

# Rules and Regulations

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## NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

### 5 CFR Part 6901

[Docket Number—2014-0001]

RIN 2700-AE03

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

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

**ACTION:** Final rule.

**SUMMARY:** NASA, with the concurrence of the Office of Government Ethics (OGE), has adopted as final, without change, an interim rule amending the Supplement Standards of Ethical Conduct for Employees of the National Aeronautics and Space Administration.

**DATES: Effective Date:** August 20, 2014.

#### FOR FURTHER INFORMATION CONTACT:

Adam F. Greenstone, Alternate Designated Agency Ethics Official, NASA Office of the General Counsel, 300 E. St. SW., Washington, DC 20546, 202.358.1775, [adam.f.greenstone@nasa.gov](mailto:adam.f.greenstone@nasa.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Background

NASA published an interim rule in the **Federal Register** at 79 FR 7565 on February 10, 2014, to amend the Supplement Standards of Ethical Conduct for Employees of the National Aeronautics and Space Administration. The rule permitted student interns to seek prior approval to engage in outside employment with a NASA contractor, subcontractor, grantee, or party to a NASA agreement in connection with work performed by that entity or under that agreement. The amendments clarified the types of outside employment activities that require approval; streamlined the process for approval; eliminated obsolete position

titles; and extended the permissible time period of approval. The interim rule became effective on February 10, 2014. One respondent submitted a comment on the interim rule.

##### II. Discussion and Analysis

The NASA Office of General Counsel reviewed the comment and considered it in development of the final rule.

###### A. Summary of Significant Changes

No changes were made as a result of the public comments.

###### B. Analysis of Public Comments

**Comment:** The respondent commented that this was a positive regulatory change that would fix the predicament of student interns at NASA being too broadly restricted from engaging in outside employment, and increase interest in NASA's internships.

**Response:** The comment supports NASA's regulatory amendments in the interim rule. Previously, student interns generally were barred from employment with an entity performing work under a NASA contract, grant, or Space Act agreement in connection with that work. In making this regulatory change, NASA concluded that the previous prohibition was unnecessarily broad, and that the integrity of NASA's operations will not be diminished by liberalizing the current prohibition to permit student interns to seek approval to engage in outside activities with these entities.

Student interns typically perform basic research functions without substantial involvement in NASA decisions that affect outside entities, and often spend extended periods in leave without pay status during semesters when they carry a full-time academic workload. It is also vital that students in STEM (science, technology, engineering, math) disciplines have full access to NASA development opportunities to maintain U.S. leadership in these fields. For these reasons, NASA, with OGE's concurrence, retained but liberalized this provision in a revised paragraph (c) of § 6901.103 to permit management to approve such activities of student interns when NASA ethics officials determine that the activity would comply with Federal ethics laws and OGE regulations, to which employed student interns remain subject.

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## III. Regulatory Analysis Section

### Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements, unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. This rule would not have a significant economic impact on a substantial number of small entities because this rule only pertains to NASA employees.

### Executive Order 12866 and Executive Order 13563

Executive Orders 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if the regulation is necessary, to select the regulatory approach that maximizes net benefits. This rule is not a significant regulatory action under section 3(f) of Executive Order 12866, Regulatory Planning and Review, because this rule relates solely to the internal operations of NASA. Therefore, the Office of Management and Budget did not review this rule.

### Paperwork Reduction Act

The Paperwork Reduction Act (44 U.S.C. chapter 35) does not apply to this rule because it does not contain any information collection requirement that requires approval of the Office of Management and Budget.

### Small Business Regulatory Enforcement Fairness Act

This rule relates to agency management or personnel, and therefore the Small Business Regulatory Enforcement Fairness Act of 1996 (5 U.S.C. 801 *et seq.*) does not cover the rule.

### Executive Order 13132, Federalism

This rule will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 13132, Federalism, NASA has determined that the rule does not have sufficient federalism implications to warrant the

preparation of a federalism summary impact statement.

**Unfunded Mandates Reform Act**

For the purposes of the Unfunded Mandates Reform Act of 1995 (2 U.S.C. chapter 25, subchapter II), this rule would not significantly or uniquely affect small governments and would not result in increased expenditures by State, local, and tribal governments, or by the private sector, of \$100 million or more (as adjusted for inflation) in any one year.

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

Ethical conduct.

**Interim Rule Adopted as Final Without Change**

■ Accordingly, the interim rule amending 5 CFR part 6901, which was published in the **Federal Register** at 79 FR 7565 on February 10, 2014, is adopted as a final rule without change.

Dated: August 13, 2014.

**Charles F. Bolden Jr.,**

*Administrator, National Aeronautics and Space Administration.*

**Walter M. Shaub, Jr.,**

*Director, United States Office of Government Ethics.*

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**DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

**24 CFR Parts 50 and 58**

**[Docket No. FR-5616-F-02]**

**RIN 2506-AC34**

**Environmental Compliance Recordkeeping Requirements**

**AGENCY:** Office of the Assistant Secretary for Community Planning and Development, HUD.

**ACTION:** Final rule.

**SUMMARY:** This final rule revises the regulations governing the format used for conducting the required environmental reviews for HUD program and policy actions. HUD's current regulations require that HUD staff document environmental review compliance using form HUD-4128. Recipients receiving HUD assistance and other entities responsible for conducting environmental reviews (responsible entities) are currently allowed to either use HUD-recommended formats or develop equivalent formats for documenting environmental review compliance.

The reference to a specific form number in part 50 restricts HUD's ability to adopt alternative form designations and forms, while authorizing the use of alternate forms makes it difficult for HUD to assess, compare, and collect data on responsible entities' environmental review records. Despite being applicable to different parties, environmental review responsibilities under parts 50 and 58 are substantively similar. In light of that, the final rule gives the Departmental Environmental Clearance Officer (DECO) the authority to create one standardized format for use in reviews and authorize exceptions, thereby eliminating unnecessary distinctions between reviews completed by HUD employees and responsible entities.

This final rule also makes a technical amendment by making the steps required to prepare an environmental assessment in HUD's regulations consistent with the "Environmental Assessment" definition provided in the Council on Environmental Quality (CEQ) regulations implementing the National Environmental Policy Act (NEPA).

**DATES: Effective Date:** September 19, 2014.

**FOR FURTHER INFORMATION CONTACT:** Danielle Schopp, Director, Office of Environment and Energy, Office of Community Planning and Development, Department of Housing and Urban Development, 451 7th Street SW., Room 7250, Washington, DC 20410; telephone number 202-402-4442 (this is not a toll-free number). Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at 800-877-8339.

**SUPPLEMENTARY INFORMATION:**

**I. Background**

On February 27, 2014, at 79 FR 11045, HUD published for public comment a proposed rule that would address the formats used for preparing and documenting the required environmental reviews under both 24 CFR parts 50 and 58. Additionally, the rule proposed to make a technical amendment to part 58 to align it with CEQ regulations implementing NEPA's environmental assessment requirements.

NEPA and related authorities<sup>1</sup> require review of the potential environmental impacts of, and the preparation of environmental reviews for, Federal

policy and program actions. HUD's regulations at 24 CFR part 50 and part 58 implement these environmental requirements. HUD's regulations at 24 CFR part 50, entitled "Protection and Enhancement of Environmental Quality," govern the environmental reviews performed by HUD for its policies and programs. The regulations at 24 CFR part 58, entitled "Environmental Review Procedures for Entities Assuming HUD Environmental Responsibilities," prescribe the requirements governing environmental reviews performed by recipients of HUD assistance and other responsible entities that assume HUD's environmental responsibilities in applicable HUD programs. Both 24 CFR part 50 and part 58 address the formats used for preparing and documenting the required environmental reviews.

The reference to a single form number in part 50 at § 50.20(a) and § 50.31(a) restricts HUD's ability to issue a new form with a different designation or other forms. The part 58 regulations at § 58.38 and § 58.40 allow entities assuming HUD environmental review responsibilities to develop an equivalent format for preparing and documenting an environmental review, which results in entities using a variety of formats. This sometimes makes it difficult for HUD and interested members of the public to assess compliance and prevents HUD from collecting reliable data. To resolve both concerns, HUD issued the February 27, 2014, proposed rule to remove the reference to a single form in part 50 and give the Departmental Environmental Clearance Officer (DECO) the authority to create one standardized format for use in both part 50 and part 58 reviews and authorize exceptions. In addition to resolving the above concerns, HUD proposed to make a technical amendment to part 58.

**II. This Final Rule**

This final rule follows publication of the February 27, 2014, proposed rule and takes into consideration the public comments received on the proposed rule. The public comment period on the proposed rule closed on April 28, 2014. HUD received public comments from three commenters. Section III of this preamble discusses the comments received on the final rule. HUD has decided to adopt the final rule as final with no substantive changes.

This final rule amends 24 CFR part 50 by removing the reference to the form HUD-4128. The revised regulation will require that HUD staff use a format approved by the DECO to prepare and document the required environmental

<sup>1</sup> See 24 CFR 50.4 and 24 CFR 58.5-6 for a listing of these Federal laws and authorities.