

FEDERAL REGISTER: 56 FR 46987 (September 17, 1991)

DEPARTMENT OF THE INTERIOR

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM)

30 CFR Parts 705 and 706

Restrictions on Financial Interests of State and Federal Employees, Technical Amendment

ACTION: Final rule; technical amendment.

SUMMARY: The Office of Surface Mining Reclamation and Enforcement (OSM) of the United States Department of the Interior (DOI) is amending its regulations governing the restrictions on financial interests of State and Federal employees. The regulations are being amended to change the name of the Office of Audit and Investigation to the Office of Inspector General as established under the Inspector General Act of 1978. The regulations at Part 705 are further being amended by revising the data on the information collection requirements and by changing the form number on the financial disclosure statement.

EFFECTIVE DATE: September 17, 1991.

FOR FURTHER INFORMATION CONTACT: Peggy Moran-Gicker, Office of Surface Mining Reclamation and Enforcement, U.S. Department of the Interior, 1951 Constitution Avenue, NW., Washington, DC 20240; telephone: 202-208-2965 (Commercial) or 268-2965 (FTS).

SUPPLEMENTARY INFORMATION:

- I. Background and Discussion of the Rule Adopted.
- II. Procedural Matters.

I. BACKGROUND AND DISCUSSION OF THE RULE ADOPTED

The functions, powers, and duties of the Office of Audit and Investigation were transferred to the Office of Inspector General in accordance with section 9.(a)(1)(D) of the Inspector General Act of 1978 (Pub. L. 95-452). OSM is amending its regulations at 30 CFR parts 705 and 706 which govern the restrictions on financial interests of State and Federal employees in order to indicate the transfer of authority. In particular, Sections 705.3(c), 705.4(b)(5), 706.4(c), 706.5(b)(1) and 706.5(b)(4) are being revised by removing the words "Office of Audit and Investigation" and by substituting the words "Office of Inspector General."

Section 705.10 is being revised by updating the data concerning the information collection requirements in part 705. The data is being revised by including the estimated response time per respondent and the addresses where comments may be sent concerning the information collection requirements.

Finally Section 705.17(a) is being revised by changing the referenced form number on the financial disclosure statement from "OSM Form 705-1" to "OSM Form 23". The content of the form is not being changed.

II. PROCEDURAL MATTERS

Administrative Procedure Act

The minor revisions contained in this rulemaking are technical in nature. Accordingly, pursuant to 5 U.S.C. 553(b)(B), it has been determined that the notice and public comment procedures of the Administrative Procedure Act are unnecessary. For the same reason, it has been determined that in accordance with 5 U.S.C. 553(d), there is good cause to make the rule effective on the date of publication in the Federal Register.

Paperwork Reduction Act

This final rule does not contain new or revised collections of information which require approval by the Office of Management and Budget under 44 U.S.C. 3501 et. seq. The existing collections of information contained in Part 705 have been previously approved by the Office of Management and Budget under 44 U.S.C. 3501 et seq. and assigned clearance number 1029-0067.

Executive Order 12291 and Regulatory Flexibility Act

The Department of the Interior has determined that this document is not a major rule under the criteria of Executive Order 12291 and that it 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 determination is based on the technical nature of the amendments contained in the rule.

National Environmental Policy Act

This final rule has been reviewed by OSM and it has been determined to be categorically excluded from the National Environmental Policy Act (NEPA) process in accordance with the Departmental Manual (516 DM 2, appendix 1.10) and the Council on Environmental Quality Regulations for Implementing the Procedural Provisions of NEPA (40 CFR 1507.3). This determination is based on the technical nature of the amendments contained in the rule.

Author

The principal author of this rule is Peggy Moran-Gicker, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue, NW., Washington, DC 20240; telephone: 202-208-2965 (Commercial) or 268-2965 (FTS).

LIST OF SUBJECTS

30 CFR Part 705

Conflict of Interest, Reporting and recordkeeping requirements, Surface Mining, Underground Mining

30 CFR Part 706

Conflict of interest, Surface mining, Underground mining.

Accordingly, 30 CFR parts 705 and 706 are amended as set forth below:

Dated: September 10, 1991.

Richard Roldan, Deputy Assistant Secretary -- Land and Minerals Management.

SUBCHAPTER A -- GENERAL

PART 705 -- RESTRICTIONS OF FINANCIAL INTERESTS OF STATE EMPLOYEES

1. The authority citation for part 705 is revised to read as follows:

Authority: 30 *U.S.C.* 1201 et seq.

SECTIONS 705.3 and 705.4 [Amended]

2. In 30 CFR 705.3(c) and 705.4(b)(5) remove the words "Office of Audit and Investigation" and add, in their place, the words "Office of Inspector General."

3. Section 705.10 is revised to read as follows:

SECTION 705.10 - INFORMATION COLLECTION.

The collections of information contained in Sections 705.11 and 705.17 have been approved by the Office of Management and Budget under 44 *U.S.C.* 3501 et seq. and assigned clearance number 1029-0067. The information is being collected on OSM Form 23 and will be used to meet the requirements of section 517(g) of the Surface Mining Control and Reclamation Act of 1977, which provides that no employee of the State regulatory authority shall have direct or indirect financial interests in any underground or surface coal mining operation. This information will be used by officials of the state regulatory authority to determine whether each State employee complies with the financial interest

provisions of section 517(g). The obligation to respond is mandatory in accordance with section 517(g). Public reporting burden for this information is estimated to average 20 minutes per response per state employee and 30 minutes per response per State regulatory authority, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to the Information Collection Clearance Officer, Office of Surface Mining, 1951 Constitution Avenue NW., room 5415-L, Washington, DC 20240; and the Office of Management and Budget, Paperwork Reduction Project 1029-0067, Washington, DC 20503.

SECTION 705.17 [Amended]

4. In 30 CFR 705.17(a) remove the number "705-1" and add, in its place, the number "23".

PART 706 -- RESTRICTIONS ON FINANCIAL INTERESTS OF FEDERAL EMPLOYEES

5. The authority citation for part 706 is revised to read as follows:

Authority: *30 U.S.C. 1201* et seq.

SECTIONS 706.4 and 706.5 [Amended]

6. In 30 CFR 706.4(c), 706.5(b)(1) and 706.5(b)(4) remove the words "Office of Audit and Investigation" and add, in their place, the words "Office of Inspector General."

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