

specific understanding (*i.e.*, quantitative) of these terms is needed. Is this the appropriate quantitative definition? If not, what quantitative definition is appropriate?

(10) In Appendix B, the staff review of NEI-00-02 and its supplemental guidance, is based on the perspective that this document is primarily historical in that almost all the licensee's PRAs have been peer reviewed using NEI-00-02, Revision A3. Consequently, the staff endorsement does not address future use of this document. If the staff has an objection to this document, the resolution would be addressed via a licensee's self assessment. Is this approach appropriate? That is, should the staff extend its review so that industry would have the staff position regarding this process for future use?

In order to gain experience and more detailed insights into the use of the approach proposed in DG-1122 and the associated draft SRP section, during the public comment period the NRC desires to conduct a review of one or more pilot applications (*e.g.*, Risk-Informed Technical Specifications Initiative 4b, "Configuration Risk Management for Completion Times") using this approach. The experience and insights gained from the practical application of the approach proposed in DG-1122 and the associated draft SRP section will support the staff's risk-informed regulatory initiatives, consistent with the NRC's policy statement on PRA. The lessons learned from the pilot applications will be documented and reflected in the final regulatory guide. Since these pilot applications will assist the NRC in developing a regulatory guide, the Chief Financial Officer will waive the review fees in accordance with 10 CFR 170.11(b)(1). By granting this waiver for the pilot applications, the NRC continues its longstanding policy of granting fee exemptions for the review of license applications accepted for review as a pilot application.

The NRC staff is soliciting comments on these proposed documents. Comments may be accompanied by relevant information or supporting data. Written comments may be submitted to the Rules and Directives Branch, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Copies of comments received may be examined at the NRC Public Document Room, 11555 Rockville Pike, Rockville, MD. Comments will be most helpful if received by February 14, 2003.

Comments received after this date will be considered if it is practical to do so, but the NRC is able to ensure

consideration only for comments received on or before this date.

You may also provide comments via the NRC's interactive rulemaking web site through the NRC home page (<http://www.nrc.gov>). This site provides the ability to upload comments as files (any format) if your web browser supports that function. For information about the interactive rulemaking web site, contact Ms. Carol Gallagher, (301) 415-5905; e-mail [CAG@NRC.GOV](mailto:CAG@NRC.GOV). For information about the draft guide and the related standard review plan chapter, contact Ms. M.T. Drouin at (301) 415-6675; e-mail [MXD@NRC.GOV](mailto:MXD@NRC.GOV).

Although a time limit is given for comments on this draft guide, comments and suggestions in connection with items for inclusion in guides currently being developed or improvements in all published guides are encouraged at any time.

Electronic copies of this draft RG are available on the NRC's Web site <<http://www.nrc.gov>> in the Reference Library under Regulatory Guides. Electronic copies are also available in NRC's Public Electronic Reading Room at the same Web site; DG-1122 is under ADAMS Accession Number ML023360076. Regulatory guides are available for inspection at the NRC's Public Document Room, 11555 Rockville Pike, Rockville, MD; the PDR's mailing address is USNRC PDR, Washington, DC 20555; telephone (301) 415-4737 or (800) 397-4205; fax (301) 415-3548; e-mail [PDR@NRC.GOV](mailto:PDR@NRC.GOV). Requests for single copies of draft or final guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future draft guides in specific divisions should be made in writing to the U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Reproduction and Distribution Services Section; or by e-mail to [DISTRIBUTION@NRC.GOV](mailto:DISTRIBUTION@NRC.GOV); or by fax to (301) 415-2289. Telephone requests cannot be accommodated. Regulatory guides are not copyrighted, and Commission approval is not required to reproduce them. (5 U.S.C. 552(a))

Dated at Rockville, Maryland, this 22nd day of November, 2002.

For the Nuclear Regulatory Commission.

**Scott F. Newberry,**

*Director, Division of Risk Analysis and Applications, Office of Nuclear Regulatory Research.*

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**BILLING CODE 7590-01-P**

## OFFICE OF PERSONNEL MANAGEMENT

### Notice of Relaxed Rules for the Federal Long Term Care Insurance Program Open Season

**AGENCY:** Office of Personnel Management.

**ACTION:** Notice of relaxed rules for the Federal Long Term Care Insurance Program Open Season.

**SUMMARY:** The Office of Personnel Management is relaxing our previous rule for employees' Federal Long Term Care Insurance Program coverage to become effective. Previously, employees with a December 1, 2002, or January 1, 2003 coverage effective date would have to be actively at work on November 29, 2002 or December 31, 2002, respectively, for coverage to become effective. Considering heavy leave usage on those dates, coverage will not be delayed for employees on approved leave status on those dates, as long as they return to being actively at work during the month when their coverage becomes effective and they pay their premiums within the established deadlines.

**DATES:** This relaxed rule affects employees with December 1, 2002, or January 1, 2003, Federal Long Term Care Insurance Program coverage effective dates.

**FOR FURTHER INFORMATION CONTACT:** Office of Personnel Management, Office of Long Term Care Insurance, (202) 606-1413, or [ltc@opm.gov](mailto:ltc@opm.gov).

**SUPPLEMENTARY INFORMATION:** On June 28, 2002, the Office of Personnel Management announced in the **Federal Register** an Open Season for eligible persons to apply for coverage in the Federal Long Term Care Insurance Program (FLTCIP). Open Season began on July 1, 2002, and will end on December 31, 2002.

The **Federal Register** notice stated that the effective date of coverage for an Open Season enrollment is the later of October 1, 2002, or the first day of the month that is after the date LTC Partners approves an application for coverage. A Federal civilian or Postal employee or member of the uniformed services also must be actively at work on the coverage effective date for coverage to become effective. A Federal civilian or Postal employee must meet all of the following conditions to be considered actively at work:

- The employee is reporting for work at his/her usual place of employment or other location to which Government business requires him/her to travel;

- The employee is able to perform all the usual and customary duties of his/her employment on his/her regular work schedule; and

- The employee is not absent from work due to sickness, injury, annual leave, sick leave or any other leave. (An employee is not considered to be on leave on an alternate work schedule's scheduled day off.)

For coverage effective dates that fall on a weekend or holiday, the **Federal Register** notice stated that an employee must be actively at work on the last workday before his/her coverage effective date for coverage to become effective. This meant that coverage could be delayed for one month, or more, for employees with applications approved in November and December if they were on leave on November 29 or December 31, 2002, respectively.

In view of heavy leave usage on November 29th and December 31st, and in keeping with our objectives of being employee-oriented and family friendly, we have relaxed this actively at work requirement.

For this year only, coverage will not be delayed for employees in an approved leave status November 29 or December 31, 2002, as long as they return to being actively at work during the month when their coverage becomes effective and they pay their premium within established deadlines. This applies to any approved leave, including annual leave, sick leave, leave without pay and administrative leave.

Employees, as well as all applicants, still have an obligation to contact Long Term Care Partners if their health changes in a way that would affect their answers to one or more questions on their long term care insurance application on the effective date of their coverage.

We made this change in response to employee and agency concerns about holiday leave usage toward the end of the Open Season, a period in which large numbers of employees have expressed interest in applying. We also recognize that this is the first FLTCIP Open Season.

This family-friendly policy affects only employees and members of the uniformed services applying with the abbreviated underwriting application and will not be repeated in the future or apply to leave usage other than on November 29 and December 31, 2002. It does not apply to spouses of employees and members of the uniformed services, since they do not have an actively at work requirement, nor does it apply to annuitants, retired members of the uniformed services, or other qualified

relatives who apply using the full underwriting application.

**Authority:** 5 U.S.C. 9008.

Office of Personnel Management.

**Kay Coles James,**

*Director.*

[FR Doc. 02-31854 Filed 12-17-02; 8:45 am]

**BILLING CODE 6325-50-P**

## UNITED STATES SENTENCING COMMISSION

### Sentencing Guidelines for United States Courts

**AGENCY:** United States Sentencing Commission.

**ACTION:** Notice of proposed amendments to sentencing guidelines, policy statements, and commentary. Request for public comment, including public comment regarding retroactive application of any of the proposed amendments.

**SUMMARY:** Pursuant to section 994(a), (o), and (p) of title 28, United States Code, the Commission is considering promulgating certain amendments to the sentencing guidelines, policy statements, and commentary. This notice sets forth the proposed amendments and, for each proposed amendment, a synopsis of the issues addressed by that amendment. Additional proposed amendments the Commission is considering promulgating, as both temporary and permanent amendments, in response to the Sarbanes-Oxley Act of 2002, Pub. L. 107-204, and the Bipartisan Campaign Reform Act of 2002, Pub. L. 107-55, can be found in the November 22, 2002, **Federal Register** (67 FR 70999).

The specific amendments proposed in this notice are as follows: (1) A proposed amendment and issues for comment that respond to the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT Act) Act of 2001, Pub. L. 107-56; the Public Health Security and Bioterrorism Preparedness and Response Act of 2002, Pub. L. 107-188; and the Terrorist Bombings Convention Implementation Act of 2002, Pub. L. 107-197; (2) a proposed amendment that addresses various application issues in § 2L1.2 (Unlawful Entering or Remaining in the United States); (3) a proposed amendment and issue for comment that addresses a number of issues in § 5G1.3 (Imposition of a Sentence on a Defendant Subject to an Undischarged Term of Imprisonment); (4) a proposed amendment that makes

technical and conforming changes to various guideline provisions; and (5) a proposed amendment and issue for comment regarding appropriate guideline penalties for offenses involving involuntary manslaughter.

In addition to the issues for comment that are contained within these proposed amendments, this notice sets forth separate issues for comment regarding the following: (1) Section 225 of the Homeland Security Act of 2002 (the Cyber Security Enhancement Act of 2002), Pub. L. 107-296, which directs the Commission to review and amend, if appropriate, the sentencing guidelines and policy statements applicable to persons convicted of an offense under section 1030 of title 18, United States Code; and (2) sections 11008 and 11009 of the 21st Century Department of Justice Appropriations Authorization Act, Pub. L. 107-273, which direct the Commission to review and amend the sentencing guidelines, as appropriate, to provide an appropriate sentencing enhancement for any crime of violence or drug trafficking crime in which the defendant used body armor and an appropriate enhancement for offenses involving influencing, assaulting, resisting, impeding, retaliating against, or threatening a federal judge, magistrate judge, or any other official described in section 111 or section 115 of title 18, United States Code.

**DATES:** Written public comment regarding (1) the amendments set forth in this notice, including public comment regarding retroactive application of any of these proposed amendments; and (2) the proposed repromulgation of the proposed emergency amendments set forth in the **Federal Register** on November 27, 2002 (67 FR 70999) as permanent, non-emergency amendments, should be received by the Commission not later than February 18, 2003.

**ADDRESSES:** Public comment should be sent to: United States Sentencing Commission, One Columbus Circle, NE., Suite 2-500, Washington, DC 20002-8002, Attention: Public Affairs.

**FOR FURTHER INFORMATION CONTACT:** Michael Courlander, Public Affairs Officer, Telephone: (202) 502-4590.

**SUPPLEMENTARY INFORMATION:** The United States Sentencing Commission is an independent agency in the judicial branch of the United States Government. The Commission promulgates sentencing guidelines and policy statements for federal courts pursuant to 28 U.S.C. 994(a). The Commission also periodically reviews and revises previously promulgated guidelines pursuant to 28 U.S.C. 994(o)