

# Rules and Regulations

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## NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

### 5 CFR Part 6901

RINs 2700-AC45, 3209-AA15

### Supplemental Standards of Ethical Conduct for Employees of the National Aeronautics and Space Administration

**AGENCY:** National Aeronautics and Space Administration (NASA).

**ACTION:** Final rule; amendment.

**SUMMARY:** NASA, with the concurrence of the Office of Government Ethics (OGE), is amending its supplemental standards of ethical conduct to remove the designations of officials authorized to perform ethics-related functions. In a separate rulemaking, NASA is adding revised designations to its 14 CFR part 1207 conduct regulations.

**EFFECTIVE DATE:** November 27, 2001.

**ADDRESSES:** Code GG, NASA Headquarters, Washington, DC 20546-0001.

**FOR FURTHER INFORMATION CONTACT:** Laurie P. Rafferty, Senior Ethics Attorney, NASA Headquarters, (202) 358-2028.

#### SUPPLEMENTARY INFORMATION:

#### I. Background

Section 2635.105 of 5 CFR authorizes executive branch agencies, with the concurrence of OGE, to publish supplemental regulations necessary to implement their respective ethics programs. In 1994, NASA, with OGE's concurrence, established supplemental standards of ethical conduct for NASA employees. See 59 FR 49335-49338 (Sept. 28, 1994), as codified at 5 CFR part 6901. At the same time, NASA repealed much of its preexisting Standards of Conduct regulation at 14 CFR part 1207, and limited its coverage to conflict of interest waiver procedures under 18 U.S.C. 208 and post-

employment procedures under 18 U.S.C. 207(j)(5).

NASA, with OGE's concurrence, now amends its supplemental standards of conduct by removing (and reserving) § 6901.102, which contains the designations of NASA officials authorized to make ethics-related determinations. These internal NASA designations are better covered in NASA's conduct regulations at 14 CFR part 1207. By separate publication in the **Federal Register**, NASA is issuing amended designations at new § 1207.103 of 14 CFR. Moreover, in this rulemaking NASA is correcting a miscitation in the authority citation of the supplemental standards.

#### II. Matters of Regulatory Procedure

##### *Administrative Procedure Act*

Pursuant to 5 U.S.C. 553(a)(2), (b), and (d), NASA has determined that good cause exists for waiving the regular notice of proposed rulemaking, opportunity for public comments, and 30-day delayed effective date for this final rule amendment. This action is being taken because it is in the public interest that this rule, which concerns matters of agency management, personnel, organization, practice and procedure, be effective on the date of publication.

##### *Small Entities*

Under the Regulatory Flexibility Act (5 U.S.C. 601-612), NASA has considered whether this rule would have a significant economic impact on a substantial number of small entities. The term "small entities" comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. Pursuant to 5 U.S.C. 605(b), NASA certifies that this rule will not have a significant economic impact on a substantial number of small entities because the rule only affects the operations of NASA and its employees. Accordingly, no regulatory flexibility analysis is required.

##### *Executive Order 12866 Determination*

This rule is not a "significant regulatory action" under section 3(f) of Executive Order 12866, Regulatory Planning and Review, is not subject to

review under section 3(d) of that Order because it is limited to NASA's organization, management and/or personnel matters, and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order.

##### *Collection of Information*

This rule calls for no new collection of information under the Paperwork Reduction Act (44 U.S.C. 3501-3520).

##### *Federalism*

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on State or local governments and would either preempt State law or impose a substantial direct cost of compliance on them. NASA has analyzed this rule under that Order and has determined that it does not have implications for federalism.

##### *Unfunded Mandates Reform Act*

Title II of the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531-1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. NASA has determined that the rule will not result in expenditures by State, local, or tribal governments or by the private sector of \$100 million or more. The rule affects only the internal organization of NASA. Accordingly, NASA has not prepared a budgetary impact statement or specifically addressed regulatory alternatives.

#### List of Subjects in 5 CFR Part 6901

Conflict of interests, Ethical conduct, Government employees, Organization and functions (Government agencies).

Dated: November 5, 2001.

**Daniel S. Goldin,**

*Administrator, National Aeronautics and Space Administration.*

Approved: November 9, 2001.

**Amy L. Comstock,**

*Director, Office of Government Ethics*

For the reasons discussed in the preamble, NASA, with the concurrence of OGE, amends 5 CFR part 6901 as follows:

**PART 6901—SUPPLEMENTAL STANDARDS OF ETHICAL CONDUCT FOR EMPLOYEES OF THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION**

1. The authority citation for part 6901 is revised to read as follows:

**Authority:** 5 U.S.C. 7301; 5 U.S.C. App. (Ethics in Government Act of 1978); 42 U.S.C. 2473(c)(1); 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; 5 CFR 2635.105, 2635.403(a), 2635.802(a), 2635.803.

**§ 6901.102 [Removed and Reserved]**

2. Section § 6901.102 is removed and reserved.

[FR Doc. 01–29424 Filed 11–26–01; 8:45 am]

**BILLING CODE 7510–01–P**

**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**14 CFR Part 71**

[Airspace Docket No. 01–ASO–13]

**Amendment of Class E Airspace; Dayton, TN**

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** This action amends Class E airspace at Dayton, TN. A Global Positioning System (GPS) Standard Instrument Approach Procedure (SIAP), helicopter point in space approach, has been developed for Bradley Memorial Hospital, Cleveland, TN. As a result, additional controlled airspace extending upward from 700 feet Above Ground Level (AGL) is needed to accommodate the SIAP. This action amends the Class E5 airspace for Dayton, TN, to the south in order to include the point in space approach serving Bradley Memorial Hospital.

**EFFECTIVE DATE:** 0901 UTC, February 21, 2002.

**FOR FURTHER INFORMATION CONTACT:** Walter R. Cochran, Manager, Airspace Branch, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone (404) 305–5627.

**SUPPLEMENTARY INFORMATION:**

**History**

On October 12, 2001, the FAA proposed to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) by amending Class E airspace at Dayton, TN, (66 FR 52076). This

action provides adequate Class E airspace for IFR operations at the Bradley Memorial Hospital. Designations for Class E airspace extending upward from 700 feet or more above the surface are published in FAA Order 7400.9J, dated August 31, 2001, and effective September 16, 2001, which is incorporated by reference in 14 CFR part 71.1. The Class E designation listed in this document will be published subsequently in the Order.

Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received.

**The Rule**

This amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) amends Class E airspace at Dayton, TN, for the Bradley Memorial Hospital.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore, (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 will only affect air traffic procedures and air navigation, it is certified that this rule will not have a 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).

**Adoption of the Amendment**

In consideration of the foregoing, the Federal Aviation Administration amends 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 14 CFR part 71 continues to read as follows:

**Authority:** 49 U.S.C. 106(g), 40103, 40113, 40120; EO 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 7400.9J, Airspace Designations and Reporting Points, dated August 31, 2001, and effective September 16, 2001, is amended as follows:

*Paragraph 6005 Class E Airspace Areas Extending Upward From 700 Feet or More Above the Surface of the Earth.*

\* \* \* \* \*

**ASO TN E5 Dayton, TN [Revised]**

Dayton, Mark Anton Airport, TN  
(Lat. 35°29'10"N, long. 84°55'52"W)  
Hardwick Field Airport (Lat. 35°13'12"N, long. 84°49'57"W)  
Bledsoe County Hospital, Pikeville, TN  
Point in Space Coordinates  
(Lat. 35°37'34"N, long. 85°10'38"W)  
Bradley Memorial Hospital, Cleveland, TN  
Point in Space Coordinates  
(Lat. 35°10'45"N, long. 84°52'56"W)

That airspace extending upward from 700 feet or more above the surface within a 12.5-mile radius of Mark Anton Airport, and that airspace within a 6.5-mile radius of Hardwick Field Airport, and that airspace within a 6-mile radius of the point in space (lat. 35°37'34"N, long. 85°10'38"W) serving Bledsoe County Hospital, Pikeville, TN, and that airspace within a 6-mile radius of the point in space (lat. 35°10'52"N, long. 84°52'56"W) serving Bradley Memorial Hospital Cleveland, TN; excluding that airspace within the Athens, TN, Class E airspace area.

\* \* \* \* \*

Issued in College Park, Georgia, on November 16, 2001.

**Wade T. Carpenter,**  
*Acting Manager, Air Traffic Division,*  
*Southern Region.*

[FR Doc. 01–29480 Filed 11–26–01; 8:45 am]

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**NATIONAL AERONAUTICS AND SPACE ADMINISTRATION**

**14 CFR Part 1207**

**RIN 2700–AC37**

**Standards of Conduct**

**AGENCY:** National Aeronautics and Space Administration (NASA).

**ACTION:** Final rule; amendment.

**SUMMARY:** NASA is amending its standards of conduct regulations. These amendments: change the procedure for NASA employees requesting waivers of the conflict of interests statute at 18 U.S.C. 208 to reflect organizational changes; repeal the general conflict of interests waivers at 14 CFR 1207.102(b); and revise the designations of officials