

extent that it rises to the level of a real estate business based on the totality of the circumstances, and will consider whether the employee maintains an office; advertises or otherwise solicits clients or business; hires staff or employees; uses business stationary or other similar materials; files the business as a corporation, limited liability company, partnership, or other type of business association with a state government; establishes a formal or informal association with an existing business; hires a management company; and the nature and number of its investment properties;

(3) Employment with a person or entity who registered as a lobbyist or lobbyist organization pursuant to 2 U.S.C. 1603(a) and engages in lobbying activity concerning the Department;

(4) Employment as an officer or director with a Department-approved mortgagee, a lending institution, or an organization that services securities for the Department; or

(5) Employment with the Federal Home Loan Bank System or any affiliate thereof.

(b) *Exceptions to employment prohibitions.* The prohibitions set forth in paragraph (a) of this section do not apply to:

(1) Serving as an officer or a member of the Board of Directors of:

(i) A Federal Credit Union;

(ii) A cooperative, condominium association, or homeowners association for a housing project that is not subject to regulation by the Department or, if so regulated, in which the employee personally resides; or

(iii) An entity designated in writing by the Designated Agency Ethics Official.

(2) Holding a real estate agent's license; however, use of the license is limited as provided by paragraph (c) of this section.

(c) *Prior approval requirement.* (1) Employees, except special Government employees, shall obtain the prior written approval of an Agency Ethics Official before accepting compensated or uncompensated employment:

(i) As an officer, director, trustee, or general partner of, or in any other position of authority with a prohibited source, as defined at 5 CFR 2635.203(d);

(ii) With a state or local government;

(iii) In the same professional field as that of the employee's official position; or

(iv) As a real estate agent in relation to purchasing or selling a single family property for use as the employee's primary residence, or the primary

residence of the employee's immediate family member.

(2) Approval shall be granted unless the conduct is inconsistent with 5 CFR part 2635 or this part.

(d) *Liaison representative.* An employee designated to serve in an official capacity as the Department's liaison representative to an outside organization is not engaged in an outside activity to which this section applies. Notwithstanding, an employee may be designated to serve as the Department's liaison representative only as authorized by law, and as approved by the Department under applicable procedures.

§ 7501.106 Bureau instructions and designation of separate agency component.

(a) *Bureau instructions.* With the concurrence of the Designated Agency Ethics Official, the Bureau Ethics Counselor is authorized, consistent with 5 CFR 2635.105(c), to designate Deputy Bureau Ethics Counselors, to make a determination, issue explanatory guidance, and establish procedures necessary to implement this part, subpart I of 5 CFR part 2634, and 5 CFR part 2635 for the Bureau.

(b) *Designation of separate agency component.* Pursuant to 5 CFR 2635.203(a), the Office of the Inspector General is designated as a separate agency for purposes of the regulations contained in subpart B of 5 CFR part 2635, governing gifts from outside sources; and 5 CFR 2635.807, governing teaching, speaking, or writing.

Dated: February 15, 2012.

Shaun Donovan,

Secretary.

Don W. Fox,

Principal Deputy Director, Office of Government Ethics.

[FR Doc. 2012–6177 Filed 3–13–12; 8:45 am]

Editorial Note: Proposed rule document 2012–06177 was originally published on pages 14997 through 15003 in the issue of Wednesday, March 14, 2012. In that publication an incorrect version of the document was published. The corrected document is republished in its entirety.

[FR Doc. R1–2012–6177 Filed 3–21–12; 8:45 am]

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DEPARTMENT OF AGRICULTURE

Office of the Secretary

7 CFR Part 20

RIN 0551–AA70

Export Sales Reporting Requirements

AGENCY: Office of the Secretary, USDA.

ACTION: Proposed rule, withdrawal.

SUMMARY: A proposed rule published in the **Federal Register** on March 8, 2012, proposing requirements to add reporting for pork (fresh, chilled, and frozen box/primal cuts) and distillers dried grain (DDG) to the Export Sales Reporting Requirements, is being withdrawn. The Foreign Agricultural Service (FAS) is currently awaiting approval for publication from the Office of Management and Budget.

DATES: As of March 22, 2012, the proposed rule published March 8, 2012 (77 FR 13990), is withdrawn.

FOR FURTHER INFORMATION CONTACT:

Contact Peter W. Burr, Branch Chief, Export Sales Reporting Branch, Import Policies and Export Reporting Division, Office of Trade Programs, Foreign Agricultural Service, 1400 Independence Avenue SW., Washington, DC 20250–1021, STOP 1021; or by email at Pete.Burr@fas.usda.gov; or by telephone at (202) 720–3274; or by fax (202) 720–0876.

SUPPLEMENTARY INFORMATION:

Background

On March 8, 2012, a proposed rule was published in the **Federal Register** establishing new reporting requirements for pork (fresh, chilled, and frozen box/primal cuts) and distillers dried grain (DDG) to the Export Sales Reporting Requirements (77 FR 13990). Subsequent to publication, FAS ascertained that OMB clearance was not yet received, so the proposed rule needs to be withdrawn until such clearance is conveyed.

List of Subjects in 7 CFR Part 20

Agricultural commodities, Exports, Reporting and recordkeeping requirements.

The Withdrawal

Accordingly, pursuant to the authority delegated to me, the Proposed Rule, as published in the **Federal Register** of March 8, 2012 (77 FR 13990) (FR Doc. 2012–05486), is hereby withdrawn.

Authority: 7 U.S.C. 5712.

Dated: March 14, 2012.

Suzanne Heinen,

Acting Administrator, Foreign Agricultural Service.

[FR Doc. 2012–6820 Filed 3–21–12; 8:45 am]

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