

## § 582.5

the record under § 581.5 of this subchapter, and motions for reconsideration under § 581.6 of this subchapter, are permitted.

### § 582.5 How does an entity other than a tribe request to participate on a limited basis?

(a) An individual, whether acting on his or her own behalf or as an agent of an entity, or an entity other than the tribe identified in § 582.2, may request to participate in an appeal of an ordinance disapproval on a limited basis by filing a submission with the Commission within 10 days of the filing of the notice of appeal.

(b) The submission may contain supporting documentation, and shall state:

(1) The individual's or entity's property, financial, or other interest at stake in the proceeding; and

(2) The reason(s) why the Chair's decision should be upheld or reversed. The submission shall address the ordinance requirements under §§ 522.4, 522.5, 522.6, and 522.7 of this chapter.

(c) The submission shall be served concurrently on the tribe consistent with § 580.4 of this subchapter. Failure to properly serve the tribe may be a basis for denying limited participation.

(d) Within 10 days after service of the submission, any party to the appeal may file a brief and supporting material in response to the submission.

(e) Within 10 days of the filing of a response pursuant to paragraph (d) of this section, the Commission will notify the submitter in writing of its decision whether to accept and consider the submission and will state the basis for its decision, which it shall serve on the individual or entity and the tribe.

### § 582.6 When will I receive a copy of the record on which the Chair relied?

Within 10 days of the filing of a notice of appeal, or as soon thereafter as practicable, the record on which the Chair relied will be transmitted to the tribe.

### § 582.7 When will the Commission issue its final decision?

(a) Within 90 days after it receives the appeal brief or within 90 days of its

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ruling on a request for limited participation brought under § 582.5 or within 90 days of the conclusion of briefing by all parties, whichever is later, the Commission shall issue its final decision.

(b) The Commission shall notify the tribe and any limited participant of its final decision and the reason(s) supporting it.

## PART 583—APPEALS FROM APPROVALS OR DISAPPROVALS OF MANAGEMENT CONTRACTS OR AMENDMENTS TO MANAGEMENT CONTRACTS

Sec.

583.1 What does this part cover?

583.2 Who may appeal the approval or disapproval of a management contract or amendment to a management contract?

583.3 How do I appeal the approval or disapproval of a management contract or amendment to a management contract?

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583.6 When will the Commission issue its final decision?

AUTHORITY: 25 U.S.C. 2706, 2711, 2712, 2713, 2715.

SOURCE: 77 FR 58945, Sept. 25, 2012, unless otherwise noted.

### § 583.1 What does this part cover?

This part applies to appeals from the Chair's decision to approve or disapprove a management contract or amendment to a management contract under parts 533 and 535 of this chapter.

### § 583.2 Who may appeal the approval or disapproval of a management contract or amendment to a management contract?

Only a party to the management contract or amendment thereto approved or disapproved by the Chair may appeal.

### § 583.3 How do I appeal the approval or disapproval of a management contract or amendment to a management contract?

(a) Within 30 days after the Chair serves his or her determination, the appellant must file a notice of appeal with the Commission and serve it on

all parties to the management contract. The notice of appeal must reference the decision from which the appeal is taken. Unless the Commission has extended the time for filing an appeal brief pursuant to §580.4(f) of this subchapter, the appeal brief must be filed within 30 days of service of the record pursuant to §583.5. The brief shall state succinctly why the appellant believes the Chair's approval or disapproval should be reversed and may include supporting documentation.

(b) Another party to the management contract may oppose the appeal by filing an opposition brief with the Commission within 20 days after service of the appellant's brief. The opposition brief shall state succinctly why the party believes the Chair's approval or disapproval should be upheld and may include supporting documentation.

(c) The appellant may file a reply brief within 15 days of service of the opposition brief.

#### **§ 583.4 Are motions permitted?**

Management contract and amendment appeals are summary proceedings. Only motions for an extension of time under §580.4(f) of this subchapter, motions to supplement the record under §581.5 of this subchapter, and motions for reconsideration under §581.6 of this subchapter, are permitted.

#### **§ 583.5 When will I receive a copy of the record on which the Chair relied?**

Within 10 days of the filing of a notice of appeal, or as soon thereafter as practicable, the record will be transmitted to all parties.

#### **§ 583.6 When will the Commission issue its final decision?**

(a) The Commission shall issue its final decision within 90 days after service of the appeal brief or within 90 days after the conclusion of briefing by the parties, whichever is later.

(b) The Commission shall notify the tribe and management contractor of its final decision and the reason(s) supporting it.

### **PART 584—APPEALS BEFORE A PRESIDING OFFICIAL OF NOTICES OF VIOLATION, PROPOSED CIVIL FINE ASSESSMENTS, ORDERS OF TEMPORARY CLOSURE, THE CHAIR'S DECISIONS TO VOID OR MODIFY MANAGEMENT CONTRACTS, THE COMMISSION'S PROPOSALS TO REMOVE A CERTIFICATE OF SELF-REGULATION, AND NOTICES OF LATE FEES AND LATE FEE ASSESSMENTS**

Sec.

584.1 What does this part cover?

584.2 Who may appeal?

584.3 How do I appeal a notice of violation, proposed civil fine assessment, order of temporary closure, the Chair's decision to void or modify a management contract, the Commission's proposal to remove a certificate of self-regulation, and a notice of late fees and late fee assessments?

584.4 Are motions permitted?

584.5 How do I file a motion to intervene?

584.6 When will the hearing be held?

584.7 When will I receive a copy of the record on which the Chair relied?

584.8 What is the hearing process?

584.9 How may I request to limit disclosure of confidential information?

584.10 What is the process for pursuing settlement or a consent decree?

584.11 Will the hearing be transcribed?

584.12 What happens after the hearing?

584.13 May I file an objection to the recommended decision?

584.14 When will the Commission issue its final decision?

AUTHORITY: 25 U.S.C. 2706, 2710, 2711, 2712, 2713, 2715, 2717.

SOURCE: 77 FR 58945, Sept. 25, 2012, unless otherwise noted.

#### **§ 584.1 What does this part cover?**

(a) This part applies to appeals of the following where the appellant elects a hearing before a presiding official:

(1) Violation(s) alleged in a notice of violation under §573.3 of this chapter;

(2) Proposed civil fine assessments under part 575 of this chapter;

(3) Orders of temporary closure under §573.4 of this chapter;

(4) The Chair's decision to void or modify a management contract under part 535 of this chapter subsequent to initial approval;