

**FOR FURTHER INFORMATION CONTACT:** Mr. Francis T. Jordan, Jr., Airspace Specialist, Airspace Branch, AEA-520, F.A.A. Eastern Region, Federal Building #111, John F. Kennedy International Airport, Jamaica, New York 11430, telephone: (718) 553-4521.

**SUPPLEMENTARY INFORMATION:**

**Comments Invited**

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy-related aspects of the proposal. Communications should identify the airspace docket number and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made:

"Comments to Airspace Docket No. 97-AEA-50." The postcard will be date/time stamped and returned to the commenter. All communications received on or before the closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with the FAA personnel concerned with this rulemaking will be filed in the docket.

**Availability of NPRMs**

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Office of the Regional Counsel, AEA-7, F.A.A. Eastern Region, Federal Building #111, John F. Kennedy International Airport, Jamaica, NY 11430. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2A, which describes the application procedure.

**The Proposal**

The FAA is considering an amendment to 14 CFR part 71 to amend the Class E airspace area at Andover, NJ. A GPS RWY 3 SIAP has been developed

for the Aeroflex-Andover Airport. Additional controlled airspace extending upward from 700 feet AGL is needed to accommodate the SIAP and for IFR operations at the airport. Class E airspace designations for airspace areas extending upward from 700 feet or more above the surface of the earth are published in Paragraph 6005 of FAA Order 7400.9E, dated September 10, 1997, and effective September 16, 1997, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document would be published subsequently in the Order.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this proposed regulation—(1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that would only affect air traffic procedures and air navigation, it is certified that this proposed rule would not have significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

**List of Subjects in 14 CFR Part 71**

Airspace, Incorporation by reference, Navigation (air).

**The Proposed Amendment**

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR Part 71 as follows:

**PART 71—DESIGNATION OF CLASS A, CLASS B, CLASS C, CLASS D, AND CLASS E AIRSPACE AREAS; AIRWAYS; ROUTES; AND REPORTING POINTS**

1. The authority citation for Part 71 continues to read as follows:

**Authority:** 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959-1963 Comp., p. 389.

**§71.1 [Amended]**

2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9E, Airspace Designations and Reporting Points, dated September 10, 1997, and effective September 16, 1997, is amended as follows:

*Paragraph 6005 Class E airspace areas extending upward from 700 feet or more above the surface of the earth.*

\* \* \* \* \*

**AEA NJ E5 Andover, NJ [Revised]**

Aeroflex-Andover Airport, NJ  
(lat. 41°00'31"N., long. 74°44'17"W.)

That airspace extending upward from 700 feet above the surface within a 10-mile radius of Aeroflex-Andover Airport, excluding the portion that coincides with the Sussex, NJ, Blairstown, NJ, and New York, NY, Class E airspace areas.

\* \* \* \* \*

Issued in Jamaica, New York, on December 29, 1997.

**Franklin D. Hatfield,**

*Manager, Air Traffic Division, Eastern Region.*

[FR Doc. 98-1930 Filed 1-26-98; 8:45 am]

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**DEPARTMENT OF DEFENSE**

**Department of the Navy**

**32 CFR Parts 721 and 722**

**Removal of Rules on Standards of Conduct and Reporting Procedures on Defense Related Employment**

**AGENCY:** Department of the Navy, DOD.

**ACTION:** Final rule; removal.

**SUMMARY:** The Department of the Navy (DON) is removing rules for employee standards of conduct and reporting procedures for defense-related employment (32 CFR Parts 721 and 722). Both rules have been superseded, and in that they no longer have any effect, are removed immediately. Providing for a comment period before final action in this case would be unnecessary, impracticable, and contrary to public interest. However, DON will accept and consider comments from interested persons in evaluating the effect of this action.

**DATES:** *Effective Date of Removal:* January 27, 1998.

*Comment date:* Comments on this removal action should be submitted in writing to the address shown below on or before March 30, 1998.

**ADDRESSES:** Interested parties should submit written comments to Department of the Navy, Office of the Judge Advocate General, Administrative Law Division (Code 13), 200 Stovall Street, Alexandria, Virginia, 22332-2400.

**FOR FURTHER INFORMATION CONTACT:** Lieutenant Commander Mike Quinn, (703) 604-8200.

**SUPPLEMENTARY INFORMATION:**

## A. Background

On April 12, 1989, President Bush issued Executive Order (E.O.) 12674, "Principles of Ethical Conduct for Government Officers and Employees." Section 201(a) of E.O. 12674 made the Office of Government Ethics (OGE) responsible for promulgating "a single, comprehensive, and clear set of executive-branch standards of conduct that shall be objective, reasonable, and enforceable."

The OGE issued uniform standards of ethical conduct for all employees of the executive branch, codified at 5 CFR Part 2635, on August 7, 1992 (57 FR 35006). These regulations became effective on February 3, 1993.

Section 301(a) of E.O. 12674 allows agency heads to supplement, where necessary and appropriate, the OGE standards of conduct. The Secretary of Defense, in consultation and conjunction with the OGE, issued supplemental ethical rules applicable to all Department of Defense (DOD) Components in August 1993. These supplemental rules, codified in 32 CFR Parts 83 and 84, state that the DOD "shall have a single source of standards of ethical conduct and ethics guidance, including direction in the areas of financial and employment disclosure systems, post-employment rules, enforcement, and training." See, 32 CFR 83.4(a) and 84.1(a).

With promulgation of the OGE regulations and the DOD "Joint Ethics Regulation," the DON's standards of conduct contained in 32 CFR part 721 have been completely superseded. The Secretary of the Navy formally cancelled the DON's standards of conduct instruction on April 11, 1997. For these reasons, the Navy is now removing and reserving 32 CFR part 721.

Similarly, the rule contained in 32 CFR part 722 no longer has any meaning or effect. Part 722 contains requirements and procedures for the filing of form DD 1787 by certain present, former or retired DON personnel in reporting employment with DOD prime contractors. Authority for this rule was formerly found in 10 U.S.C. 2397. The National Defense Authorization Act for Fiscal Year 1997 (Pub. L. 104-106, Sec. 4304) repealed this statutory provision. The reporting requirement that this Part implements no longer exists.

## B. Determination to Remove Without Prior Public Comment

This removal action is being issued as a final rule, without a public comment period, as an exception to the DON's standard practice of soliciting comments during the rulemaking process.

Providing a period of public comment in this case would be unnecessary, impracticable, and contrary to the public interest. This determination is based on several factors. First, removal of these Parts is entirely administrative and corrective in nature, not requiring the exercise of agency discretion. Second, this action has already been substantially delayed, and further delay is unwarranted. Finally, to allow these Parts to remain in the Code of Federal Regulations any longer may mislead and confuse the public and past or present DON employees regarding applicable ethics rules and post-government employment reporting requirements.

## C. Matters of Regulatory Procedure

### *Executive Order 12866, Regulatory Planning and Review*

Removal of these Parts does not meet the definition of "significant regulatory action" for purposes of E.O. 12866.

### *Regulatory Flexibility Act*

Removal of these Parts will not have a significant economic impact on a substantial number of small entities for purposes of the Regulatory Flexibility Act (5 U.S.C. chapter 6).

### *Paperwork Reduction Act*

Removal of these rules will not impose collection of information requirements for purposes of the Paperwork Reduction Act (44 U.S.C. chapter 35, 5 CFR Part 1320).

## List of Subjects

### *32 CFR Part 721*

Conflict of interests, Government employees, Military personnel, Reporting and recordkeeping requirements.

### *32 CFR Part 722*

Conflict of interests, Government contracts, Government employees, Military personnel, Reporting and recordkeeping requirements.

## PARTS 721 AND 722—[REMOVED AND RESERVED]

Under the authority of Sec. 4304, Public Law 104-106, 110 Stat. 186, and E.O. 12674, and for the reasons set forth in the preamble, remove and reserve parts 721 and 722 of title 32 of the Code of Federal Regulations.

Dated: January 13, 1998.

**Michael I. Quinn,**

*Lieutenant Commander, Judge Advocate General's Corps, U.S. Navy, Federal Register Liaison Officer.*

[FR Doc. 98-1922 Filed 1-26-98; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Coast Guard

### 33 CFR Parts 154 and 155

[USCG-98-3350]

### Review of Cap Increases; Response Plans for Marine Transportation-related (MTR) Facilities and Tank Vessels

**AGENCY:** Coast Guard, DOT.

**ACTION:** Request for comments.

**SUMMARY:** Current Coast Guard response plan regulations for MTR facilities and tank vessels contain requirements for on-water oil removal capacity (referred to as caps) that plan-holders transporting or transferring groups I through IV petroleum oil are required to meet in planning for a worst case discharge. The original caps were set in 1993 and were scheduled to increase by 25% on February 18, 1998, provided the Coast Guard completed a review of the cap increases and determined the cap increases were practicable. The Coast Guard's review of the cap increases is on-going. Therefore, the Coast Guard will not implement the cap increases as originally scheduled, and the 1993 caps will remain in effect pending the results of the review. The Coast Guard requests comments on the practicability of the cap increases.

**DATES:** Comments must be received on or before April 27, 1998.

**ADDRESSES:** You may mail comments to the Docket Management Facility, [USCG-98-3350], U.S. Department of Transportation, Room PL-401, 400 Seventh Street, SW., Washington, DC 20590-0001, or deliver them to room PL-401, located on the Plaza Level of the Nassif Building at the same address between 10 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202-366-9329.

The Docket Management Facility maintains the public docket for this request for information. Comments, and documents as indicated in this preamble, will become part of this docket and will be available for inspection or copying at room PL-401, located on the Plaza Level of the Nassif Building at the above address between 10 a.m. and 5 p.m., Monday through Friday, except Federal holidays. You may also access the public docket on the internet at <http://dms.dot.gov>.

**FOR FURTHER INFORMATION CONTACT:** LCDR John Caplis, Project Manager, Office of Response (G-MOR), at 202-267-6922; e-mail: