

disclosure, and in 1996 issued a final rule on financial interests for executive branch departments and agencies of the Federal Government and their employees. Those three executive branch-wide regulations, as corrected and amended, are codified at 5 CFR Parts 2634, 2635 and 2640. Together those regulations have superseded the old Council regulations on employee responsibilities and conduct, which have been codified at 36 CFR Part 811 (and were based on prior OPM standards). Accordingly, the Council is removing its superseded regulations and adding in place thereof a new section containing residual cross-references to the new provisions at 5 CFR Parts 2634, 2635 and 2640. In addition, the Council is including in that section a reference to the specific executive branch-wide restrictions on gambling, safeguarding the examination process and conduct prejudicial to the Government which are set forth in 5 CFR Part 735, as issued by OPM in 1992.

#### Matters of Regulatory Procedure

##### *Administrative Procedure Act*

As Executive Director of the Advisory Council on Historic Preservation (Council), I have found good cause, pursuant to 5 U.S.C. 553(a) (2) and (b), for waiving the notice of proposed rulemaking and opportunity for public comment as to this final rule. The notice and public comment provisions are being waived because it is in the public interest that this rule, which concerns matters of agency organization, management and personnel and merely reflects for Council employees the current regulatory structure for ethical conduct standards, financial disclosure and financial interests, become effective as soon as possible.

##### *Executive Order 12866*

The Council is exempt from compliance with Executive Order 12866 pursuant to implementing guidance issued by the Office of Management and Budget's Office of Information and Regulatory Affairs in a memorandum dated October 12, 1993. However, in promulgating this final rule, the Council nevertheless has adhered to the regulatory philosophy and the applicable principles of regulation set forth in Executive Order 12866. This final rule deals with agency organization, management, and personnel matters and is not in any event deemed "significant" thereunder.

#### *Regulatory Flexibility Act*

As Executive Director of the Council, I have determined under the Regulatory Flexibility Act (5 U.S.C. Chapter 6) that this final rule will not have a significant economic impact on a substantial number of small entities because it primarily affects Council employees.

#### *Paperwork Reduction Act*

As Executive Director of the Council, I have determined that the Paperwork Reduction Act (44 U.S.C. Chapter 35) does not apply to this final rule, because it does not contain any information collection requirements that require the approval of the Office of Management and Budget.

#### List of Subjects in 36 CFR Part 811

Conflict of interests, Government employees.

**John M. Fowler,**  
*Executive Director.*

For the reasons set forth in the preamble, the Advisory Council on Historic Preservation is revising 36 CFR Part 811 to read as follows:

#### **PART 811—EMPLOYEE RESPONSIBILITIES AND CONDUCT**

##### **§ 811.1 Cross-references to employees' ethical conduct standards, financial disclosure and financial interests regulations and other conduct rules.**

Employees of the Advisory Council on Historic Preservation are subject to the executive branch-wide standards of ethical conduct, financial disclosure and financial interests regulations at 5 CFR Parts 2634, 2635 and 2640, as well as the executive branch-wide employee responsibilities and conduct regulations at 5 CFR Part 735.

**Authority:** 5 U.S.C. 7301 and 16 U.S.C. 470, as amended.

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#### **ENVIRONMENTAL PROTECTION AGENCY**

##### **40 CFR Part 52**

[MD068-3027; FRL-6174-3]

##### **Approval and Promulgation of Air Quality Implementation Plans; Maryland; Withdrawal of Final Rule**

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

**ACTION:** Withdrawal of notice of final rulemaking.

**SUMMARY:** Due to receipt of adverse comments, EPA is withdrawing the direct final rule for approval of revisions to the Maryland State Implementation Plan (SIP). EPA published the direct final rule on August 26, 1998 (63 FR 45397) approving revisions to Maryland regulation COMAR 36.11.13 to apply reasonably available control technology on sources that store and handle jet fuel. As stated in that **Federal Register** document, if adverse comments were received by September 25, 1998, a timely notice of withdrawal would be published in the **Federal Register**. EPA subsequently received adverse comments on that direct final rule. EPA will address the comments received in a subsequent final action and issue a final rule based on the parallel proposal also published on August 26, 1998 (63 FR 45443). As stated in the parallel proposal, EPA will not institute a second comment period on this action.

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This rule is not a "major rule" as defined by 5 U.S.C. 804(2).

**DATE:** The direct final rule published at 63 FR 45397 (August 26, 1998) is withdrawn as of October 9, 1998.

**FOR FURTHER INFORMATION CONTACT:** Kristeen Gaffney (215) 814-2092, or by e-mail at gaffney.kristeen@epamail.epa.gov.

##### **List of Subjects in 40 CFR Part 52**

Environmental protection, Air pollution control, Hydrocarbons, Ozone, Incorporation by reference, Reporting and recordkeeping requirements.

Dated: October 1, 1998.

**Thomas C. Voltaggio,**  
*Acting Regional Administrator, Region III.*  
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