"Supervisor" and replacing it with the phrase "authorized officer", by amending section 11.8 by removing in the two places it appears the word "Supervisor" and replacing it with the phrase "authorized officer";

J. Amending Article XII by amending section 12.1 by removing in the two places it appears the word "Supervisor" and replacing it with the phrase "authorized officer", by amending section 12.2 by removing in the two places it appears the word "Supervisor" and replacing it with the phrase "authorized officer", by amending section 12.3 by removing the word "Supervisor" and replacing it with the phrase "authorized officer" and by amending section 12.4 by removing the word "Supervisor" and replacing it with the phrase "authorized officer";

K. Amending Article XIV by amending section 14.6 by removing the word "Supervisor" and replacing it with the phrase "authorized officer";

L. Amending Article XVI by amending section 16.1 by removing the word "Supervisor" and replacing it with the phrase "authorized officer";

M. Amending Article XVIII by amending section 18.2 by removing the word "Supervisor" and replacing it with the phrase "authorized officer";

N. Amending Article XXI by amending section 21.3 by removing the word "Supervisor" and replacing it with the phrase "authorized officer";

O. Amending Article XXV by amending section 25.1 By removing in the two places it appears the word "Supervisor" and replacing it with the phrase "authorized officer"and by amending section 25.5 by removing the word "Supervisor" and replacing it with the phrase "authorized officer"; and

P. Amending Article XXVIII by amending section 28.2 by removing the word "Supervisor" and replacing it with the phrase "authorized officer";

20 Section 3286.1-1, formerly 30 CFR 271.13, is amended by revising the section heading to read:

§ 3286.1-1 Model Exhibit 'A'.

21. Section 3286.1-2, formerly 30 CFR 271.14, is amended by:

A. Revising the Section heading to read:

§ 3286.1-2 Model Exhibit 'B'.

B. Removing the sentence "3 Patented tracts 1,951.20 acres or 19.04% of unit area." at the end of the table and replacing it with the sentence "4 Patented tracts 1,951.20 acres or 19.04% of unit area."

22. Section 3286.2, formerly 30 CFR 271.15, is amended by revising the section heading to read:

§ 3286.2 Model unit bond.

23. Section 3286.3, formerly 30 CFR 271.16, is amended by:

A. Revising the section heading to read:

§ 3286.3 Model designation of successor operator.

B. Removing the language under the signature line at the end of the form and replacing it with "Authorized Officer, Bureau of Land Management."

24. Section 3286.4, formerly 30 CFR 271.17, is amended by:

A. Revising the section heading to read:

§ 3286.4 Model change of operator by assignment.

B. Removing the language under the signature line at the end of the form and replacing it with "Authorized Officer, Bureau of Land Management."

25. The authority citation for new Part 3280 is added as follows:

Authority: Geothermal Steam Act of 1970, as amended (30 U.S.C. 1001-1025) and order No. 3087, dated Dec. 3, 1982, as amended Feb. 7, 1983 (48 FR 8983).

[FR Doc. 83-26840 Filed 9-29-83; 8:45 am]
BILLING CODE 4310-84-M

Bureau of Land Management

Minerals Management Service

43 CFR Part 3570

30 CFR Part 200

[Circular No. 2537]

Operating Procedures for Exploration, Development and Production; Final Rulemaking Redesignating Certain Provisions Covering Forms From Title 30 Part 200 of the Code of Federal Regulations to Title 43 Part 3570

AGENCY: Bureau of Land Management, Interior.

ACTION: Final rulemaking.

SUMMARY: On December 3, 1982, the Secretary of the Interior issued Order No. 3087, which was amended on February 7, 1983, transferring all onshore management functions of the Minerals Management Service, not relating to royalty management, to the Bureau of Land Management. Notice of this transfer of management functions was published in the **Federal Register** of March 2, 1983 (48 FR 8982). In accordance with that order and the above notice, certain sections of the regulations in 30 CFR Part 200 are being transferred to 43 CFR Part 3570.

This notice redesignates the appropriate sections of 30 CFR Part 200 as 43 CFR Part 3570 and makes necessary administrative amendments to bring the redesignated sections into conformance with the language of Title 43 of the Code of Federal Regulations.

EFFECTIVE DATE: September 30, 1983.

ADDRESS: Any suggestions or inquiries should be sent to: Director (660), Bureau of Land Management, 1800 C Street NW., Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: Paul Sternberg, (202) 860-7506.

The principal author of this final rulemaking is Harry Moritz, Division of Solid Mineral Operations, Bureau of Land Management, assisted by the staff of the Office of Legislation and Regulatory Management, Bureau of Land Management.

Because this final rulemaking is an administrative action reflecting actions that have already occurred and that have no additional impacts on leasable mineral exploration and mining operations, it has been determined that no action needs to be taken with regard to a determination under either the provisions of section 102(2)(C) of the National Environmental Policy Act (42 U.S.C. 4332(2)(C)) or the provisions of Executive Order 12291.

There are no additional information collection requirements contained in this final rulemaking that require clearance by the Office of Management and Budget under 44 U.S.C. 3507.

This final rulemaking is administrative and has no additional impacts on the public. Further, it reflects actions that have already occurred. It will, therefore, be effective upon publication.

List of Subjects in 43 CFR Part 3570

Environmental protection, Government contracts, Mineral royalties, Mines, Public lands—mineral resources, Reporting requirements.

Under the authority of Order No. 3087 issued by the Secretary of the Interior on December 3, 1982, as amended on February 7, 1983, which transferred all onshore management functions of the Minerals Management Service, not relating to royalty management, to the Bureau of Land Management, 30 CFR Part 231 is redesignated as Part 3570, Group 3500, Subchapter C, Chapter II of Title 43 of the Code of Federal Regulations and is amended as set forth below.

Garrey E. Carruthers,
Assistant Secretary of the Interior.

[FR Doc. – Filed —; 8:45 am]
BILLING CODE —

§ 2570.0-9 [Amended]

1. Section 2570.0-9, formerly 30 CFR 231.1(c), is amended by removing in its entirety the cross reference that appears at the end of 30 CFR 231.1.

§ 3571.1 [Amended]

2. Section 3571.1, formerly 30 CFR 231.4, is amended by:

A. Amending paragraph (e) by removing the citation "Parts 55, 56, or 57, Chapter I of this Title" and replacing it with the citation "30 CFR Parts 55, 56 or 57"; and

B. Revising paragraph (f) to read:

* * * * *

(f) Lessees and permittees shall submit the reports required by 25 CFR Parts 211 and 212, the requirements of § 3571.1-1 of this title and part 23 of this title.

3. A new § 3571.1-1, formerly 30 CFR 200.1 (b), (c), (d), (e) and (f), is added to read as follows:

§ 3571.1-1 Forms and reports.

Under regulations, the following reports are to be filed on the forms listed:

(a) *Potassium and sodium.* (1) Production reports on potassium and sodium prospecting permits on form 9-128, Carlsbad, New Mexico; 9-128c, Salt Lake City, Utah; 9-129d, all other districts. These forms require information each calendar quarter relating to prospecting operations, including the nature thereof, extent, cost and amount removed for experimentation and research. (See § 3470.0-2(b) of this title)

(2) Production and royalty reports on potassium and sodium leases on form 9-128a. This form requires information each month relating to the output from the leased lands, the amount in storage, the amount disposed of, unit and total value and royalty thereon. (See § 3470.0-2(b) of this title)

(3) Annual production reports on potassium and sodium leases on form 9-128B. This form requires information relating to the output from the leased lands, the amount in storage, the amount disposed of and the gross value thereof, total amount of products and cost of production. (See § 3470.0-2(b) of this title)

(b) *Phosphate.* (1) Production and royalty reports on phosphate leases on form 9-368. This form requires information each calendar quarter relating to the amount of phosphate rock mined, its character and quality, the amount in storage, products and by-products disposed of, unit gross value and royalty. (See § 3470.0-2(b) of this title)

(2) Annual reports on phosphate leases on form 9-369. This form requires information on the output from leased lands, the amount in storage, the amount disposed of and gross value thereof, total amount of products and cost of production. (See § 3470.0-2(b) of this title)

(c) *Silica sands.* Production and royalty reports on silica sand leases on form 9-1146. This form requires information each calendar quarter on the production from leased lands, unit and gross value at point of shipment to market and royalty. (See § 3470.0-2(b) of this title)

(d) *Oil shale and sulphur.* Production and royalty reports on the above-described potassium and sodium forms.

(e) *Logs of prospect bore holes for potassium, sodium, phosphate, silica sands, sulphurs and oil shale on form* 9-1147. This form requires, not later than 15 days after the completion of each bore hole, a complete and accurate log and history, in chronological order, of all operations conducted on the bore hole. (See § 3470.0-2(b) of this title)

§ 3574.4 [Amended]

4. Section 3574.4(b), formerly 30 CFR 231.34(b), is amended by removing the citation "Part 57, Chapter 1 of this Title" and replacing it with the citation "30 CFR Part 57".

§ 3577.1 [Amended]

5. Section 3577.1, formerly 30 CFR 231.60, is amended by removing from the cross reference following that section the citation "Part 200" and replacing it with the citation "§ 3571.1-1 of this title".

§ 3577.2 [Amended]

6. Section 3577.2(a)(1)(iii), formerly 30 CFR 231.61(a)(1)(iii), is amended by removing the phrase "Mining Supervisor" and replacing it with the phrase "authorized officer".

PART 200—[REMOVED]

7. 30 CFR Part 200 is removed in its entirety.

[FR Doc. 83-26857 Filed 9-29-83; 8:45 am]

BILLING CODE 4310-84-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 64

[Docket No. FEMA 6562]

Suspension of Community Eligibility Under the National Flood Insurance Program

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Final rule.

SUMMARY: This rule lists communities, where the sale of flood insurance has been authorized under the National Flood Insurance Program (NFIP), that are suspended on the effective dates listed within this rule because of noncompliance with the flood plain management requirements of the program. If FEMA receives documentation that the community has adopted the required flood plain management measures prior to the effective suspension date given in this rule, the suspension will be withdrawn by publication in the **Federal Register.**

EFFECTIVE DATES: The third date ("Susp.") listed in the fourth column.

FOR FURTHER INFORMATION CONTACT: Richard W. Krimm, Assistant Associate Director Office of Natural and Technological Hazards Programs (202) 287-0176, 500 C Street, Southwest, Donohoe Building—Room 506, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: The National Flood Insurance Program (NFIP), enables property owners to purchase flood insurance at rates made reasonable through a Federal subsidy. In return, communities agree to adopt and administer local flood plain management measures aimed at protecting lives and new construction from future flooding. Section 1315 of the National Flood Insurance Act of 1968, as amended (42 U.S.C. 4022) prohibits flood insurance coverage as authorized under the National Flood Insurance Program (42 U.S.C. 4001-4128) unless an appropriate public body shall have adoped adequate flood plain management measures with effective enforcement measures. The communities listed in this notice no longer meet that statutory requirement for compliance with program regulations (44 CFR Part 59 et seq.). Accordingly, the communities are suspended on the effective date in the fourth column, so that as of that date flood insurance is no longer available in the community. However, those communities which, prior to the suspension date, adopt and submit documentation of legally enforceable flood plain management measures required by the program, will continue their eligibility for the sale of insurance. Where adequate documentation is received by FEMA, a notice withdrawing the suspension will be published in the **Federal Register.**

In addition, the Director of Federal Emergency Management Agency has identified the special flood hazard areas in these communities by publishing a Flood Hazard Boundary Map. The date of the flood map, if one has been published, is indicated in the fifth column of the table. No direct Federal financial assistance (except assistance pursuant to the Disaster Relief Act of 1974 not in connection with a flood) may legally be provided for construction of acquisition of buildings in the identified special flood hazard area of communities not participating in the NFIP and identified for more than a year, on the Federal Emergency Management Agency's initial flood insurance map of the community as having flood prone areas. (Section 202(a) of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), as amended.) This prohibition against certain types of Federal assistance becomes effective for the communities listed on the date shown in the last column.

The Director finds that notice and public procedure under 5 U.S.C. 533(b) impracticable and unnecessary because communities listed in this final rule have been adequately notified. Each community receives a 6-month, 90-day, and 30-day notification addressed to the Chief Executive Officer that the community will be suspended unless the required flood plain management measures are met prior to the effective suspension date. For the same reasons, this final rule may take effect within less than 30 days.

Pursuant to the provision of 5 U.S.C. 605(b), the Associate Director of State and Local Programs and Support, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. As stated in Section 2 of the Flood Disaster Protection Act of 1973, the establishment of local flood plain management together with the availability of flood insurance decreases the economic impact of future flood losses to both the particular community and the nation as a whole. This rule in and of itself does not have a significant economic impact. Any economic impact results from the community's decision not to (adopt) (enforce) adequate flood plain management, thus placing itself in noncompliance of the Federal standards required for community participation.

In each entry, a complete chronology of effective dates appears for each listed community.

List of Subjects in 44 CFR Part 64

Flood insurance, Flood plains.

PART 64—[AMENDED]

Section 64.6 is amended by adding in alphabetical sequence new entries to the table.

§ 64.6 List of eligible communities.

State and county	Location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Special flood hazard area identified	Date certain Federal assistance no longer available in special flood hazard area
Region I					
Connecticut: Fairfield	Easton, town of	09006B	Jan. 7, 1975, emergency, Sept. 30, 1983, regular, Sept. 30, 1983, suspended.	Oct. 18, 1974, Sept. 17, 1976	Sept. 30, 1983
New Hampshire: Cheshire.	Keene, city of	330023A	Apr. 24, 1974, emergency, Sept. 30, 1983, regular, Sept. 30, 1983, suspended.	Jan. 3, 1975	Do.
Region II					
New Jersey: Monmouth.	Brielle, borough of	340290C	July 28, 1972, emergency, Apr. 2, 1979, regular, Sept. 30, 1983, suspended.	Aug. 31, 1973, Feb. 11, 1977, Apr. 2, 1979.	Do.
New York:					
Ontario	Farmington, town of	361299B	July 17, 1974, emergency, Sept. 30, 1983, regular, Sept. 30, 1983, suspended.	Oct. 25, 1974, July 23, 1976	Do.
Fulton	Gloversville, city of	360275B	July 30, 1976, emergency, Sept. 30, 1983, regular, Sept. 30, 1983, suspended.	June 21, 1974, July 30, 1976	Do.
Schenectady	Schenectady, city of	360741B	Apr. 30, 1974, emergency, Sept. 30, 1983, regular, Sept. 30, 1983, suspended.	May 10, 1974, June 25, 1976	Do.
Ontario	Victor, town of	361249C	July 24, 1975, emergency, Sept. 30, 1983, regular, Sept. 30, 1983, suspended.	Oct. 25, 1974, June 18, 1976, July 8, 1977.	Do.
Region III					
West Virginia: Wyoming.	Pineville, city of	540220B	Jan. 22, 1975, emergency, Sept. 30, 1983, regular, Sept. 30, 1983, suspended.	July 26, 1974, June 11, 1976	Do.
Region IV					
Alabama:					
Calhoun	Weaver, city of	010025B	June 27, 1975, emergency, Sept. 30, 1983, regular, Sept. 30, 1983, suspended.	Nov. 30, 1973, Jan. 9, 1976	Do.
Do	Hobson City, city of	010021B	Apr. 16, 1975 emergency, Sept. 30, 1983, regular, Sept. 30, 1983, suspended.	May 17, 1974, Mar. 5, 1976	Do.
Region V					
Indiana: LaPorte	Unincorporated areas	180144B	Jan. 15, 1976, emergency, Sept. 30, 1983, regular, Sept. 30, 1983, suspended.	June 23, 1978	Do.
Region VI					
Texas: Kendall	Boerne, city of	480146D	Feb. 5, 1974, emergency, Sept. 30, 1983, regular, Sept. 30, 1983, suspended.	Nov. 30, 1973, Jan. 23, 1976, May 8, 1979.	Do.
Region VIII					
Utah: Davis	Layton, city of	490047A	Dec. 13, 1974, emergency, Dec. 1, 1982, regular, Sept. 30, 1983, suspended	May 14, 1976	Do.

State and county	Location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Special flood hazard area identified	Date certain Federal assistance no longer available in special flood hazard area
Region IX					
California:					
Fresno	Orange Cove, city of	060052C	July 23, 1975 emergency, Sept. 30, 1983, regular, Sept. 30, 1983, suspended.	May 10, 1974, Apr. 11, 1975, Sept. 5, 1978.	Do.
El Dorado	Placerville, city of	060041B	July 25, 1975, emergency, Sept. 30, 1983, regular, Sept. 30, 1983, suspended.	June 7, 1974, Oct. 3, 1975, Nov. 1, 1977.	Do.
Contra Costa	Pleasant Hill, city of	060034B	Mar. 19, 1971, emergency, Sept. 30, 1983, regular, Sept. 30, 1983, suspended.	May 24, 1974, Feb. 13, 1976	Do.
Region X					
Washington: Snohomish.	Sultan, town of	530173B	May 16, 1975, emergency, Sept. 30, 1983, regular, Sept. 30, 1983, suspended.	June 7, 1974, Apr. 2, 1976	Do.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001–4128; E.O. 12127, 44 FR 19367; and delegation of authority to the Associate Director, State and Local Programs and Support)

Issued: September 26, 1983.

Dave McLoughlin,

Deputy Associate Director, State and Local Programs and Support.

[FR Doc. 83-26731 Filed 9-29-83; 8:45 am]

BILLING CODE 6718-01-M

ACTION

45 CFR Part 1207

Senior Companion Program

Corrections

In FR Doc. 83-15542 beginning on page 26802 in the issue of Friday, June 10, 1983, make the following correction on page 26804: In the middle column, in § 1207.2-3(b), the eighth line, the word "of" should read "or".

BILLING CODE 1505-01-M

45 CFR Part 1208

Foster Grandparent Program

Corrections

In FR Doc. 83-15544 beginning on page 26808 in the issue of Friday, June 10, 1983, make the following corrections:

1. On page 26809, the middle column, the Authority citation, the last line, "50023" should read "5023".

2. On page 26811, the third column, in § 1208.3-2(c), the fourth line, the word "of" should read "or".

3. On page 26812, the first column, in § 1208.3-3(c), the third line, the word "for" should read "from".

4. On the same page, the third column, in § 1208.3-5(b)(1), the thirteenth line, the word "if" should read "is".

5. On page 26813, the second column, in § 1208.3-5(c)(5), the ninth line, the word "Grandparents" should read "Grandparent".

6. On the same page, the third column, in § 1208.3-6(e), the second line, the word "on" should read "of".

7. In the same column, in § 1208.3-7(d)(2), the first line, remove the first "the".

8. On page 26814, the first column, in § 1208.5-1(a)(1), the second line, the word "be" at the end of the line should be removed.

BILLING CODE 1505-01-M

45 CFR Part 1209

Retired Senior Volunteer Program

Correction

In FR Doc. 83-15543, beginning on page 26815, in the issue of Friday, June 10, 1983, make the following correction on page 26816: In the first column, in § 1209.1-2, in the definition for "Hard-to-reach", the second line, the phrase "physical by" should read "physically".

BILLING CODE 1505-01-M

45 CFR Parts 1208 and 1209

Foster Grandparent Program and Retired Senior Volunteer Program

AGENCY: ACTION.

ACTION: Notice of technical amendments to final rule.

SUMMARY: This document makes technical corrections to regulations for the Foster Grandparent Program (FGP) and the Retired Senior Volunteer Program (RSVP). Final regulations were published for both programs on Friday, June 10, 1983 (48 FR 26808) and (48 FR 26815), respectively.

The changes are non-substantive and serve to either correct typographical errors or word omissions, or for clarification, such as removing a citation which is unnecessary.

FOR FURTHER INFORMATION CONTACT: C. Wade Freeman, Director, Older American Volunteer Programs, ACTION, 806 Connecticut Avenue, N.W., Room M-1006, Washington, D.C. 20525, (800) 424-8500, ext. 239.

List of Subjects

45 CFR Part 1208

Aged, Grant programs—Social programs, Reporting and recordkeeping requirements, Volunteers.

45 CFR Part 1209

Aged, Government contracts, Grant programs—Social programs, Reporting and recordkeeping requirements, Volunteers.

For the reasons set out in the preamble 45 CFR Parts 1208 and 1209 are amended as follows:

PART 1208—FOSTER GRANDPARENT PROGRAM (FGP)

§ 1208. 1-2 [Amended]

1. In § 1208.1-2 the definition "Children having exceptional needs" is amended by adding after the phrase "speech impaired," the phrase "hearing impaired, orthopedically impaired,".

2. In § 1208.1-2, the definition "Children with special needs" is amended by removing the phrase "and other children or youth, as further defined in Title III of the Juvenile Justice Act Amendments of 1977" and replacing

it with "; juvenile delinquents; runaway youths;"

§ 1208.3-7 [Amended]

3. In § 1208.3-7(a) the reference to § 1208.3-1(k) should read § 1208.3-1(1).

PART 1209—RETIRED SENIOR VOLUNTEER PROGRAM (RSVP)

§1209.1-2 [Amended]

4. In § 1209.1-2 the definition "Memorandum of Understanding" is amended by removing after the phrase "the RSVP director" the word "or".

§1209.3-1 [Amended]

5. Section 1209.3-1(h) is amended by replacing after the phrase "anti-labor organization" the word "of" with the word "or".

Authority: Section 402 of the Domestic Volunteer Service Act of 1973, as amended (42 U.S.C. 5042).

Signed at Washington, D.C., this 27th day of September, 1983.

Thomas W. Pauken,

Director, ACTION.

[FR Doc. 83-26906 Filed 9-29-83; 8:45 am]

BILLING CODE 6050-01-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 0, 1, and 19

[FCC 83-417]

Amendment of Rules To Implement Provisions of the Ethics in Government Act of 1978

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action is taken to implement the Ethics in Government Act, as amended. The rules establish post employment restrictions for former Commission employees and prescribe public financial disclosure requirements for certain high-level personnel in accordance with the Ethics in Government Act of 1978. The rules establish the process by which the financial reports are reviewed and the procedures which accompany public disclosure of the reports. The rules also establish procedures for enforcing the post employment restrictions as required by the Act.

EFFECTIVE DATE: October 27, 1983.

ADDRESS: Federal Communications Commission, 1919 M Street NW., Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Fred J. Goldsmith, Office of Managing Director, (202) 632-7143.

SUPPLEMENTARY INFORMATION:

List of Subjects

47 CFR Part 0

Freedom of information, Organization and functions.

47 CFR Part 1

Administrative practice and procedure.

47 CFR Part 19

Conflict of interests.

Order

Adopted: September 13, 1983.
Released: September 20, 1983.
By the Commission.

1. The Commission is adopting rules which provide guidance to employees and former employees on conflict-of-interest matters. These rules comport with the Ethics in Government Act of 1978, Pub. L. No. 95-521, 92 Stat. 1824 (approved Oct. 26, 1978). In general, as it pertains to this agency, the law made two principal changes in "conflict of interest" requirements: (a) Annual financial reporting requirements for certain high-ranking or policy-making employees; and (b) Amendments of 18 U.S.C. 207 regarding restrictions on post-employment activities of employees. Further, the Act was amended by two subsequent Acts of Congress, each affecting one of the two referenced parts of the Ethics Act. *See* Pub. L. No. 96-19, 93 Stat. 37 (June 13, 1979) and Pub. L. No. 96-28, 93 Stat. 76 (June 22, 1979). The 97th Congress made further modifications to the Act (Pub. L. No. 97-409; approved Jan. 3, 1983).

2. The Act established the Office of Government Ethics which, in consultation with the Attorney General, subsequently issued regulations to implement the Act and to provide guidance to federal agencies in exercising the administrative enforcement authority provided in the Act. On February 1, 1980, the Office of Government Ethics issued 5 CFR Part 737 (45 FR 7406) [1] concerning post employment conflict of interest; on October 21, 1980 the Office issued 5 CFR Part 734 (45 FR 69776) concerning financial disclosure requirements. The Act and the regulations issued by the Office of Government Ethics take precedence should they conflict with the regulations issued by the Commission on this matter. *Cf.* 5 CFR 737.1.

3. To implement the Act and to provide guidance to employees and former employees, the Commission is adopting regulations concerning both (a) post-employment conflict of interest restrictions and (b) financial disclosure requirements for executive personnel.

Post Employment Conflict of Interest

4. Title V of the Act and the regulations are intended to bar certain acts by former Commission employees which may reasonably give the appearance of making unfair use of prior Commission employment and affiliations. The policy considerations involved are outlined in the following manner at 5 CFR 737.1(c). When *any* former Commission employee who has been involved with a particular matter decides to act as the representative for another person on that matter, such "switching of sides" undermines confidence in the fairness of proceedings and creates the impression that personal influence, gained by Commission affiliation, is decisive. Similarly, when a former *Commissioner* or *senior* employee assists in representing another by personal presence at an appearance before the Commission regarding a matter which is in dispute, such assistance suggests an attempt to use personal influence and the possible unfair use of information unavailable to others. Former Commissioners and employees are required to avoid such activities in the circumstances specified by statute and in the regulations.

5. The provisions of 18 U.S.C. 207 do not, however, bar any former Commission employee, regardless of rank, from employment with any private or public employer after Commission service. Instead, only certain acts which are detrimental to public confidence in the Commission are prohibited. See 5 CFR 737.1.

6. Federal departments and agencies have primary responsibility for the administrative enforcement of the post employment restrictions found in the Act. Consequently, the Commission is adopting regulations in Part 1 of the Rules which provide guidance to employees and which specify the procedures for administrative enforcement of the post-employment restrictions. The rules do not supplant restrictions that may be contained in laws other than 18 U.S.C. 207 (*e.g.*, 18 U.S.C. 208, 47 U.S.C. 154(b)) and do not incorporate restrictions contained in the code of conduct of a profession of which an employee may be a member.

Financial Disclosure Requirements

7. Title II of the Ethics in Government Act requires high-level Federal executives to disclose their personal

[1] *See also* 45 FR at 75525 (Nov. 14, 1980) and 48 FR at 8213 (Feb. 25, 1983).

financial interests and thereby demonstrate that they are able to carry out their duties without compromising the public trust. Title II of the Act and the regulations serve to deter conflicts of interest and to identify potential conflicts of interest in the case of newcomers to Government service by providing for a systematic review of the financial holdings of both current and prospective officers and employees.

8. Statements of income, assets and liabilities must be reported by presidential appointees, those in the Senior Executive Service, those in confidential or policymaking positions (Schedule C), and civil service employees in grades GS-16 and above (and the equivalent). The reports are not net worth statements. Only assets held as investments and certain other items must be recorded—not items for personal use. These reports are available to the public. If anyone uses them for commercial or credit rating reasons or in connection with the solicitation of money for any political, charitable or similar purpose, the Attorney General may institute a civil action against such a person which may result in a penalty not to exceed $5,000. Personnel below the grade of GS-16 continue to remain subject to the financial reporting requirements contained in Part 19 of the Commission's Rules. These statements, however, are confidential and are not available for public inspection. See 5 CFR 734.104.

9. The rules being adopted identify the individuals who are expected to file such statements, outline the process by which the reports are to be reviewed, and specify the procedures which accompany public disclosure of such reports. Individuals should also refer to 5 CFR Part 734 for specific information about the contents of such reports.

10. To implement these provisions in the law, the Commission is amending Parts 0, 1, and 19 of its Rules as indicated in the Appendix to this Order. In addition, certain other portions of Part 19 are being updated and revised to comport with these provisions. Authority for these amendments is contained in Sections 4(i) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i) and 303(r), and in 18 U.S.C. 207(j). Because the amendments concern matters of internal agency procedure or practice, the prior notice provisions of 5 U.S.C. 553 are inapplicable.

11. Accordingly, it is ordered, effective October 27, 1983, that Parts 0, 1, and 19 of the Rules are amended as set out in the attached Appendix.[3]

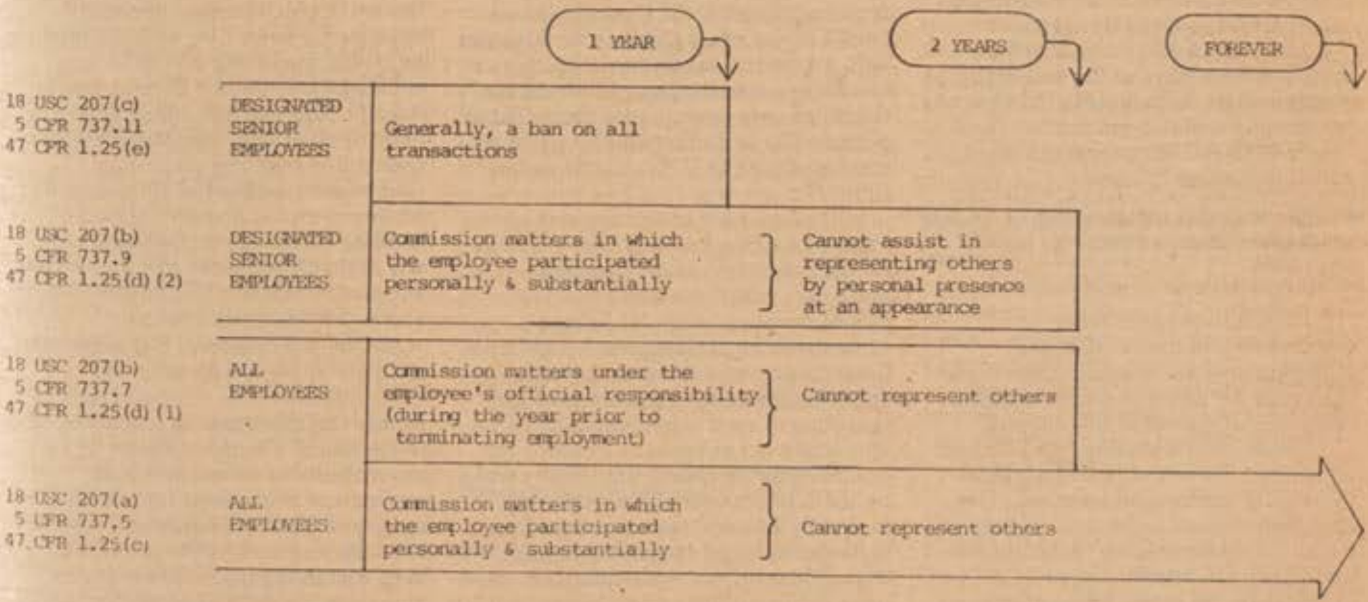
Federal Communications Commission.

William J. Tricarico,

Secretary.

[3] The post employment provisions are depicted in the diagram below. This chart is presented merely to simplify explanation; it does not include all exceptions. The restrictions are governed only by the rules and not by information in this diagram.

POST EMPLOYMENT RESTRICTIONS



Appendix

PART 0—[AMENDED]

1. In 47 CFR 0.231, paragraph (i) is added to read as follows:

§ 0.231 Authority delegated.

* * * * *

(i) The Chief, Internal Review and Security Division, Office of Managing Director, is delegated authority to act as the "designated agency ethics official" within the meaning of Sections 206 and 209(10) of the Ethics in Government Act of 1978, Pub. L. No. 95–521, 92 Stat. 1824, (1978). Cross-reference 47 CFR Part 19, Subpart E.

2. In 47 CFR 0.455, paragraph (f)(4) is added to read as follows:

§ 0.455 Other locations at which records may be inspected.

* * * * *

(f) * * *

(4) Reports filed pursuant to Subpart E of Part 19 of this chapter and applications for inspection of such reports. See § 0.460(k).

* * * * *

3. In 47 CFR 0.460, paragraph (a) is amended by adding, before the comma in the second sentence, the following: "and paragraph (k) of this section"

4. In 47 CFR 0.460, paragraph (h) is amended by adding, at the end of the first sentence, the following: ", subject to paragraph (k) of this section."

5. In 47 CFR 0.460, paragraph (k) is added to read as follows:

§ 0.460 Requests for inspection of records which are routinely available for public inspection.

* * * * *

(k) In addition to the other requirements of this section, the following provisions apply to the reports filed with the Commission pursuant to Subpart E of Part 19 of this chapter.

(1) Such reports shall not be obtained or used: (i) For any unlawful purpose; (ii) for any commercial purpose, other than by news and communications media for dissemination to the general public; (iii) for determining or establishing the credit rating of any individual; or (iv) for use, directly or indirectly, in the solicitation of money for any political, charitable, or other purpose.

(2) Such reports may not be made available to any person nor may any copy thereof be provided to any person except upon a written application by such person stating: (i) That person's name, occupation and address; (ii) the name and address of any other person or organization on whose behalf the inspection or copying is requested; and (iii) that such person is aware of the prohibitions on the obtaining or use of the report. Further, any such application for inspection shall be made available to the public throughout the period during which the report itself is made available to the public.

PART 1—[AMENDED]

6. In 47 CFR Part 1, § 1.25 is amended by removing paragraph (a), revising paragraphs (c)–(e) and adding paragraphs (f)–(h) to read as follows:

§ 1.25 Former Commissioners and employees.

(a) [Reserved]

* * * * *

(c) *Restrictions on any former Commission employee's acting as representative as to a particular matter in which the employee personally and substantially participated.* No former Commissioner or Commission employee (including special Government employee) shall knowingly act as agent or attorney for, or otherwise represent, any other person (other than the United States) in any formal or informal appearance before, or, with the intent to influence, make any oral or written communication to the Commission on behalf of any other person in connection with any particular Commission matter involving a specific party in which the Commissioner or employee participated personnally and substantially while so employed. See 18 U.S.C. 207(a) and 5 CFR 737.5.

(d)(1) *Two-year restriction on any former Commission employee's acting as representative as to a particular matter for which the employee had official responsibility.* No former Commissioner or Commission employee (including special Government employee), within two years after the cessation of such employment, shall knowingly act as agent or attorney for, or otherwise represent, any other person (other than the United States) in any formal or informal appearance before, or, with the intent to influence, make any oral or written communication on behalf of any other person (other than the United States) to the Commission in connection with any particular Commission matter involving a specific party which was actually pending at the Commission and was under his or her official responsibility within one year prior to the termination of such responsibility. See 18 U.S.C. 207(b) and 5 CFR 737.7.

(2) *Two-year restriction on a former senior employee's assisting in representation as to a matter in which the employee participated personally and substantially.* No former Commissioner or senior employee (as defined in paragraph (h)) of the Commission (including special Government employee), within two years after the cessation of such employment, shall knowingly represent or aid, counsel, advise, consult, or assist in representing any other person (other then the United States) by personal presence at any formal or informal appearance before the Commission in connection with any particular Commission matter involving a specific party in which he or she participated personally and substantially as an employee. See 18 U.S.C. 207(b) and 5 CFR 737.9 and 737.33.

(e) *One-year restriction on a former senior employee's transactions with former agency on a particular matter, regardless of prior involvement.* (1) No former Commissioner or senior employee (as defined in paragraph (h)) of the Commission (other than a special Goverment employee who serves for fewer than 60 days in a calendar year), within one year after such employment has ceased, shall knowingly act as agent or attorney for, or otherwise represent, any person (other than the United States) in any formal or informal appearance before, or, with the intent to influence, make any oral or written communication to the Commission on behalf of anyone (including himself or herself) other than the United States in connection with any particular Commission matter (whether or not involving a specific party) which is pending before the Commission or in which the Commission has a direct and substanital interest. See 18 U.S.C. 207(c) and 5 CFR 737.11 and 737.33.

(2) The prohibition of this subsection shall not apply to appearances, communications, or representation by a former Commissioner or employee, who is an elected official of a State or local government, or whose principal occupation or employment is with (i) an agency or instrumentality of a State or local government, (ii) an accredited, degree-granting institution of higher education, as defined in section 1201(a) of the Higher Education Act of 1965, or (iii) a hospital or medical research organization, exempted and defined under Section 501(c)(3) of the Internal Revenue Code of 1954, and the appearance, communication, or representation is on behalf of such government, institution, hospital, or organization. See 18 U.S.C. 207(d)(2) and 5 CFR 737.11(b).

(3) The prohibition contained in this subsection shall not apply to appearances or communications by a

former Commissioner or employee concerning matters of a personal and individual nature; nor shall the prohibition of this subsection prevent a former Commissioner or employee from making or providing a statement which is based on the former Commissioner's or employee's own special knowledge in the particular area that is the subject of the statement, provided that no compensation is thereby received, other than that regularly provided for by law or regulation for witnesses. See 18 U.S.C. 207(i) and 5 CFR 737.11 (h) and (i).

(f) The prohibitions of paragraph (c), (d), and (e) of this section shall not apply with respect to the making of communications solely for the purpose of furnishing scientific or technological information under procedures acceptable to the Commission. See 18 U.S.C. 207(f) and 5 CFR 737.15.

(g) The prohibitions of paragraph (c), (d), and (e) of this section shall not apply if the Commission, in consultation with the Director of the Office of Government Ethics, makes a certification, published in the **Federal Register**, that the former Commissioner or employee has outstanding qualifications in a scientific, technological, or other technical discipline, and is acting with respect to a particular matter which requires such qualifications, and that the national interest would be served by the participation of the former Commissioner or employee. See 18 U.S.C. 207(f) and 5 CFR 737.17.

(h)(1) The phrase "senior employee," when used in this section, means an officer or employee in a position established within the Senior Executive Service (pursuant to the Civil Service Reform Act of 1978) or a position for which the basic rate of pay is equal to or greater than the basic pay rate of GS–17 of the General Schedule prescribed by 5 U.S.C. 5332, and who has significant decisionmaking or supervisory responsibility. Such officers and employees are so designated by the Office of Government Ethics in consultation with the head of the agency. See 5 CFR 737.25 and 737.33.

(2) The phrase "particular Commission matter involving a specific party," when used in paragraphs (c) and (d) of this section, means any judicial or other proceeding, application, request for a ruling or other determination, contract, claim, controversy, investigation, charge, accusation, arrest or other particular matter involving a specific party or parties in which the Commission is a party or has a direct and substantial interest.

Note.—Such a matter typically involves a specific proceeding affecting the legal rights of the parties or an isolatable transaction or related set of transactions between identifiable parties. Rulemaking, legislation, the formulation of general policy, standards or objectives, or other action of general application is not such a matter. Therefore, a former Commission employee may represent another person in connection with a particular matter involving a specific party even if rules or policies which he or she had a role in establishing are involved in the proceeding.

(3) The phrase "participated personally and substantially" as used in this section is defined in 5 CFR 737.5(d).

(4) The phrase "official responsibility" as used in this section is defined in 5 CFR 737.7(b).

(i) Nothing in this section shall prevent a former Commissioner or employee from giving testimony under oath or from making statements required to be made under penalty of perjury. See 18 U.S.C. 207(h) and 5 CFR 737.19.

(j) Measurement of the restriction periods contained in this section is outlined in 5 CFR 737.7(e), 737.9(e), and 737.11(j).

(k) If the Commission finds, after notice and opportunity for a hearing, that such former, Commissioner or employee violated the prohibitions of this section, the Commission may prohibit that person from making, on behalf of any other person (except the United States), any informal or formal appearances before, or, with the intent to influence, any oral or written communication to, the Commission on a pending matter of business for a period not to exceed five years, or may take other appropriate disciplinary action. Such disciplinary action shall be subject to review in an appropriate United States district court. See 18 U.S.C. 207(j).

7. In 47 CFR Part 1, § 1.28 is added to read as follows:

§ 1.28 Administrative Enforcement of Improper Post-Employment Activity.

(a) *General.* A violation of § 1.25 of this Part may be cause for appropriate administrative action which may be in addition to any penalty prescribed by law. This section is established to enforce the provisions of § 1.25 of this Part and to implement the provisions of 5 CFR 737.27.

(b) *Initiation of Enforcement Action.* (1) Information regarding a possible violation of § 1.25 of this Part or of 18 U.S.C. 207 by a former Commissioner or former Commission employee may be brought to the attention of the Commission by filing such information with the Designated Agency Ethics Official (see 47 CFR 0.231(i)).

(2) On receipt of information regarding a possible violation of § 1.25 of this Part or 18 U.S.C. 207, and after determining that such information appears substantiated, the General Counsel shall expeditiously provide such information, along with any comments or Commission regulations, to the Director of the Office of Government Ethics and to the Criminal Division, Department of Justice. The Commission shall coordinate any investigation on administrative action with the Department of Justice to avoid prejudicing criminal proceedings, unless the Department of Justice communicates to the Commission that it does not intend to initiate criminal prosecution.

(3) Whenever the Commission has determined after appropriate review that there is reasonable cause to believe that a former Commissioner or Commission employee has violated § 1.25 of this Part or 18 U.S.C. 207, it may designate the matter for an administrative disciplinary proceeding.

(c) *Hearing.* (1) Upon designating such matter for an administrative disciplinary proceeding, the Commission shall provide the former Commissioner or former Commission employee with notice of an intention to institute a proceeding and an opportunity for a hearing. Such notice shall include: (i) A statement of allegations (and the basis thereof) sufficiently detailed to enable the former Commission employee to prepare an adequate defense; (ii) notification of the right to a hearing; and (iii) an explanation of the method by which a hearing may be requested.

(2) If such former Commissioner or Commission employee has failed to request a hearing within the time specified after receiving adequate notice or has waived the opportunity for a hearing, the Commission may take such administrative action as outlined in paragraph (d) of this section.

(3) (i) The presiding official at proceedings under this section shall be the Chairman or an individual designated by the Chairman or by the Commission. (ii) The presiding official at such proceeding must be a Commissioner, a member of the Review Board, an Administrative Law Judge, an attorney employed by the Commission, or a person qualified to practice law as provided in § 1.23 of this Part. The presiding official shall be provided with appropriate administrative and secretarial support by the Managing Director. (iii) The presiding official shall be impartial. No individual who has participated in any manner in the decision to initiate the proceeding may

serve as the presiding official in those proceedings.

(4) The hearing shall be conducted at a reasonable time, date, and place. In setting a hearing date, the presiding official shall give due regard to the former government employee's need for: (i) Adequate time to prepare a defense properly; and (ii) an expeditious resolution of allegations that may be damaging to his or her reputation.

(5) The hearing shall include, at a minimum, the following rights for all parties: (i) To represent oneself or to be represented by counsel; (ii) to introduce and examine witnesses and to submit physical evidence; (iii) to confront and cross-examine adverse witnesses; (iv) to present oral argument; and (v) to a transcript or recording of the proceedings, on request.

(6) In any hearing under this section, the Commission has the burden of proof and must establish substantial evidence of a violation.

(7) (i) The presiding official shall make a determination exclusively on matters of record in the proceeding, and shall set forth in an initial decision all findings of fact and conclusions of law relevant to the matters at issue. (ii) Within 30 days after the initial decision, any party to the proceeding may appeal the decision to the Commission. Unless the Commission orders otherwise, other parties to the proceeding may file comments within 20 days after such appeal is filed, and the party which filed such appeal may file a reply within 10 days after the period for filing comments has expired. The Commission shall base its decision on such appeal solely on the record of the proceedings or those portions thereof cited by the parties to limit the issues. (iii) If the Commission modifies or reverses the initial decision, it shall specify such findings of fact and conclusions of law as are different from those of the presiding official.

(d) *Administrative Sanctions.* The Commission may take appropriate action in the case of any individual who failed to request a hearing after receiving adequate notice or who was found in violation of § 1.25 of this Part, of 5 CFR Part 737, or of 18 U.S.C. 207 after a final administrative decision, by: (1) Prohibiting the individual from making, on behalf of any other person (except the United States), any formal or informal appearance before, or with the intent to influence, any oral or written communication to, the Commission on any matter of business for a period not to exceed five years, which may be accomplished by directing Commission employees to refuse to participate in any such appearance or to accept any such communication; (2) Taking other appropriate disciplinary action.

(e) *Judicial Review.* Any person found to have participated in a violation of § 1.25 of this Part, of 5 CFR Part 737, or of 18 U.S.C. 207 may seek judicial review of the administrative determination.

8. In 47 CFR Part 1, § 1.29 is added to read as follows:

§ 1.29 Current partners of current employees.

No current partner of a current Commissioner or current Commission employee (including a special Government employee) shall act as agent or attorney for anyone (other than the United States) before the Commission in connection with any particular Commission matter in which such Commissioner or employee participates or has participated personally and substantially as a Commissioner or employee, or which is the subject of his or her official responsibility. See 18 U.S.C. 207(g) and 5 CFR § 737.21.

PART 19—[AMENDED]

§ 19.735-101 [Amended]

9. In 47 CFR Part 19, § 19.735-101 is amended by deleting the last two sentences and adding the following: "In accordance with these concepts, this Part sets forth the Commisson's regulations prescribing standards of conduct and responsibilities and governing statements of employment and financial interests for employees and special Government employees. The Commission has delegated to the Chairman responsibility for the detection and prevention of acts, short of criminal violations, which could bring discredit upon the Commission and the Federal service."

10. In 47 CFR Part 19, § 19.735-104 is revised to read as follows:

§ 19.735-104 Issuance and Availability of Commission Regulations.

(a) The regulations in this part have been prepared in accordance with 5 CFR Parts 734, 735, and 737 in order to:

(1) Implement the requirements of the Executive Order and Parts 734, 735, and 737 of Title 5 CFR.

(2) Prescribe additional standards of ethical and other conduct and reporting requirements that are appropriate to the particular functions and activities of the Commission and are not inconsistent with the Executive Order and Parts 734, 735, and 737 of Title 5 CFR.

(b) The Commission shall furnish each new employee and special Government employee with a copy of the Commission's regulations in this part, as revised, at the time of his or her entrance on duty. The Head of each Office and Bureau has the responsibility to secure from every person subject to his or her administrative supervision a statement indicating that the individual has read and is familiar with the contents of the revised order and regulations in this part, and to advise the Managing Director that all persons have stated they are familiar with the revised order and regulations in this part. Each new employee shall execute a similar statement at the time of entrance on duty. Periodically, and at least once a year, the Managing Director shall take appropriate action to insure that the Head of each Office and Bureau shall remind employees subject to his or her administrative supervision of the content of the regulations in this part.

(c) Copies of laws, the Executive Order, and this agency's regulations and instructions relating to ethical and other conduct shall be available in the office of the Designated Agency Ethics Official for review by employees and special Government employees. (See 47 CFR 0.231(i).)

11. In 47 CFR § 19.735-105, paragraphs (a) and (e) are revised to read as follows:

§ 19.725-105 Interpretation and advisory service.

(a) (1) The Chief, Internal Review and Security Division, is designated as the agency's ethics official for purposes of 5 CFR Parts 734 and 737. The General Counsel is designated as legal counselor for the Commission to provide guidance on matters relating to ethical conduct. The General Counsel is to serve as the Commission's designee to the Office of Personnel Management on matters covered by 5 CFR Part 735.

(2) The Office of the General Counsel is responsible for coordination of the Commisson's legal counseling services provided under paragraph (b) of this section and for assuring that legal counseling and interpretation on questions of conflict of interest and other matters covered by this part are available.

* * * * *

(e) At the time of an employee's entrance on duty and at least once each calendar year thereafter, the Commission's employees and special Government employees shall be notified of the availability of counseling services and of how and where these services are available.

§ 19.735-106 [Amended]

12. In 47 CFR, Part 19 is amended by removing § 19.735-106.

§ 19.735–107 [Amended]

13. In 47 CFR 19.735–107, paragraph (c) is amended by removing the phrase "§ 19.735–106(b)" and inserting in its place the phrase "§ 19.735–405(e)".

14. In 47 CFR 19.735–204, paragraph (f) is added to read as follows:

§ 19.735–204 Financial interests.

* * * * *

(f) Procedures for requesting a waiver of the applicability of the above conflict of interest statutes appear at 19.735–412 of this part.

15. In 47 CFR 19.735–210, paragraphs (r) and (s) are added to read as follows:

§ 19.735–210 Miscellaneous statutory provisions.

* * * * *

(r) The Ethics in Government Act of 1978 (92 Stat. 1824 (1978)), as amended (see 93 Stat. 37 and 76 (1979)).

(s) The prohibitions applicable to former Commissioners and employees and their partners. (18 U.S.C. 207) Cross-reference §§ 1.25 and 1.29 of this chapter.

16. In 47 CFR 19.735–306, paragraph (d) is revised and paragraph (e) is removed to read as follows:

§ 19.735–306 Miscellaneous statutory provisions.

* * * * *

(d) Section 207 of Title 18 of the United States Code provides prohibitions relating to special Government employees and their partners respecting appearances before agencies of the United States. See §§ 1.25 and 1.29 of this chapter.

17. In 47 CFR Part 19, § 19.735–403 is revised to read as follows:

§ 19.735–403 Employees required to submit statements.

(a) A "Confidential Statement of Employment and Financial Interests" (FCC Form A–54) shall be required from the following employees of the Commission:

(1) Employees who are in Grades GS–13 through GS–15.

(2) Those employees who are in Grades GS–11 through GS–12 who are Heads or Supervisors or Assistant Heads or Supervisors of field offices.

(3) All purchasing agents.

(4) All employees serving as auditors or accountants, with the principal duty of auditing private enterprises.

(5) All employees in the offices of the Commissioners not subject to the reporting requirements of Subpart E of this Part.

(6) Employees in positions classified below GS–13 may be required to file if the positions they hold meet the criteria established in 5 CFR 735.403 and the requirement to file has been specifically justified by the Commission to the Office of Personnel Management.

(b) A "Confidential Statement of Employment and Financial Interests" shall be required from Commissioners and employees who are subject to separate reporting requirements under Subpart E of this Part or Section 401 of Executive Order 11222, but such statement shall be filed on FCC Form A–54A.

§ 19.735–404 [Removed]

18. In 47 CFR Part 19, § 19.735–404 is removed.

19. In 47 CFR Part 19, § 19.735–405 is revised to read as follows:

§ 19.735–405 Submission and review of employees' statements.

(a) An employee required to submit a statement of employment and financial interests pursuant to § 19.735–403 shall submit that statement on the prescribed form not later than thirty days after his or her entrance on duty.

(b) An employee required to submit a statement of employment and financial interests shall submit that statement to the office of the Managing Director.

(c) An employee required to submit a statement of employment and financial interests will be individually notified of his or her obligation to file.

(d) Financial statements submitted under Subpart D shall be reviewed by the Designated Agency Ethics Official.

(e) When a statement submitted under Subpart D of this part or information from other sources indicates a conflict between the interests of an employee or special Government employee and the performance of his or her services for the Government, the information concerning the conflict or appearance of conflict shall be reported to the Managing Director and the employee or special Government employee concerned shall be provided an opportunity to explain the conflict or appearance of conflict.

(f) When, after explanation by the employee or special Government employee involved, the conflict or appearance of conflict is not resolved, the information concerning the conflict or appearance of conflict shall be reported to the Chairman through the Designated Agency Ethics Official (see 47 CFR 0.231(i)) for appropriate administrative action.

20. In 47 CFR Part 19, Subpart E is added to read as follows:

Subpart E—Financial Reporting Requirements of the Ethics in Government Act

Subpart E—Financial Reporting Requirements of the Ethics in Government Act

§ 19.740 General.

Commissioners and certain senior and policymaking employees, as specified in this Subpart, must file a Financial Disclosure Report annually or as otherwise required by this Subpart. The provisions of this Subpart are issued in accordance with the reporting requirements of the "Ethics in Government Act of 1978," Pub. L. No. 95–521, 92 Stat. 1824 (Oct. 26, 1978), as amended by Pub. L. No. 96–19, 93 Stat. 37 (June 13, 1979). See 5 CFR Part 734.

§ 19.741 Persons required to file.

(a) *Incumbents.* Individuals who have served in the following positions for more than 60 days during any calendar year must file an "Executive Personnel Financial Disclosure Report" (OPM Standard Form 278) on or before May 15 of the succeeding year with the Designated Agency Ethics Official:

(1) Commissioners;

(2) Members of the Review Board;

(3) Administrative Law Judges;

(4) All employees (including special Government employees as defined in 18 U.S.C. 202) whose rate of pay (excluding "step" increases) equals or exceeds the base pay of grade GS–16 of the General Schedule; and

(5) All employees in positions excepted from the competitive service by reason of being of a confidential or policymaking character, such positions to include (but are not necessarily limited to) legal, engineering, confidential and special assistants to the Commissioners and other employees in the excepted service whose positions are policymaking or confidential in character, provided that a person in such position whose rate of basic pay is less than the base pay of grade GS–16 and who has no role in advising or making policy determinations may be excluded from the requirements of this section upon compliance with the requirements of 5 CFR 734.203.

(6) Designated Agency Ethics Official.

(b) The following individuals must file with the Designated Agency Ethics Official an "Executive Personnel Financial Disclosure Report" (OPM Standard Form 278) within the time specified for each:

(1) *Nominees.* Any person nominated to be a member of the Commission must file such report within five days of the

transmittal by the President to the Senate of the nomination of the individual.

(2) *New Entrants.* Persons who have assumed a position described in paragraph (a) of this section must file such report within 30 days of assuming such position, unless the individual has left another Government position described in 5 CFR 734.202 within 30 days of assuming such new position or has filed such report pursuant to category (1) of this paragraph. This requirement shall not apply to an individual who, as determined by the Designated Agency Ethics Official, is not reasonably expected to perform the duties of his office or position for more than 60 days in a calendar year, except that if such individual performs the duties of his or her office or position for more than 60 days in a calendar year such report shall be filed within 15 days of the sixtieth day.

(c) *Termination of Employment.* Persons who have terminated employment in a position described in paragraph (a) of this section must file an "Executive Personnel Financial Disclosure Report" (OPM Standard Form 278) with the Designated Agency Ethics Official within 30 days of termination of employment, unless such individual has accepted employment in another Government position described in 5 CFR 734.202. Such report shall cover:

(1) The preceding calendar year (if the report required by paragraph (a) of this section has not been filed); and

(2) the portion of the calendar year in which such termination occurs up to the date the individual left such position. This paragraph does not apply to an individual who does not perform the duties of his office or position for more than 60 days in a calendar year.

(d) *Waiver.* The Director of the Office of Government Ethics may grant a publicly available request for a waiver of any reporting requirement under this subsection for an individual who is expected to perform or has performed the duties of his or her office or position fewer than 130 days in a calendar year, but only if the director determines that: such individual is not a full-time employee of the Government; such individual is able to provide services specially needed by the government; it is unlikely that the individual's outside employment or financial interests will create a conflict of interest; and public financial disclosure of such individual is not necessary in the circumstances. See 5 CFR 734.205.

(e) *Extensions.* The Designated Agency Ethics Official may, for good cause, grant an extension of time for filing the reports required by this section of up to 45 days. Any other extension must have the approval of the Office of Government Ethics. See 5 CFR 734.201(f).

(f) After being reviewed in accordance with § 19.742 of this Subpart, copies of the reports filed under paragraphs (a)(1), (a)(6), and (b)(1) of this section shall be transmitted to the Director of the Office of Government Ethics.

§ 19.742 Review of reports.

Each report filed under this Subpart shall be reviewed by the Designated Agency Ethics Official (DAEO) within 60 days after such filing. The report filed by the DAEO shall be reviewed by the Chairman (or his or her delegate) prior to transmitting a copy to the Director of the Office of Government Ethics.

(a) If the report is in compliance with applicable laws and regulations, the report shall be so certified by the DAEO.

(b) If additional information is required, the DAEO shall notify the individual of the additional information required and the date by which it must be submitted.

(c) If the DAEO finds reason to believe, based on the information submitted, that the individual may not be in compliance with applicable laws and regulations, the DAEO shall notify the individual and afford him or her a reasonable opportunity for a written or oral response. If, after considering any such response, the DAEO concludes that an individual is not in compliance with applicable laws and regulations, the DAEO shall notify the individual of that opinion and, after an opportunity for personal consultations (if practicable), determine and notify the individual of which steps, if any, would in the DAEO's opinion be appropriate for assuring compliance with such laws and regulations and the date by which such steps should be taken, ordinarily within 90 days. If steps for assuring compliance are not taken by the specified date, the matter shall be referred to the Commission for appropriate action (or, in the case of a Commissioner, to the President). See 5 CFR 734.604.

(d) For purposes of assisting employees, the DAEO shall maintain a list, which shall be available to employees, of those circumstances or situations which have resulted or may result in noncompliance with applicable laws and regulations. The absence of a particular circumstance from such list shall not be construed that such circumstance would be in compliance.

§ 19.743 Custody of and public access to reports.

(a) A copy of a position description shall, if available, be attached by the Designated Agency Ethics Official to each report filed pursuant to this Subpart.

(b) Any report filed pursuant to this Subpart shall be available for public inspection and copying within 15 days after such report is received upon fulfillment of the requirements of § 0.460 of Part 0 of this chapter. Such reports shall not be obtained or used: for any unlawful purpose; for any commercial purpose, other than by news and communications media for dissemination to the general public; for determining or establishing the credit rating of any individual; or for use, directly or indirectly, in the solicitation of money for any political, charitable, or other purpose.

(c) Any report filed pursuant to this Subpart shall be retained by the agency and made available to the public for six years after receipt of the report. After such six-year period the report shall be destroyed unless needed in an ongoing investigation or as otherwise provided by Section 205(d) of the Ethics in Government Act of 1978. See also 5 CFR 734.603(f).

[FR Doc. 83-26501 Filed 9-29-83; 8:45 am]
BILLING CODE 6712-01-M

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47 CFR Parts 17, 73 and 74

[BC Docket No. 82-537]

Operating and Maintenance Logs for Broadcast and Broadcast Auxiliary Stations; Correction

AGENCY: Federal Communications Commission.

ACTION: Final Rule; Correction.

SUMMARY: The Commission herein editorially corrects the Appendix to the *Report and Order* previously issued in this proceeding relating to operating and maintenance logs. This action is necessary because we have identified various rule sections that were inadvertently omitted from the Appendix or incorrectly amended. Additionally, other rule sections have been identified as having been amended ambiguously or in a way unintentionally burdensome on the affected licensees. The effect of this action is to ensure that all Part 73 and Part 74 rules reflect the policies adopted earlier in this proceeding.

FOR FURTHER INFORMATION CONTACT: James E. McNally, Jr., Mass Media Bureau, Policy and Rules Division,

Technical and International Branch (202) 632-9660.

Erratum

In the Matter of Operating and maintenance logs for broadcast and broadcast auxiliary stations; BC Docket No. 82-537.

Released: September 22, 1983.

The *Report and Order* in the above entitled matter, adopted on July 14, 1983 and released August 12, 1983, 48 FR 38473, published August 24, 1983, contained several inadvertent mistakes or omissions. These errors are corrected as indicated in the attached Appendix.

Further information on this matter may be obtained from James McNally, Mass Media Bureau, Technical and International Branch (202) 632-9660.

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix

PART 73—[AMENDED]

The following corrections are made in FR Doc. 83-22400 appearing on page 38473 in the issue of August 24, 1983:

1. On page 38477, in § 73.51, paragraph (e)(2) is corrected to read as follows:

§ 73.51 Determining operating power.

* * * * *

(e) * * *

(2) The value of F applicable to each mode of operation must be entered in the station log with a notation as to its derivation. This factor is to be established by one of the methods described in paragraph (f) of this Section and entered into the station log.

* * * * *

2. On page 38478, § 73.68, paragraph (d) is corrected to read as follows:

§ 73.68 Sampling systems for antenna monitors.

* * * * *

(d) In the event that the antenna monitor sampling system is temporarily out of service, the station may be operated pending completion of repairs for a period not exceeding 60 days without further authority from the FCC, if the base currents, their ratios, and the deviations of those ratios, in percent, from the values specified in the station authorization are determined for each radiation pattern used.

* * * * *

3. On page 38478, paragraph 13 is corrected to read: "13. In § 73.258, paragraph (e) is revised to read as follows:

§ 73.258 Indicating instruments.

* * * * *

(e) In the event that any one of these indicating instruments becomes defective when no substitute which conforms with the required specifications is available, the station may be operated without the defective instrument pending its repair or replacement for a period not in excess of 60 days without further authority of the FCC: *Provided that*, if the defective instrument is the transmission line meter of a station which determines the output power by the direct method, the operating power shall be determined by the indirect method in accordance with § 73.267(c) during the entire time the station is operated without the transmission line meter.

* * * * *

4. On page 38479, the amendatory language in paragraph 16 is corrected to read:

"16. In § 73.295, paragraph (f) is removed in its entirety and marked 'reserved' ".

5. On page 38479, in § 73.340, paragraph (c) is corrected to read as follows:

§ 73.340 Use of automatic transmission systems.

* * * * *

(c) Upon receipt of notification from the FCC, the station can commence full ATS operation. Continuous operation of the station modulation monitor is not required.

* * * * *

6. On page 38479, in § 73.540, paragraph (c) is corrected to read as follows:

§ 73.540 Use of automatic transmission systems.

* * * * *

(c) Upon receipt of notification from the FCC, the station can commence full ATS operation. Continuous operation of the station modulation monitor is not required.

* * * * *

7. FR Doc. 83-22400 on page 38480 is corrected by adding a paragraph 27a to read:

"27a. In § 73.663, the introductory texts of paragraphs (b) and (c) are revised to read as follows:

§ 73.663 Determining operating power.

* * * * *

(b) *Direct method, visual transmitter.* The direct method of power determination for a TV visual transmitter uses the indications of a calibrated transmission line meter (responsive to peak power) located at the RF output terminals of the transmitter. The indications of the calibrated meter are used to observe and maintain the authorized operating power of the visual transmitter. This meter must be calibrated whenever any component in the metering circuit is repaired or replaced and as often as necessary to ensure operation in accordance with the provisions of § 73.1560 of this Part. The following calibration procedures are to be used:

* * * * *

(c) *Direct method, aural transmitter.* The direct method of power determination for a TV aural transmitter uses the indications of a calibrated transmission line meter (responsive to relative voltage, current or power) located at the RF output terminals of the transmitter. The indications of this calibrated meter are used to observe and maintain the authorized aural operating power of the station. This meter must be calibrated whenever any component in the metering circuit is repaired or replaced and as often as necessary to ensure operation in accordance with the provisions of § 73.1560 of this Part. The following calibration procedures are to be used:

* * * * *

8. FR Doc. 83-22400 is corrected on page 38480 by adding a paragraph 28a to read:

"28a. In § 73.682, paragraph (a)(23)(viii) is revised to read as follows:

§ 73.682 Transmission standards

* * * * *

(a) * * *

(23) * * *

(viii) The modulation of the main carrier by subcarriers and the frequency of each subcarrier shall be measured as often as necessary to ensure compliance with paragraph (a)(23) (ii) and (iii) of this section.

* * * * *

9. FR Doc. 83-22400 is corrected on page 38480 by adding paragraph 37a to read:

"37a. In § 73.1540, paragraph (a) is revised to read as follows:

§ 73.1540 Carrier frequency measurements.

(a) The carrier frequency of each AM and FM station and the visual carrier frequency and the difference between the visual carrier and the aural carrier or center frequency of each TV station shall be measured or determined as often as necessary to ensure that they are maintained within the prescribed tolerances.

* * * * *

10. FR Doc. 83-22400 is corrected on page 38481 by adding paragraph 40a to read:

"40a. In § 73.1670, paragraph (c)(2) is revised to read as follows:

§ 73.1670 Auxiliary transmitters.

* * * * *

(c) * * *

(2) The carrier frequency of the auxiliary transmitter must be measured as often as necessary to ensure that it is maintained within the prescribed tolerance.

* * * * *

11. On page 38481, the amendatory language in paragraph 41 is corrected by removing "and (h)" and in the text of § 73.1800, paragraph (h) is removed and paragraphs (a) and (g) are corrected to read as follows:

§ 73.1800 General requirements related to the station log.

(a) The licensee of each station must maintain a station log as required by §§ 73.1810 and 73.1820. This log will be kept by the station employee or employees competent to do so, having actual knowledge of the facts required. All entries, whether required or not by the provisions of this Part, must accurately reflect the station operation. Any employee making a log entry shall sign the log, thereby attesting to the fact that that entry, or any correction or addition made thereto, is an accurate representation of what transpired.

* * * * *

(g) Application forms for licenses and other authorizations may require that certain technical operating and program data be supplied. These circumstances should be kept in mind in connection with formulating the contents of the station log, since it may contain information previously retained in operating and maintenance logs pursuant to rules no longer in effect.

12. A. On page 38481, in § 73.1820, the introductory text of paragraph (a) and paragraph (a)(1)(iii) are corrected to read as follows:

§ 73.1820 Station log.

(a) Entries must be made in the station log either manually by a properly licensed operator in actual charge of the transmitting apparatus, or by automatic devices meeting the requirements of paragraph (b) of this Section. Indications of operating parameters that are required to be logged must be logged prior to any adjustment of the equipment. Where adjustments are made to restore parameters to their proper operating values, the corrected indications must be logged and accompanied, if any parameter deviation was beyond a prescribed tolerance, by a notation describing the nature of the corrective action. Indications of all parameters whose values are affected by the modulation of the carrier must be read without modulation. The actual time of observation must be included in each log entry. The following information must be entered:

* * * * *

(iii) An entry of each test of the Emergency Broadcast System procedures pursuant to the requirements of Subpart G of this Part and the appropriate EBS checklist. In the case of TV and non-commercial, educational FM stations, such entries may be made in the program log. Alternatively, all stations may keep EBS test data in a special EBS log which may be maintained at any convenient location; however, such log shall be considered a part of the station log.

§ 73.1820 [Amended]

B. FR Doc. 83-22400 is corrected on page 38482 by adding a paragraph 42a to read as follows:

"42a. In § 73.1820, the introductory text of paragraph (b) and paragraphs (b)(3) and (b)(5) are revised to read:

(b) Automatic devices accurately calibrated and with appropriate time, date and circuit functions may be utilized to record entries in the station log *Provided:*

* * * * *

(3) The calibration is checked against the original indicators as often as necessary to ensure recording accuracy;

* * * * *

(5) The alarm circuit operates continuously or the devices which record each parameter in sequence must read each parameter at least once during each 30 minute period;

* * * * *"

13. On page 38482, in § 73.1870, paragraph (c)(3) is corrected to read as follows:

§ 73.1870 Chief operators.

* * * * *

(c) * * *

(3) Review of the station records at least once each week to determine if required entries are being made correctly. Additionally, verification must be made that the station has been operated as required by the rules or the station authorization. Upon completion of the review, the chief operator or his designee must date and sign the log, initiate any corrective action which may be necessary, and advise the station licensee of any condition which is repetitive.

* * * * *

PART 74—[AMENDED]

14. On page 38482, in § 74.381, the introductory text of paragraph (a) is corrected to read as follows:

§ 74.381 Station records.

(a) The licensee of each developmental broadcast station must maintain adequate records of the operation, including:

* * * * *

15. FR Doc. 83-22400 is corrected on page 38482 by adding paragraph 53a to read:

"53a. In § 74.465, paragraph (b) is revised to read as follows:

§ 74.465 Frequency monitors and measurements.

* * * * *

(b) Frequency measurements for each transmitter shall be made as often as necessary to ensure proper operation."

16. FR Doc. 83-22400 is corrected on page 38482 by adding paragraph 53b to read

"53b. Part 74 is amended by removing § 74.481."

17. On page 38482, paragraph 57 is corrected by removing "74.781" and FR Doc. 83-22400 is corrected on page 38482 by adding paragraph 58 to read:

"58. Section 74.781 is revised in its entirety to read as follows:

§ 74.781 Station records.

(a) The licensee of a low power TV or TV translator station shall maintain adequate station records, including the current instrument of authorization, official correspondence with the FCC, maintenance records, contracts, permission for rebroadcasts, and other pertinent documents.

(b) Entries required by § 17.49 of this Chapter concerning any observed or otherwise known extinguishment or improper functioning of a tower light:

(1) The nature of such extinguishment or improper functioning.

(2) The date and time the extinguishment or improper operation was observed or otherwise noted.

(3) The date, time and nature of adjustments, repairs or replacements made.

(c) The station records shall be maintained for inspection at a residence, office, or public building, place of business, or other suitable place, in one of the communities of license of the translator or booster, except that the station records of a booster or translator licensed to the licensee of the primary station may be kept at the same place where the primary station records are kept. The name of the person keeping station records, together with the address of the place where the records are kept, shall be posted in accordance with § 74.765(c) of the rules. The station records shall be made available upon request to any authorized representative of the Commission.

(d) Station logs and records shall be retained for a period of two years."

18. FR Doc. 83-22400 is corrected on page 38482 by adding a paragraph 59 to read:

"59. In § 74.939, paragraph (i) is revised to read as follows:

§ 74.939 Special rules governing ITFS response stations.

* * * * *

(i) The transmitter of an ITFS response station may be operated unattended provided that the transmissions are observed by the operator on duty at the associated instructional television fixed station, who shall take such steps as may be necessary to correct any condition of improper operation. The overall performance of the ITFS response station transmitter shall be checked as often as necessary to ensure that it is functioning in accordance with the requirements of the Commission's rules. The licensee of an ITFS response station is responsible for the proper operation of the transmitter at all times. The transmitter shall be installed and protected in such manner as to prevent tampering or operation by unauthorized persons.

* * * * *"

19. FR Doc. 83-22400 is corrected on page 38482 by adding a paragraph 60 to read:

"60. In § 74.950, paragraph (e) is revised to read as follows:

§ 74.950 Equipment performance and installation.

* * * * *

(e) The requirements of § 73.687(c)(2) of this Chapter will be considered to be met insofar as measurements of operating power are concerned, if the transmitter is equipped with instruments for determining the combined visual and aural operating power. However, licensees are expected to maintain the operating powers within the limits specified in the rules of this part. Measurements of the separate visual and aural operating powers should be made at sufficiently frequent intervals to ensure compliance with the rules.

* * * * *"

20. FR Doc. 83-22400 is corrected on page 38482 by adding a paragraph 61 to read:

"61. In § 74.962, paragraph (b) is revised to read as follows:

§ 74.962 Frequency monitors and measurements.

* * * * *

(b) The operating frequencies shall be checked as often as necessary to ensure that they are within the prescribed tolerances at all times.

* * * * *"

21. On page 38482, paragraph 57 is corrected by removing "and § 74.1281" and by adding a paragraph 62 to read:

"62. Section 74.1281 is revised in its entirety to read as follows:

§ 74.1281 Station records.

(a) The licensee of a station authorized under this Subpart shall maintain adequate station records, including the current instrument of authorization, official correspondence with the FCC, maintenance records, contracts, permission for rebroadcasts, and other pertinent documents.

(b) Entries required by § 17.49 of this Chapter concerning any observed or otherwise known extinguishment or improper functioning of a tower light:

(1) The nature of such extinguishment or improper functioning.

(2) The date and time the extinguishment of improper operation was observed or otherwise noted.

(3) The date, time and nature of adjustments, repairs or replacements made.

(c) The station records shall be maintained for inspection at a residence, office, or public building, place of business, or other suitable place, in one of the communities of license of the translator or booster, except that the station records of a booster or translator licensed to the licensee of the primary station may be kept at the same place where the primary station records are kept. The name of the person keeping station records, together with the address of the place where the records are kept, shall be posted in accordance with § 74.1265(b) of the rules. The station records shall be made available upon request to any authorized representative of the Commission.

(d) Station logs and records shall be retained for a period of two years."

[FR Doc. 83-26498 Filed 9-29-83; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

Oversight of the Radio and TV Broadcast Rules; Correction

AGENCY: The Federal Communications Commission.

ACTION: Final rule; Correction.

SUMMARY: In the Order, Oversight of the Radio and TV Broadcast Rules, published in the **Federal Register** on September 15, 1983, at 48 FR 41422, there is an error in item 2 of the Appendix (§ 73.684 Predicting Coverage). It is changed to read correctly.

FOR FURTHER INFORMATION CONTACT: Steve Crane, Mass Media Bureau, (202) 632-5414.

SUPPLEMENTARY INFORMATION:

Released: September 26, 1983.

In the above captioned *Order*, released September 9, 1983, and published in the **Federal Register** on September 15, 1983, at 48 FR 41422, item 2 of the Appendix (pertaining to § 73.684) has two errors:

The section title is corrected to read *"§ 73.684 Prediction of Coverage"*, and the third sentence from the end of paragraph (f) is corrected to read:

(f) * * * In directions where the terrain is such that negative antenna heights or heights below 100 feet for the 2 to 10 mile sector are obtained, an assumed height of 100 feet shall be used for the prediction of coverage. * * *

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 83-26844 Filed 9-29-83; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Parts 73 and 74

Oversight of the Radio and TV Broadcast Rules

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This order adopts updating revisions of the Alphabetical Indices to Parts 73 and 74 of the FCC's Radio and TV Broadcast Rules.

DATE: Effective September 26, 1983.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Steve Crane, Mass Media Bureau, (202) 632-5414.

List of Subjects in 47 CFR Parts 73 and 74

Radio and TV broadcasting.