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OFFICE OF GOVERNMENT ETHICS

5 CFR Part 2641

RIN 3209-AA07

Post-Employment Conflict of Interest Restrictions; Revision of Departmental Component Designations

AGENCY: Office of Government Ethics (OGE).

ACTION: Final rule.

SUMMARY: The Office of Government Ethics is issuing this rule to designate a departmental component, to correct the name of an existing component, and to revoke an existing component designation for purposes of a statutory post-employment conflict of interest restriction.

EFFECTIVE DATES: The amendments to appendix B to part 2641, as set forth in amendatory instruction 2, are effective February 5, 1999. The removal of a component designation from appendix B to part 2641, as set forth in amendatory instruction 3, is effective May 6, 1999.

FOR FURTHER INFORMATION CONTACT: Julia Loring Eirinberg, Office of General Counsel and Legal Policy, Office of Government Ethics; telephone: 202-208-8000, extension 1108; TDD: 202-208-8025; FAX: 202-208-8037.

SUPPLEMENTARY INFORMATION:

A. Substantive Discussion

The Director of OGE is authorized by 18 U.S.C. 207(h) to designate distinct and separate departmental or agency components in the executive branch for purposes of 18 U.S.C. 207(c). The representational bar of 18 U.S.C. 207(c) usually extends to the whole of any department or agency in which a former senior employee served in any capacity during the year prior to termination from a senior employee position. However, eligible senior employees may

be permitted to communicate to or appear before parts of their former department or agency if one or more components of the department or agency have been designated as separate agencies or bureaus by OGE.

As specified in 5 CFR 2641.201(e)(3)(iii), the Director of OGE "shall by rule make or revoke a component designation after considering the recommendation of the designated agency ethics official." Component designations are listed in appendix B of this part 2641. Pursuant to the procedures prescribed in 5 CFR 2641.201(e), two departments have forwarded letters to OGE requesting the amendment of appendix B since it was last revised in 1997 (62 FR 26915-26918 (May 16, 1997), as corrected at 62 FR 31865 (June 11, 1997)). After carefully reviewing these requests in light of the criteria in 18 U.S.C. 207(h) as implemented in 5 CFR 2641.201(e)(6), I have determined to revise appendix B as requested.

As requested by the Department of Defense (DOD), I am revoking the designation of the Defense Special Weapons Agency as a distinct and separate component of DOD because the agency has recently been disestablished. I am replacing the designation with a component which is, in large part, the successor component to that agency. The new component, the Defense Threat Reduction Agency, has replaced selected elements of the Office of the Secretary of Defense, the Defense Special Weapons Agency, the On-Site Inspection Agency, and the Defense Technology Security Administration. In addition, I am revising the listing for the Department of the Treasury to correct the name of the Financial Management Service. That entry has incorrectly referred to the Financial Management Center.

As indicated in 5 CFR 2641.201(e)(4), a designation "shall be effective as of the effective date of the rule that creates the designation, but shall not be effective as to employees who terminated senior service prior to that date." Initial designations were effective as of January 1, 1991. The effective date of subsequent designations is indicated by means of parenthetical entries in appendix B. The new component designation and the correction made by this rulemaking document are effective February 5, 1999. As also provided in 5

CFR 2641.201(e)(4), a revocation is effective 90 days after the effective date of the rule that revokes the designation. Accordingly, the component designation revocation made in this rulemaking will take effect May 6, 1999. Revocations are not effective as to any individual terminating senior service prior to the expiration of the 90-day period.

B. Matters of Regulatory Procedure

Administrative Procedure Act

Pursuant to 5 U.S.C. 553, as the Director of OGE, I find that good cause exists for waiving the general requirements for notice of proposed rulemaking, opportunity for public comment, and a 30-day delayed effective date. It is important that the designation or revocation by OGE of separate departmental or agency components be published in the **Federal Register** as promptly as possible. Furthermore, since this rule is interpretive in nature, it is exempt from the notice, comment, and delayed effectiveness requirements of 5 U.S.C. 553.

Executive Order 12866

In promulgating this final rule, the Office of Government Ethics 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 rule has not been reviewed by the Office of Management and Budget under that Executive order since it deals with agency organization, management, and personnel matters and is not "significant" under the order.

Regulatory Flexibility Act

As Director of the Office of Government Ethics, I certify under the Regulatory Flexibility Act (5 U.S.C. chapter 6) that this rule will not have a significant economic impact on a substantial number of entities because it affects only Federal departments and agencies and current and former Federal employees.

Paperwork Reduction Act

The Paperwork Reduction Act (44 U.S.C. chapter 35) does not apply to this rule because it does not contain information collection requirements that

require the approval of the Office of Management and Budget.

List of Subjects in 5 CFR Part 2641

Conflict of interests, Government employees.

Approved: January 29, 1999.

Stephen D. Potts,

Director, Office of Government Ethics.

Accordingly, for the reasons set forth in the preamble, the Office of Government Ethics is amending part 2641 of subchapter B of chapter XVI of title 5 of the Code of Federal Regulations as follows:

PART 2641—[AMENDED]

1. The authority citation for part 2641 continues to read as follows:

Authority: 5 U.S.C. App. (Ethics in Government Act of 1978); 18 U.S.C. 207; E.O. 12674, 54 FR 15159, 3 CFR, 1989 Comp., p. 215, as modified by E.O. 12731, 55 FR 42547, 3 CFR, 1990 Comp., p. 306.

2. Effective February 5, 1999, appendix B to part 2641 is amended by revising the listings for the Department of Defense and the Department of the Treasury to read as follows:

Appendix B to Part 2641—Agency Components for Purposes of 18 U.S.C. 207(c)

* * * * *

Parent: Department of Defense

Components:

Department of the Air Force
 Department of the Army
 Department of the Navy
 Defense Information Systems Agency
 Defense Intelligence Agency
 Defense Logistics Agency
 Defense Special Weapons Agency
 (effective May 16, 1997; expiring
 May 6, 1999)
 Defense Threat Reduction Agency
 (effective February 5, 1999)
 National Imagery and Mapping
 Agency (effective May 16, 1997)
 National Security Agency

* * * * *

Parent: Department of the Treasury

Components:

Bureau of Alcohol, Tobacco and
 Firearms
 Bureau of Engraving and Printing
 Bureau of the Mint
 Bureau of the Public Debt
 Comptroller of the Currency
 Federal Law Enforcement Training
 Center
 Financial Management Service
 Internal Revenue Service
 Office of Thrift Supervision
 United States Customs Service

United States Secret Service

3. Effective May 6, 1999, appendix B to part 2641 is further amended by removing the Defense Special Weapons Agency from the listing for the Department of Defense.

[FR Doc. 99-2711 Filed 2-4-99; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 98-CE-126-AD; Amendment 39-11024; AD 99-03-11]

RIN 2120-AA64

Airworthiness Directives; Raytheon Aircraft Company Beech Model 60 Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that applies to certain Raytheon Aircraft Company (Raytheon) Beech Model 60 airplanes. This AD requires modifying the aircraft cabin heat control wiring. This AD is the result of an incident on one of the affected airplanes where the circuit control that operates the aircraft cabin heater overheated and caused the cabin heater to shut down during in-flight operation. The actions specified by this AD are intended to prevent this circuit from overheating because of the current wiring design, which could result in possible smoke/fire if the heating system continued to operate in an "over-temperature" condition.

DATES: *Effective:* March 4, 1999.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of March 4, 1999.

Comments for inclusion in the Rules Docket must be received on or before April 8, 1999.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 98-CE-126-AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Service information that applies to this AD may be obtained from the Raytheon Aircraft Company, PO Box 85, Wichita, Kansas 67201-0085; telephone: (800) 625-7043 or (316) 676-4556. This

information may also be examined at the Federal Aviation Administration (FAA), Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 98-CE-126-AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106; or at the Office of the Federal Register, 800 North Capitol Street, NW, suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Mr. Todd Dixon, Aerospace Engineer, Wichita Aircraft Certification Office, FAA, 1801 Airport Road, Mid-Continent Airport, Wichita, Kansas 67209; telephone: (316) 946-4152; facsimile: (316) 946-4407.

SUPPLEMENTARY INFORMATION:

Discussion

The FAA has received a report of the aircraft cabin heater shutting down on a Raytheon Beech Model 60 airplane during in-flight operation. Raytheon incorporated a design change to the cabin heater circuit on the following airplanes: serial numbers P-159, and P-166 through P-596. A reconfiguration of the circuit protection that wires the 5-amp fuses in parallel instead of in series was part of this design change. Investigation of the above-referenced incident reveals that the incident airplane incorporated the design change and that the parallel-wired fuses caused the electrical resistor to overheat and eventually caused the heater system to shut down.

However, prior to shutting down, the heater system can operate in an "over-temperature" condition where it is possible for smoke or fire to occur due to the wiring and the resistor overheating.

Relevant Service Information

Raytheon has issued Mandatory Service Bulletin SB 24-3097, Issued: December, 1998, which specifies procedures for modifying the aircraft cabin heat control wiring.

The FAA's Determination

After examining the circumstances and reviewing all available information related to the incidents described above, including the relevant service information, the FAA has determined that AD action should be taken to prevent the above-referenced condition from occurring.

Explanation of the Provisions of the AD

Since an unsafe condition has been identified that is likely to exist or develop in other Raytheon Beech Model 60 airplanes of the same type design, the FAA is issuing an AD. This AD requires modifying the aircraft cabin heat control wiring in accordance with the