

not listed either have not expressed an interest in issuing supplemental agency ethics regulations, have indicated to OGE that they are no longer interested in a further grace period extension, did not file draft supplemental standards regulations with OGE by January 25, 1995, or have already issued final or interim final supplemental standards.

The Office of Government Ethics notes that it is not by this rulemaking setting a deadline for agencies to submit supplemental ethics regulations. Agencies can, with OGE concurrence and co-signature, issue supplementals at any time. Further, they can, at any time, have new title 5 CFR chapters reserved through OGE and OFR for such purpose if they have not already done so.

Moreover, if an agency's prohibited financial interest (and/or prior approval) restrictions are based on a separate statute, they are not superseded by the 5 CFR part 2635 executive branch-wide standards. If any related regulatory provisions were located in its old agency standards of conduct, the agency concerned could, after consultation with OGE, retain them in their existing place in the agency's own CFR title and chapter or move the provisions to another appropriate part of its regulations. See 5 CFR 2635.105(c)(3). Only prior standards of conduct provisions that are purely regulatory in nature are subject to supersession from the executive branch-wide regulation at 5 CFR part 2635, with entitlement to the successive grace periods for the two enumerated types of provisions as provided in the further amended notes at §§ 2635.403(a) and 2635.803 as well as appendixes A and B.

Administrative Procedure Act

Pursuant to 5 U.S.C. 553(b) and (d), as Director of the Office of Government Ethics, I find good cause exists for waiving the general notice of proposed rulemaking and 30-day delay in effectiveness as to this grace period extension. The notice and delayed effective date are being waived because this rulemaking concerns a matter of agency organization, practice and procedure. Furthermore, it is in the public interest that those agencies concerned have adequate time to promulgate successor provisions to their existing standards of conduct regulations in these two areas without a lapse in necessary regulatory restrictions.

Executive Order 12866

In promulgating this grace period extension technical amendment, the Office of Government Ethics has adhered to the regulatory philosophy

and the applicable principles of regulation set forth in section 1 of Executive Order 12866, Regulatory Planning and Review. This amendment has not been reviewed by the Office of Management and Budget under that Executive order, as it is not deemed "significant" thereunder.

Regulatory Flexibility Act

As Director of the Office of Government Ethics, I certify under the Regulatory Flexibility Act (5 U.S.C. chapter 6) that this rulemaking will not have a significant economic impact on a substantial number of small entities.

Paperwork Reduction Act

The Paperwork Reduction Act (44 U.S.C. chapter 35) does not apply because this rulemaking does not contain information collection requirements that require the approval of the Office of Management and Budget.

List of Subjects in 5 CFR Part 2635

Conflict of interests, Government employees.

Approved: January 27, 1995.

Stephen D. Potts,

Director, Office of Government Ethics.

Accordingly, pursuant to its authority under title IV of the Ethics in Government Act and Executive Orders 12674 and 12731, the Office of Government Ethics is amending 5 CFR part 2635 as follows:

PART 2635—[AMENDED]

1. The authority citation for part 2635 continues to read as follows:

Authority: 5 U.S.C. 7351, 7353; 5 U.S.C. App. (Ethics in Government Act of 1978); E.O. 12674, 54 FR 15159, 3 CFR, 1989 Comp., p. 215, as modified by E.O. 12731, 55 FR 42547, 3 CFR, 1990 Comp., p. 306.

2. The notes following both §§ 2635.403(a) and 2635.803 are amended by adding a new sentence at the end of each to read as follows:

Note: * * * Provided further, that for those agencies listed in appendix B to this part, the grace period for any such existing provisions shall be further extended for an additional eleven months until January 3, 1996 (for a total of two years and eleven months after the effective date of this part) or until issuance by each individual agency concerned of a supplemental regulation, whichever occurs first.

3. A new appendix B is added at the end of part 2635 to read as follows:

Appendix B to Part 2635—Agencies Entitled to a Further (Second) Grace Period Extension Pursuant to Notes Following §§ 2635.403(a) and 2635.803

1. Department of the Treasury
2. Federal Deposit Insurance Corporation
3. Department of Energy
4. Federal Energy Regulatory Commission
5. Department of the Interior
6. Department of Commerce
7. Department of Justice
8. Federal Communications Commission
9. Farm Credit Administration
10. Securities and Exchange Commission
11. Office of Personnel Management
12. Thrift Depositor Protection Oversight Board
13. United States Information Agency
14. Occupational Safety and Health Review Commission
15. Department of State
16. Department of Labor
17. National Science Foundation
18. Small Business Administration
19. Department of Health and Human Services
20. Federal Labor Relations Authority
21. Department of Transportation
22. Pension Benefit Guaranty Corporation
23. Export-Import Bank of the United States
24. Department of Education
25. Environmental Protection Agency
26. National Transportation Safety Board
27. General Services Administration
28. Board of Governors of the Federal Reserve System
29. United States Postal Service
30. National Labor Relations Board
31. Equal Employment Opportunity Commission
32. Resolution Trust Corporation
33. Department of Housing and Urban Development
34. National Archives and Records Administration
35. Peace Corps
36. Tennessee Valley Authority
37. Consumer Product Safety Commission
38. Executive Office of the President
39. Department of Agriculture
40. Federal Mine Safety and Health Review Commission
41. Office of Management and Budget
42. Agency for International Development

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