room B–2222 of the Eccles Building between 8:45 a.m. and 5:15 p.m. weekdays, and to the guard station in the Eccles Building courtyard on 20th Street, NW. (between Constitution Avenue and C Street) at any time. Comments received will be available for inspection in room MP–500 of the Martin Building between 9:00 a.m. and 5:00 p.m. weekdays, except as provided in section 261.8(a) of the Board’s Rules Regarding Availability of Information.

FOR FURTHER INFORMATION CONTACT: Scott G. Alvarez, Associate General Counsel (202/452–3583), Deborah M. Awai, Senior Attorney (202/452–3594), Legal Division; Rhoger Pugh, Assistant