superseded by approval of a later schedule applicable to the same records unless the later schedule specified an effective date. Agencies submitting revised schedules must indicate in entry 9 of the SF 115 the relevant schedule and item to be superseded, the citation to the current printed records disposition schedule, if any, and/or the General Records Schedules and item numbers which cover the records.

5. Section 101–11.410–8 is amended by redesignating paragraph (b) as paragraph (c) and adding a new paragraph (b) to read as follows:

§ 101–11.410–8 Disposal clearances for records in Federal records centers.

* * * * *

(b) Contingent records (records of Federal agencies scheduled for destruction after occurrence of an event at some unspecified time in the future) held by Federal records centers will be disposed of upon receipt of agency concurrence in response to GSA Form 3265, Agency Review for Contingent Disposal, or other written concurrence. If the agency does not respnd to the review notice within 90 calendar days, the records center may return the records to the agency and reject future transfers of that records series.

* * * * *

Subpart 101–11.5—Micrographics

6. Section 101–11.502 is amended by redesignating paragraph (i) as (j) and adding a new paragraph (i) to read as follows:

§ 101–11.502 Definitions.

* * * * *

(i) *Unscheduled Records.* Any record that has not been appraised by the National Archives, i.e., a record that has neither been approved for disposal nor designated as permanent by the Archivist of the United States.

* * * * *

7. Section 101–11.506–1 is amended by revising the introductory text of paragraph (a), removing paragraph (c), redesignating paragraph (b) as (c), and adding a new paragraph (b) to read as follows:

§ 101–11.506–1 Authorization.

(a) Agencies proposing to microfilm permanent or unscheduled records shall submit Standard Form (SF) 115, Request for Records Disposition Authority, in accordance with Subpart 101–11.4. The SF 115 shall provide for the disposition of original records and microforms.

* * * * *

(b) The approved retention period for temporary records shall be applied to microform copies of those records; the original records shall be destroyed upon verification of the microfilm, unless legal requirements preclude early destruction of the originals. NARS approval is not required prior to implementation of this provision.

* * * * *

Dated: January 25, 1984.

Ray Kline,

Acting Administrator of General Services.

[FR Doc. 84–4499 Filed 2–17–84; 8:45 am]

BILLING CODE 6820–26–M

DEPARTMENT OF THE INTERIOR

Office of the Secretary

43 CFR Parts 4, 2650

Hearings and Appeals Procedures

AGENCY: Office of Hearings and Appeals, Interior.

ACTION: Final rule.

SUMMARY: This final rule amends the regulations governing hearings and appeals to implement Secretarial Order No. 3078, dated April 29, 1982, abolishing the Alaska Native Claims Appeal Board (ANCAB) and consolidating the functions of that Board under the jurisdiction of the Interior Board of Land Appeals (IBLA) effective June 30, 1982. This action was taken to achieve greater economy in the use of Office of Hearings and Appeals (OHA) resources. The effect of these amendments is to ensure that uniform procedures apply to all appeals submitted to IBLA and to eliminate regulations made duplicative by the consolidation of functions within IBLA.

EFFECTIVE DATE: February 21, 1984.

ADDRESS: Inquiries or suggestions should be sent to: Director, Office of Hearings and Appeals, Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203.

FOR FURTHER INFORMATION CONTACT: Julia A. Barrows (703) 235–3750.

SUPPLEMENTARY INFORMATION: Secretarial Order No. 3078 abolished ANCAB and transferred all of the functions and responsibilities delegated to ANCAB with respect to appeals arising under the Alaska Native Claims Settlement Act (ANCSA), as amended (43 U.S.C. 1601–1628), to IBLA effective June 30, 1982. An interim rule amending Office of Hearings and Appeals regulations to implement this internal organization change was published in the **Federal Register** on June 18, 1982, (47 FR 26390). Prior to issuance of the interim rule a comparison of Subparts E and J of 43 CFR Part 4 had been undertaken to identify any substantive or procedural differences in the two sets of regulations which required special attention in undertaking these regulatory changes. Generally the procedural requirements and practices of ANCAB were similar to those of IBLA. Several differences in the existing requirements applicable to ANCSA land selection appeals were identified and addressed. The interim rule was effective June 30, 1982, but comments were requested for the period ending August 30, 1982. Four comments were received: one from the State of Alaska, two from regional corporations, and one from a private attorney who represents village corporations.

Before addressing the public comments, we note that the language in the interim rule governing notice of appeal, which was adopted from ANCAB's regulations, has the effect of shortening the period of time for a person, who has received service of a Bureau of Land Management (BLM) decision, to file notice of appeal to less than 30 days where the decision is published in the **Federal Register** before the person receives service. The regulation, 43 CFR 4.411(a), as published in the interim rule, requires the filing of a notice of appeal within 30 days after service or within 30 days after publication of the decision in the **Federal Register** "whichever shall occur first." Since it is our intention that any person served with the decision have a full 30 days to appeal and not be restricted by publication in the **Federal Register**, we are revising 43 CFR 4.411(a) to eliminate the phrase "whichever shall occur first" and to provide separate requirements for persons receiving notice of a decision by service or through **Federal Register** publication.

Both regional corporations commented that they support the incorporation of ANCAB's stricter requirement for standing to appeal into 43 CFR 4.410 as consistent with the purposes of ANCSA.

The State of Alaska requested that 43 CFR 4.410 be amended to grant it automatic standing in appeals concerning the reservation of public easements pursuant to section 17(b) of ANCSA. It argued that ANCSA directs that the State is to have a significant role in the process of easement reservation and that in order for the State to participate in a meaningful way its right to appeal should be assured. Section 17 of ANCSA provided for the establishment of a Joint Federal-State Land Use Planning Commission (LUPC)

for Alaska and authorized it to participate in the identification of public easements proposed for reservation across lands selected by Native corporations. BLM's regulations governing the designation of public easements, 43 CFR 2650.4–7, state that the identification of easements shall include participation by appropriate Natives and Native corporations, LUPC, State, Federal agencies, and other members of the public. The State and LUPC are afforded a 90-day period to make recommendations with respect to including particular public easements in any conveyance. If BLM easement decisions are contrary to LUPC's recommendation, LUPC must be given an additional 10 days in which to document the reasons for disagreement. Following issuance of a conveyance decision, the State of Alaska may appeal the designation or non-designation of a public easement where it establishes the requisite property interest. We believe that the current regulation sufficiently protects the State's ability to defend its interests. In addition, as indicated in the preamble to the interim rule, these regulatory changes were intended to implement an internal organization change without substantive change to the existing rights, procedures and practices.

Both regional corporations support the language added to 43 CFR 4.431 and 4.452–2 stating that fact-finding and government contest hearings "shall be conducted within the State of Alsaka, unless the parties agree otherwise." They also urge that the Board's policy on hearing oral argument in Alaska should be stated in regulation and should be the same as that for hearings: "unless the parties agree otherwise" instead of "for good cause shown" as stated in the preamble to the interim rule. We are not amending the general OHA regulation on discretionary oral argument because it applies to all of the OHA appeals boards, but agree that the standards in ANCSA cases should be the same as for ANCSA hearings. Thus the policy of IBLA is to hear oral argument when granted in ANSCA land selection appeals in Alaska unless the parties agree otherwise. One comment also urges that we make a similar statement for prehearing conferences. While we find it unnecessary to repeat this language in the regulation on prehearing conferences, it is OHA's intention that the location of prehearing conferences be consistent with that for hearings.

The regional corporations also urge that IBLA state in regulation, or at a minimum in the preamble to this document, ANCAB's unwritten policy of segregating tracts of land directly affected by an appeal from the rest of the lands in a particular conveyance so that the conveyance of unaffected land can be completed. IBLA intends to continue those practices and policies developed by ANCAB that promote an effective balance between the right of appeal and the efficient conveyance of land. IBLA's policy to promote this balance by the use of segregation is evidenced by the fact that IBLA has issued orders of segregation in conveyance cases since assuming jurisdiction of ANCSA land selection appeals. IBLA will deal with the merits of each case consistent with past practices and the dictates of ANCSA. Since this is a substantive matter relating to the efficient conveyance of land, it is inappropriate for inclusion in the regulations relating to appeals procedures.

The two regional corporations also request that the regulations be modified to require IBLA to give land selection appeals priority review because they fear that conveyances will be delayed when these appeals are integrated into IBLA's large caseload. IBLA dockets appeals in the chronological order in which they are filed and the IBLA judges generally review the cases assigned to them in regular docket sequence insofar as is practical. As to the pending ANCSA appeals transferred to IBLA, the judges have been instructed to consider the appeals filed as of the time originally filed with ANCAB, not as reflected by the current assigned IBLA docket number. New appeals will take their regular place in the docket sequence. We note, however, that in spite of its large caseload, IBLA has been able in many instances to dispose of its appeals significantly faster than ANCAB.

One comment suggested that Subpart E be amended to provide for a repository of the official files of all pending and past ANCSA appeals. Under current practice when an appeal to IBLA is filed with BLM, BLM transmits the appropriate file to IBLA but retains a set of the transmitted documents. Subsequent pleadings are filed with IBLA and all parties receive copies. Unlike ANCAB, once an appeal has been decided, IBLA returns the complete file to BLM in Anchorage. The files for appeals previously decided by ANCAB are now located with BLM in Anchorage. Files available at each location are open for public inspection. We believe these procedures make the files sufficiently available to the public at large without placing additional copy and filing requirements on the parties.

Finally, various comments and concerns were raised by a private practitioner regarding the difficulty of filing notices of appeal and related documents timely under the regulatory time limits. Initially we iterate our comment from the preamble of the interim rule that the requirements in 43 CFR Part 4, Subpart E do not appear to have created any undue difficulty for other appellants in Alaska appealing to IBLA. The 30-day period for filing a notice of appeal is the same as that imposed by ANCAB, and the 10-day grace period provided by 43 CFR 4.401(a) for documents transmitted or probably transmitted before the due date has substantially the same result as ANCAB's postmark rule insofar as it requires mailing by the due date. We believe 10 days is a reasonable amount of time to allow for mail delivery. The commenter was also particularly concerned with the 15-day service requirements. We note first that the grace period applies to such requirement. Second, with respect to late service and other circumstances which will subject an appeal to summary dismissal, the "subject to summary dismissal" language of 43 CFR 4.402 does not mandate automatic dismissal but rather requires the exercise of the Board's reasoned discretion. It is the general practice of the Board not to summarily dismiss an appeal where the requirements of the regulations have been met, albeit late, where good cause for the delay is shown and where no adverse effect on other parties has been established.

Since this is a procedural rule and the only substantive change being made to the interim rule that has been in effect since June 30, 1982, benefits persons wishing to appeal, we find that good cause exists to make this final rule effective upon publication.

The author of this rule is Julia A. Barrows, Office of Hearings and Appeals.

This rule does not contain information collection requirements which require approval by the Office of Management and Budget under 44 U.S.C. 3507.

It is hereby determined that this rule does not constitute a major Federal action significantly affecting the quality of the human environment and that no detailed statement pursuant to section 102(2)(C) of the National Environmental Policy Act (42 U.S.C. 4332(2)(C)) is required. Further, section 910 of the Alaska National Interest Lands Conservation Act (43 U.S.C. 1638) provides that the National Environmental Policy Act shall not be construed as requiring such statement

for regulations which lead to conveyances to Natives or Native Corporations pursuant to ANCSA.

The Department of the Interior has determined that this document is not a major rule under E.O. 12291 and certifies that this document will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This rule implements an internal organization change and creates no substantive change in the basic right of appeal afforded to persons from decisions by Departmental officials concerning matters related to land selection under ANCSA. It simply changes the appeals board to which the appeal is directed, without substantial modifications of existing procedures and practices. This rule eliminates regulations which are repetitious in view of the consolidation of functions under IBLA, and ensures uniformity of treatment for all appellants before IBLA. It makes no changes in the procedures applicable to other IBLA appellants.

List of Subjects

43 CFR Part 4

Administrative practice and procedure, Lawyers, Public lands.

43 CFR Part 2650

Administrative practice and procedure, Alaska, Public lands, Grants.

Under the authority of R.S. 2478, as amended, 43 U.S.C. 1201; section 25 of the Alaska Native Claims Settlement Act, as amended, 43 U.S.C. 1601–1628; and the Administrative Procedure Act, 5 U.S.C. 551 *et seq.*, Part 4 of Subtitle A and Part 2650, Chapter II, of Subtitle B of Title 43, *Code of Federal Regulations*, are amended as set forth below.

Dated: January 30, 1984.

J. J. Simmons III,

Under Secretary.

The interim rules published June 18, 1982 in the **Federal Register** (47 FR 26390) are adopted as final with the following changes:

PART 4—DEPARTMENT OF HEARINGS AND APPEALS PROCEDURES

1. Section 4.411 is amended to revise paragraph (a), add a new paragraph (b), and redesignate former paragraph (b) as paragraph (c) as follows:

§ 4.411 Appeal; how taken, mandatory time limit.

(a) A person who wishes to appeal to the Board must file in the office of the officer who made the decision (not the Board) a notice that he wishes to appeal. A person served with the decision being appealed must transmit the notice of appeal in time for it to be filed in the office where it is required to be filed within 30 days after the date of service. If a decision is published in the **Federal Register**, a person not served with the decision must transmit a notice of appeal in time for it to be filed within 30 days after the date of publication.

(b) The notice of appeal must give the serial number or other identification of the case and may include a statement of reasons for the appeal, a statement of standing if required by § 4.412(b), and any arguments the appellant wishes to make.

* * * * *

PART 2650—ALASKA NATIVE SELECTIONS

2. The last sentence of 43 CFR 2650.7(d)(2) is revised to read as follows:

§ 2650.7 Publication.

* * * * *

(d) * * *

(2) * * * Furthermore, the decision or notice of decision shall inform readers where further information on the manner of, and requirements for, filing appeal may be obtained, and shall also state that any party known or unknown who may claim a property interest which is adversely affected by the decision shall be deemed to have waived their rights which were adversely affected unless an appeal is filed in accordance with the requirements stated in the decisions or notices provided for in this subsection and the regulation governing such appeals set out in 43 CFR Part 4, Subpart E.

3. The last sentence of 43 CFR 2651.2(a)(4) is revised to read as follows:

§ 2651.2 Eligibility requirements.

(a) * * *

(4) * * * Such decision shall become final unless appealed to the Secretary by a notice filed within 30 days of its publication in the **Federal Register** in accordance with the regulations governing appeals set out in 43 CFR Part 4, Subpart E.

* * * * *

[FR Doc. 84-4392 Filed 2-17-84; 8:45 am]

BILLING CODE 4310-10-M

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43 CFR Part 20

Employee Responsibilities and Conduct

AGENCY: Department of the Interior.

ACTION: Final rule.

SUMMARY: This final rule amends certain regulations governing the Responsibilities and Conduct of Department of the Interior employees as set forth in Part 20 of Title 43 CFR. Proposed amendments to Part 20 were published on October 27, 1983, (48 FR 49662–49664).

In these final rules, one amendment deletes the financial disclosure reporting requirements for Department of the Interior employees identified as performing functions or duties under the Federal Land Policy and Management Act, Mining in the Parks Act, Energy Policy and Conservation Act and the Outer Continental Shelf Lands Act Amendments of 1978. The decision for this action is based on a Justice Department interpretation of Section 207(c) of the Ethics in Government Act of 1978, and on the Department's effort to promote efficiency in the process of collecting and reviewing employee financial disclosure reports to prevent actual of apparent conflicts of interest. Another amendment incorporates a provision to allow management reasonable flexibility in administering employee responsibility and conduct restrictions that apply to Minerals Management Service employees. The remaining revisions in this notice are needed to solve administrative problems identified while enforcing the current rules in 43 CFR Part 20.

EFFECTIVE DATE: February 21, 1984.

FOR FURTHER INFORMATION CONTACT: Mr. Gabriele J. Paone or Mr. Mason Tsai, Departmental Ethics and Audit Coordination Staff, U.S. Department of the Interior, Washington, D.C. 20240, (202) 343–3932.

SUPPLEMENTARY INFORMATION: The proposed amendments published October 27, 1983 (48 FR 49662–49664) provided a 30 day period for public comment. During this period, substantive comments were received from five individuals. In response to these comments, specific regulations have been modified and the basis for these changes is explained below.

Based on a recommendation from the Assistant Agency Ethics Official, the title "Associate Ethics Counselor" is incorporated into the Part to allow bureau and office ethics counselors more flexibility in assigning ethics and and conduct counselling responsibilities to headquarters and field employees.

Section 20.735–3(a)(1)(iv) requires the Inspector General to conduct internal audits and administrative reviews of the ethics and conduct programs in each bureau at least once every three years. The Assistant Inspector General for Audit commented that this cyclical time interval should be changed to recognize

the fact that audits and reviews are also performed by the General Accounting Office and the Office of Government Ethics. Based on this comment § 20.735-3(a)(1)(iv) is changed to eliminate the reference to a specific time period for the conduct of ethics and conduct audits or reviews performed by the Inspector General.

In response to comments offered by two individuals, portions of the proposed provisions in § 20.735-4 are substantially revised. In one comment, amendatory language to § 20.735-4(a) was suggested to emphasize that the sanctions contained in this section are not only limited to conflict of interest matters, but also apply to other employee conduct matters in Part 20. The suggested amendatory language is not adopted since, in our opinion the language as proposed in § 20.735-4(a) already adequately covers this individual's concern. In another comment the same individual suggested language to amend § 20.735-4 in order to point out that disciplinary actions for violations of conflict of interest prohibitions may be imposed independently from and without prior application of remedial actions. This suggestion is incorporated into the final rules. The second commenter stated that collective bargaining agreements should be referenced in the provisions that refer to disciplinary action since collective bargaining agreements occasionally require supplementary procedures which must be respected in effecting such actions. This comment is incorporated into the final rules. This commenter also stated that the proposed second sentence of § 20.735-4(b)(2) seems redundant of the language in proposed § 20.735-4(a). Therefore, the commenter suggested that the proposed second sentence in § 20.735-4(b)(2) be deleted. This suggestion is not adopted. Although we agree that the two sentences are duplicative to a limited degree, we believe that in this instance such duplication is desirable to emphasize to employees that corrective, disciplinary and remedial actions are separate and independent remedies, and that each remedy contains its own set of administrative sanctions.

One commenter requested that specific reference to the prohibitions found in § 20.735-6 (a) and (b) included in the proposed § 20.735-4(a). This recommendation is not adopted since the provisions in §§ 20.735-6 (a) and (b) are already covered by the proposed language in § 20.735-4(a) and the requested specific reference would be superfluous.

In connection with the proposed amendment in § 20.735-20(c), one commenter pointed out that the term, "All Assistant Secretary Immediate Offices including Bureau and Office Directors" is confusing since this implies that Bureau and Office Directors are part of the immediate office of an Assistant Secretary. The commenter suggested language to clarify this point. This language is adopted and incorporated in § 20.735-20(c). In another comment, the same individual pointed out that the term, "The Immediate Office of the Secretary" as listed in § 20.735-20(c), automatically includes six offices that are operated under the Secretary's direct supervision. These offices are the Under Secretary, Executive Secretariat, Secretary's Field Coordination, Alaska Land Use Council, Micronesian Status Negotiation and Historically Black College and University Programs. The commenter questioned whether it is intended and necessary to cover all six of these offices for purposes of applying the prohibitions in § 20.735-24, § 20.735-27 and § 20.735-28. Based on this comment the listing § 20.735-20(c) is amended to specify that all but two of the six offices in the Immediate Office of the Secretary are covered for purposes of applying the prohibitions in §§ 20.735-24, 27 and 28. The two offices deleted from coverage are the Office of Micronesian Status Negotiations and the Office of Historically Black College and University Programs.

In response to the recommendations of one commenter, the proposed language in § 20.735-30(c) is modified to authorize appropriate personnel officials to assume certain responsibilities of Ethics Counselors.

A revised Employee Certification was recently issued by the Bureau of Mines and is incorporated to 43 CFR Part 20 to replace the current Bureau of Mines (BOM) Certification Form in Appendix A-4. The changes in the BOM Certification Form are not substantive but they are necessary to clarify specific instructions to the employee.

The Department of the Interior has determined that the provisions contained in Section 207(c) of the Ethics in Government Act of 1978 (Pub. L. 95-521) supersede and eliminate the public financial disclosure reporting requirements contained in the Federal Land Policy and Management Act of 1976 (Pub. L. 94-579); the Mining in the Parks Act (Pub. L. 94-429), the Energy Policy and Conservation Act (Pub. L. 94-163), and the Outer Continental Shelf Lands Act Amendments of 1978 (Pub. L. 95-372). Interior employees performing duties and functions under any of these four statutes, will not be subject to the financial disclosure requirements contained in each of these statutes. The decision to terminate these filing requirements is based on a Justice Department interpretation of Section 207(c) of the Ethics in Government Act of 1978, and on the Department's effort to promote efficiency in the process of collecting and reviewing employee financial disclosures to prevent actual or apparent conflicts of interest. Refer to the Department of Justice letter of April 11, 1980 from John M. Harmon, Assistant Attorney General to Deputy General Counsel David O. Bickart at the Environmental Protection Agency.

The Department of the Interior has determined that this document is not a major rule under E.O. 12291 and certifies that this document will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et. seq.*).

The primary authors of this final rule are Gabriele J. Paone, Deputy Agency Ethics and Audit Coordination Official and Mason Tsai, Assistant Agency Ethics Official.

List of Subjects in 43 CFR Part 20

Conflicts of interest, Government employees.

Accordingly, 43 CFR Part 20 is amended as follows:

Dated: February 15, 1984.

Joseph E. Doddridge, Jr.,

Acting Principal Deputy Assistant Secretary, Policy, Budget and Administration.

PART 20—[AMENDED]

1. The authority citation for Part 20 is amended to read as follows: **Authority** 5 U.S.C. 301; 18 U.S.C. 207(j) (Supp. V 1981); sec. 12, Ch. 576, 48 Stat. 986 (25 U.S.C. 472); sec. 201(f), Pub. L. 95-87, 91 Stat. 450-51 (30 U.S.C. 1211 (Supp. V 1981)); E.O. 11222, 30 FR 6469 3 CFR 1964-65 (Comp.), as amended (18 U.S.C. 201 note); 5 CFR 735-104; 5 CFR 734.103; 5 CFR 737.1(c)(7).

2. Section 20.735-1 paragraph (a)(12) is revised to read:

§ 20.735-1 Definitions.

(a) * * *

(12) "Assistant Ethics Counselor" or "Associate Ethics Counselor" means a bureau, regional or area personnel officer or other qualified employee who has been delegated responsibility to perform the operational duties of the Ethics Counselor at the field level. Assistant Ethics Counselors or Associate Ethics Counselors may also

be designated within the bureau headquarters.

3. Section 20.735–2 is amended by revising paragraph (h)(4)(i) to read:

§ 20.735–2 Purpose, Policy and General Responsibilities.

* * * * *

(h) * * *

(4)(i) Special codes of conduct have been approved in accordance with § 20.735–2(h) for two groups of employees:

(A) Bureau of Land Management Fire Management Teams—approved January 16, 1981.

(B) Office of Inspector General Auditors and Investigators—approved July 16, 1982.

* * * * *

4. Section 20.735–3 is amended by revising paragraphs (a)(1)(iv) and (a)(1)(v) to read:

§ 20.735–3 Responsibilities of ethics officials and channels for counseling.

(a) * * *

(1) * * *

(iv) Monitor the conflict of interest program using reports requested of bureaus and periodic internal audits and administrative reviews performed by the Office of Inspector General, the Designated Agency Ethics Official, or others.

(v) Review statements of employment and financial interests for those Department employees cited in § 20.735–31(b);

* * * * *

5. Section 20.735–4 is revised to read as follows:

§ 20.735–4 Sanctions.

(a) Violations of the regulations in this part by an employee may be cause for appropriate corrective, disciplinary or remedial action, which may be in addition to any criminal or civil penalty provided by law.

(b)(1) Disciplinary action may include oral or written warning or admonishment, reprimand, suspension, reduction in grade or pay, removal from position or removal from office. Such action shall be taken in accordance with Departmental policies and procedures, applicable statutes, Executive Orders, regulations, and any applicable collective bargaining agreement provisions. Disciplinary action for violation of conflict of interest laws or of the regulations in this Part, may be imposed independently from and without prior application of remedial actions including those remedial actions cited in § 20.735–40.

(2) Remedial actions required may include those actions described in § 20.735–40. Failure to comply with appropriate remedial action may result in suspension or removal from office, or other disciplinary action. Employees may appeal divestiture orders in accordance with procedures contained in § 20.735–43.

(c) The procedures for disciplinary action involving contract education employees in Indian Affairs are contained in 25 CFR 38.6.

6. Section 20.735–7 is amended by revising paragraph (b)(2)(i) to read:

§ 20.735–7 Gifts, entertainment, and favors from domestic sources.

* * * * *

(b) * * *

(2) * * *

(i) Food and refreshments of nominal value on infrequent occasions in the ordinary course of an official luncheon or dinner meeting or other official or professional function or on an inspection tour where an employee may properly be in attendance,

* * * * *

§ 20.735–9 [Amended]

7. Redesignate § 20.735–9, paragraphs (a)(2) and (a)(3) as (a)(3) and (a)(4) respectively. Then add a new paragraph (a)(2) to read: The Department may charge a fee or accept reimbursement for providing a service or thing of value to a private source when the service or thing of value provided benefits to both the Government and the particular private source (31 U.S.C 9701). In such instances only a portion of the costs can be accepted from the private source. The Department must pay expenses associated with its usual official business and for the benefits it receives from participating in the event. The private source can be charged or may reimburse the Department for that portion of the service provided that exceeds the Department's usual expenses and the benefits to the government. Under this provision, payments from private sources must be deposited in the U.S. Treasury unless the bureau receiving the payment is authorized by statute to accept such payments.

8. Section 20.735–9 paragraph (b)(3) is amended by removing the words "International Communication Agency" found in the first sentence and inserting in its place: United States Information Agency.

9. Section 20.735–20 is amended by revising the list of officers in paragraph (c) to read:

§ 20.735–20 Scope of Subpart.

* * * * *

(c) For purposes of applying the prohibitions in § 20.735–24 Interests in federal lands, § 20.735–27 Interests in mining activities, and § 20.735–28 Interests in trading with Indians, of this subpart, the term "Office of the Secretary and other Departmental Offices reporting directly to a Secretarial Officer" means the following offices:

The Immediate Office of the Secretary except for the Office of Micronesian Status Negotiations, and the Office of Historically Black College and University Programs;

Solicitor;

Inspector General;

Hearings and Appeals;

Congressional and Legislative Affairs;

Public Affairs;

All Assistant Secretary Immediate Office staff and heads of bureaus which are subordinate to an Assistant Secretary.

The following offices under the Assistant Secretary—Policy, Budget and Administration:

Acquisition and Property Management;

Budget;

Environmental Project Review;

Policy Analysis.

* * * * *

10. Section 20.735–24 is amended by revising paragraphs (a)(3)(i), (a)(3)(ii), (a)(4)(i), (a)(4)(ii), (b)(1)(ii), and (b)(3), and by adding paragraph (d)(6) as follows:

§ 20.735–24 Interest in Federal Lands.

(a) * * *

(3) * * *

(i) Membership or outside employment in a business which has interests in federal lands, and

(ii) Ownership of stock or other securities in corporations determined by the Department to have an interest in federal lands directly or through a subsidiary.

(4) * * *

(i) Holdings in land, mineral rights, grazing rights or livestock which in any manner are connected with or involve the substantial use of the resources or facilities of the federal lands, or

(ii) Substantial holdings of a spouse or dependent child. *Refer to § 20.735–21(b)(5) for the definition of "Substantial."*

(b) * * *

(1) * * *

(ii) Retaining a direct interest in federal lands acquired voluntarily or by any other method, before or during employment by the Department in their own name or in the name of their spouse, dependent child, or solely-

owned or family-owned business except that they may acquire or retain such interests in accordance with the waiver criteria in § 20.735–24(e).

* * * * *

(3) All Department employees are prohibited from acquiring or retaining any claim, permit, lease, small tract entries, or other rights in federal lands either in their own name or in the name of their spouse, dependent child, or solely-owned or family-owned business except that they may acquire or retain such interests in accordance with the waiver criteria in § 20.735–24(e). Also, employees, other than those identified in § 20.735–24(b) (1) and (2), may purchase or retain stocks or securities traded on the open market in companies having interests in federal lands, provided that such acquisition will not interfere or appear to interfere with the proper and impartial performance of their official duties.

* * * * *

(d) * * *

(6) The prohibitions imposed on Minerals Management Service employees by § 20.735–24(b) are imposed by the Secretary through regulatory extension of the statutory provisions in 43 U.S.C. 31(a). Accordingly, the Secretary authorizes the Director, Minerals Management Service (LMS), to approve exceptions to this regulatory extension for individual LMS employees or for a class of LMS employees for cause. Exceptions granted by the Director for a class of employees shall be with the prior concurrence of the Designated Agency Ethics Official.

* * * * *

11. Section 20.735–30 is amended by revising paragraph (c) to read:

§ 20.735–30 Executive order filing requirements.

* * * * *

(c) *When to file.* Ethics Counselors or appropriate personnel officials shall notify each employee covered by this section and furnish the necessary form or forms to the employee at the time of his or her entrance on duty and by December 15 of each year.

* * * * *

12. Section 20.735–30 paragraph (c)(1) is amended by removing the last word "or". Section 20.735–30 paragraph (c)(2) is also amended by removing the last word "or".

§ 20.735–34 [Removed]

13. Part 20 of 43 CFR is amended by removing Section 34 in its entirety.

14. Section 20.735–35 is amended by removing paragraph (a)(4).

15. Section 20.735–35 is amended by revising paragraph (b)(2)(i) to read:

§ 20.735–35 How to file.

* * * * *

(b) * * *

(2) * * *

(i) Statutory prohibitions contained in § 20.735–22(c) or the Surface Mining Control and Reclamation Act filing requirements, and

* * * * *

§ 20.735–35 [Amended]

16. Section 20.735–35 is amended by removing paragraph (b)(3) and by adding a note between § 20.735–35(c)(2) and § 20.735–35(c)(3) to read: Note: "covered employee" means an employee who is serving in a position that requires the incumbent to file a financial disclosure statement.

17. Section 20.735–70 is amended by removing paragraphs (a)(18), (a)(19), (a)(20), and (a)(22). Then (a)(21) is redesignated as (a)(18); (a)(23) is redesignated as (a)(19); (a)(24) is redesignated as (a)(20); (a)(25) is redesignated as (a)(21); (a)(26) is redesignated as (a)(22); (a)(27) is redesignated as (a)(23).

18. Section 20.735–70 is amended by revising paragraph (a)(18) to read:

§ 20.735–70 Bibliography of statutes.

(a) * * *

(18) The requirement that each employee of the Office of Surface Mining Reclamation and Enforcement or any other Federal employee performing any function or duty under the Surface Mining Enforcement and Reclamation Act is prohibited from having a direct or indirect financial interest in underground or surface coal mining operations.

* * * * *

19. Appendix A–3 is revised to read as follows:

Appendix A–3—U.S. Department of the Interior, Bureau of Land Management; Employee Certification

Note.—The provisions in 43 CFR 20.735–22(c)(1) and 20.735–24 should be read completely before this statement is signed.

I have received a copy of the Department of the Interior Regulations governing Responsibilities and Conduct of Employees (43 CFR Part 20). I have been advised of the name and location of the Assistant Bureau Ethics Counselor. I understand that I may discuss questions or concerns related to my responsibilities, conduct, and financial interests with this individual.

I certify that I do not have a direct or indirect interest in Federal lands as prohibited in 43 CFR 20.735–22(c)(1) and 20.735–24. I understand that an interest in Federal land is interpreted to include stock ownership in companies which lease Federal lands, leases, permits, contracts, mineral rights, grazing rights, etc.

I certify that I do not now have and that I will not acquire an active real estate license during the time I am an employee of the Bureau of Land Management.

(Employee's Name typed or printed) _____
(Signature of Employee)_____
(Title of Position)_____
(Date)_____

Instructions

1. All employees (including temporaries, reemployed annuitants, excepted appointments, etc.) of the Bureau of Land Management must complete the certifications on this form.

2. Your name must be printed or typed and a signature and date must be on the appropriate lines.

3. Signed certificates shall be sent to and maintained by the Servicing Personnel Office.

4. If you are unable to certify compliance, you must submit a statement of facts to the Assistant Ethics Counselor for review and action.

5. If you do not have a copy of the Department's regulations governing Responsibilities and Conduct (43 CFR Part 20), you may obtain a copy from your Personnel Office. If you do not know the name and location of the Assistant Bureau Ethics Counselor, your Personnel Office can provide you with the name and phone number.

Privacy Act Notice

43 CFR 20.735–22(c)(1), 43 CFR 20.735–24, and 5 U,S.C. 301 constitute the authority for requesting this certification. This certification must be signed; failure to do so can be cause for denying appointment or for appropriate disciplinary action.

This certification will be used to record officially the fact that you have knowledge of, and are in compliance with, the restrictions pertinent to your employment. The information certified to will be considered confidential and will form a part of the records of the office where you file; as such, the contents may be routinely disclosed to authorized Interior personnel, the Office of Personnel Management, the Department of Justice and to appropriate law enforcement agencies.

20. Appendix A–4 is amended to read as follows:

Appendix A–4—U.S. Department of the Interior, Bureau of Mines; Employee Certification

I have been given a copy of Department of the Interior Regulations governing Responsibilities and Conduct of Employees (43 CFR Part 20). I have been advised of the name and location of the Deputy and Assistant Ethics Counselors. I understand that I may discuss questions or concerns related to my responsibilities, conduct, and financial interests with these individuals.

I certify that I have been informed of and that I am in compliance with prohibitions contained in 43 CFR 20.735–27 which implements the statutory restrictions contained in Title 30, U.S.C. 6. I understand

that these provisions prohibit employees of the Bureau of Mines from having any personal or private interests in any mine or the products of any mine under investigation by the Bureau; accepting employment from any private party for services in the examination of any mine or private mineral property; or issuing any report as to the valuation or the management of any mine or other private mineral property other than as part of my official duties.

Note.—The provisions in 43 CFR 20.735–27 should be read completely before the statement is signed.

Employee's Name (Typed or Printed) _____
Signature of Employee _____
Title of Position _____
Date _____

Instructions

1. All applicable employees of the Bureau of Mines shall complete the certifications of this form.

2. Signed certificates shall be maintained in the employee's Official Personnel Folder.

3. If an employee is unable to sign the certificate, he or she must submit a statement of facts to the ethics specialist for review and action.

Privacy Act Notice

30 U.S.C. 6 and 5 U.S.C. 301 constitute the authority for requesting this certification. This certification must be signed; failure to do so could be cause for denying appointment or for appropriate disciplinary action.

This certification will be used to record officially the fact that you have knowledge of and are in compliance with, the restrictions pertinent to your employment. The information certified to will be considered confidential and will form a part of the records of the office where you file; as such the contents may be routinely disclosed to authorized auditors, the Office of Personnel Management, the Department of Justice and to appropriate law enforcement agencies.

Appendices D, E, F, and G [Removed]

21. Part 20 of 43 CFR is amended by removing appendices D, E, F, and G.

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