

# Rules and Regulations

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## ENVIRONMENTAL PROTECTION AGENCY

### 5 CFR Chapter LIV

#### 40 CFR Part 3

[FRL-5870-7]

#### Revocation of Obsolete Employee Responsibilities and Conduct Rules

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final rule.

**SUMMARY:** The Environmental Protection Agency is revoking the remaining provisions of its residual Employee Responsibilities and Conduct regulation. These provisions, which are no longer needed, merely cross-reference the Government-wide and EPA Standards of Ethical Conduct at 5 CFR parts 2634, 2635, and 6401 and set forth EPA's old regulatory conflict of interest waivers which have now been superseded by Office of Government Ethics Government-wide regulatory waivers.

**EFFECTIVE DATE:** August 13, 1997.

**FOR FURTHER INFORMATION CONTACT:** Donnell L. Nantkes, Office of General Counsel (2311), Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460, (202) 260-4556.

#### SUPPLEMENTARY INFORMATION:

##### I. Background

Most of the former provisions of 40 CFR part 3 were removed when the Environmental Protection Agency, with the concurrence of the Office of Government Ethics, published its Supplemental Standards of Ethical Conduct for Employees of the Environmental Protection Agency on August 2, 1996 at 61 FR 40500. (Most of these provisions had previously been superseded when the Office of Government Ethics' "Standards of

Ethical Conduct for Employees of the Executive Branch," as now codified at 5 CFR part 2635, became generally effective on February 3, 1993.) The only provisions of 40 CFR part 3, as revised in the EPA rulemaking last August, which remained in effect were new 40 CFR 3.100 and new redesignated 40 CFR 3.101. These provisions cross-referenced the Government-wide and EPA Standards of Ethical Conduct at 5 CFR parts 2634, 2635, and 6401 and retained EPA's regulatory waivers of previously designated 40 CFR 3.301(b) pending publication of Government-wide regulatory waivers by the Office of Government Ethics. These Government-wide waivers, which OGE published on December 18, 1996 at 61 FR 66830, as corrected at 62 FR 1361 and 23127, revised 5 CFR part 2640 to establish Government-wide regulatory waivers of the conflict of interest provisions of 18 U.S.C. 208(a) as authorized by 18 U.S.C. 208(b)(2) and provided that, as of January 17, 1997, regulatory waivers issued by individual agencies would no longer be effective.

The regulatory waivers at 40 CFR 3.101 have been superseded by the Government-wide regulatory waivers, and the cross-referencing provision of 40 CFR 3.100 is not sufficiently important to justify its retention. Therefore, EPA is removing 40 CFR part 3.

### III. Matters of Regulatory Procedure

#### Executive Order 12866

In issuing this rule, EPA has adhered to the regulatory philosophy and the applicable principles of regulation set forth in section 1 of Executive Order 12866, Regulatory Planning and Review. This regulation has not been reviewed by the Office of Management and Budget under that Executive order, as it deals with agency organization, management, and personnel matters and is not, in any event, deemed "significant" thereunder.

#### Paperwork Reduction Act

EPA has determined that the Paperwork Reduction Act (44 U.S.C. chapter 35) does not apply because the proposed regulation does not contain any information collection requirements that require the approval of the Office of Management and Budget.

### Administrative Procedure Act

EPA has found that good cause exists under 5 U.S.C. 553(b)(3) (A), (B) and (d)(3) for waiving, as unnecessary and contrary to the public interest, the general notice of proposed rulemaking and the 30-day delay in effectiveness as to these rules and revocations. This rulemaking is related solely to EPA's organization, procedure, and practice. Further, this regulation merely eliminates provisions which have been superseded in any event and should therefore become effective immediately.

### List of Subjects in 40 CFR Part 3

Environmental protection, Conflict of interests, Government employees.

Dated: July 30, 1997.

**Carol M. Browner,**

*Administrator, Environmental Protection Agency.*

For the reasons set forth in the preamble, the Environmental Protection Agency is removing part 3 of title 40 of the Code of Federal Regulations in accordance with its authority at 5 U.S.C. 7301.

[FR Doc. 97-21379 Filed 8-12-97; 8:45 am]

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## DEPARTMENT OF AGRICULTURE

### Animal and Plant Health Inspection Service

#### 7 CFR Part 301

[Docket No. 97-056-4]

#### Mediterranean Fruit Fly; Additions to the Quarantined Areas

**AGENCY:** Animal and Plant Health Inspection Service, USDA.

**ACTION:** Interim rule and request for comments.

**SUMMARY:** We are amending the Mediterranean fruit fly regulations by adding an area in Hillsborough County, FL, and adding an area in Orange County, FL, to the list of quarantined areas. We are also revising the entry for Manatee County, FL, to make the boundary lines of the quarantined area more accurate. The regulations restrict the interstate movement of regulated articles from the quarantined areas. This action is necessary on an emergency basis to prevent the spread of the