

# Rules and Regulations

Federal Register

Vol. 69, No. 115

Wednesday, June 16, 2004

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

## OFFICE OF PERSONNEL MANAGEMENT

### 5 CFR Part 110

RIN 3206-AJ73

#### Posting Regulations

**AGENCY:** Office of Personnel Management.

**ACTION:** Final rule.

**SUMMARY:** The Office of Personnel Management (OPM) is issuing final regulations to revise the rules relating to notice of new regulations and information collection requirements. The revisions include eliminating one subpart and renaming the remaining subpart and plain language modifications.

**DATES:** Effective Date: This regulation is effective on July 16, 2004.

**FOR FURTHER INFORMATION CONTACT:** Robert T. Coco, (202) 606-1822, Fax: (202) 606-0909, or e-mail [rtcoco@opm.gov](mailto:rtcoco@opm.gov).

**SUPPLEMENTARY INFORMATION:** On March 6, 2003, the Office of Personnel Management (OPM) published a proposed rule (68 FR 10666) revising part 110 of title 5, Code of Federal Regulations. The proposed rule had a 60-day comment period, during which OPM received no comments. The final rule is identical to the proposed rule. The rule will make the following revisions to title 5, Code of Federal Regulations. Part 110 is revised to reflect the removal of old subpart B—Information Collection Requirements. Old subpart B was a requirement arising from an internal OPM housekeeping function no longer in effect. Its removal requires us to eliminate the old subpart A designation and use the designation part 110 to refer to the remaining material. We have also made minor word changes and changed the order of material within the section. Except as

otherwise noted, the purpose of these revisions is not to make substantive changes but, rather, to make part 110 more readable.

Section 110.101: Changes “special bulletins” to “notice” and changes “new regulations” to “new proposed, interim, and final regulations.” Corrects the name of the type of issuance currently used, which was changed in 1994 when the bulletin system was abolished, and clarifies regulation description to indicate that it includes new proposed, interim, and final regulations.

Section 110.101(b): (Note old paragraphs (a) and (b) have been reversed, and redesignated as paragraphs (b) and (a), respectively, so that they are now in a more logical sequence). Provides the option for viewing documents either in paper format or via Web site, thus providing the ability to use electronic as well as paper format of documents.

Section 110.102(b): Adds “agency Web sites” as a supplemental posting option. This provides the option for an agency to make new OPM regulations available on the agency’s Web site or through a link to the OPM Web site.

#### Regulatory Flexibility Act

I certify that this proposed regulation will not have a significant economic impact on a substantial number of small entities.

#### Executive Order 12866, Regulatory Review

The Office of Management and Budget has reviewed this rule in accordance with Executive Order 12866.

#### List of Subjects in 5 CFR Part 110

Government employees, Reporting and recordkeeping requirements.

Office of Personnel Management.

**Kay Coles James,**

*Director.*

■ Accordingly, OPM is revising part 110 of title 5, Code of Federal Regulations as follows:

#### PART 110—POSTING NOTICES OF NEW OPM REGULATIONS

**Authority:** 5 U.S.C. 1103.

##### § 110.101 What are OPM’s Notice and Posting System responsibilities?

OPM will issue a notice that will provide information for Federal

agencies, employees, managers, and other stakeholders on each of its new proposed, interim, and final regulations. Each notice will transmit:

(a) A posting notice that briefly explains the nature of the change, and provides a place for Federal agencies to indicate where the full text of the **Federal Register** notice will be available for review.

(b) A copy of the notice of rulemaking that appears in the **Federal Register** or a link to a Web site where the notice of rulemaking appears.

##### § 110.102 What are Agency responsibilities?

(a) Agencies will make regulations available for review by employees, managers, and other interested parties. Federal agencies receiving the notices of rulemaking described in § 110.101(b) will make those regulations available for review upon request. Each agency will complete the posting notice described in § 110.101(a) indicating where and how requests to review these materials should be made.

(b) Agencies will determine posting locations and, if desired, develop supplemental announcements. Agencies will display completed posting notices in a prominent place where the notices can be easily seen and read. Agencies will choose the posting location that best fits their physical layout. Agencies may supplement these postings with announcements in employee newsletters, agency Web sites, or other communication methods. The basic requirement to post the notice continues, however, even if supplemental announcement methods are used.

(c) Agencies will post notices of the new regulations even if the **Federal Register** comment date has passed. The public comment period on proposed regulations begins when a notice of proposed rulemaking is published in the **Federal Register**, not with the posting of the notice described in § 110.101(a). The purpose of posting notice is solely to inform agency personnel of changes. Agencies are required to post the posting notice even if the formal deadline for comments shown in the preamble of the **Federal Register** notice of rulemaking has passed. Agencies should make every reasonable effort to minimize delays in distributing the notice described in § 110.101 to their field offices.

(d) No fixed posting period. There are no minimum or maximum time limits on displaying the notice described in § 110.101(a). Each office receiving a notice for posting should choose the posting period which provides the best opportunity to inform managers and employees of regulatory changes based upon office layout, geographic dispersion of employees, and other local factors.

[FR Doc. 04-13558 Filed 6-15-04; 8:45 am]  
BILLING CODE 6325-44-P

## OFFICE OF PERSONNEL MANAGEMENT

### 5 CFR Part 575

RIN 3206-AK01

#### Extended Assignment Incentives

**AGENCY:** Office of Personnel Management.

**ACTION:** Final rule.

**SUMMARY:** The Office of Personnel Management is issuing final regulations on extended assignment incentives, which provide additional flexibility to assist agencies in retaining experienced, well-trained employees in a United States territory, possession, or commonwealth for longer than the employee's initial tour of duty.

**DATES:** The final regulations are effective on June 16, 2004.

**FOR FURTHER INFORMATION CONTACT:** Vicki Lynn Draper by telephone at (202) 606-2858; by fax at (202) 606-4264; or by e-mail at *pay-performance-policy@opm.gov*.

**SUPPLEMENTARY INFORMATION:** On September 12, 2003, the Office of Personnel Management published interim regulations (68 FR 53667) to implement a statutory amendment that authorized the payment of extended assignment incentives. Section 207 of the 21st Century Department of Justice Appropriations Authorization Act (Pub. L. 107-273, November 2, 2002), added a new section 5757 to chapter 57 of title 5, United States Code, to permit the head of an executive agency to pay an extended assignment incentive to certain Federal employees assigned to positions located in a territory or possession of the United States, the Commonwealth of Puerto Rico, or the Commonwealth of the Northern Mariana Islands. The 60-day comment period for the interim regulations ended on November 12, 2003. We received no comments from either agencies or individuals. Therefore, we are adopting the interim regulations as final, with

one minor correction of a regulation citation at § 575.513(a).

#### Regulatory Flexibility Act

I certify that these regulations will not have a significant economic impact on a substantial number of small entities because they will affect only Federal agencies and employees.

#### E.O. 12866, Regulatory Review

This rule has been reviewed by the Office of Management and Budget in accordance with Executive Order 12866.

#### List of Subjects in 5 CFR Part 575

Government employees, Wages.  
Office of Personnel Management.  
**Kay Coles James,**  
*Director.*

Accordingly, the interim rule amending part 575 of title 5 of the Code of Federal Regulations, which was published at 68 FR 53667 on September 12, 2003, is adopted as final with the following changes:

#### PART 575—RECRUITMENT AND RELOCATION BONUSES, RETENTION ALLOWANCES, SUPERVISORY DIFFERENTIALS, AND EXTENDED ASSIGNMENT INCENTIVES

■ 1. The authority citation for part 575 is revised to read as follows:

**Authority:** 5 U.S.C. 1104(a)(2), 5753, 5754, 5755, and 5757; Pub. L. 107-273, 116 stat. 1780; secs. 302 and 404 of the Federal Employees Pay Comparability Act of 1990 (FEPCA), Pub. L. 101-509, 104 Stat. 1462 and 1466, respectively; E.O. 12748, 3 CFR, 1992 Comp., p. 316.

■ 2. The heading for Part 575 is revised to read as above.

■ 3. In § 575.513, paragraph (a) is revised to read as follows:

**§ 575.513 What are the agency's and the employee's obligations when an employee fails to fulfill the terms of a service agreement?**

(a) This section does not apply when an employee is involuntarily separated or involuntarily reassigned to a position outside the particular territory, possession, or commonwealth involved, as provided in § 575.511 or when an agency unilaterally terminates a service agreement under § 575.512.

\* \* \* \* \*

[FR Doc. 04-13559 Filed 6-15-04; 8:45 am]  
BILLING CODE 6325-39-P

## NUCLEAR REGULATORY COMMISSION

### 10 CFR Part 50

RIN 3150-AG48

#### Voluntary Fire Protection Requirements for Light Water Reactors; Adoption of NFPA 805 as a Risk-Informed, Performance-Based Alternative

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Final rule.

**SUMMARY:** The Nuclear Regulatory Commission (NRC) is amending its fire protection requirements for nuclear power reactor licensees to permit existing reactor licensees to voluntarily adopt fire protection requirements contained in the National Fire Protection Association (NFPA) Standard 805, "Performance-Based Standard for Fire Protection for Light Water Reactor Electric Generating Plants, 2001 Edition" (NFPA 805). These fire protection requirements are an alternative to the existing deterministic, prescriptive fire protection requirements.

**DATES:** *Effective:* July 16, 2004. The incorporation by reference of the publication listed in the regulation is approved by the Director of the Federal Register as of July 16, 2004.

**ADDRESSES:** The final rule and related documents may be examined and copied for a fee at the NRC Public Document Room (PDR), One White Flint North, Room O1-F15, 11555 Rockville Pike, Rockville, Maryland (NFPA standards are copyrighted). Copies of NFPA 805 may be purchased from the NFPA Customer Service Department, 1 Batterymarch Park, P.O. Box 9101, Quincy, MA 02269-9101 and in PDF format through the NFPA Online Catalog (*www.nfpa.org*) or by calling 1-800-344-3555 or (617) 770-3000.

**FOR FURTHER INFORMATION CONTACT:** Joseph L. Birmingham, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; telephone (301) 415-2829; e-mail *jlb4@nrc.gov*.

#### SUPPLEMENTARY INFORMATION:

- I. Background
- II. Discussion
- III. Comment Resolution on Proposed Rule
- IV. Section-by-Section Analysis
- V. Availability of Documents
- VI. Voluntary Consensus Standards
- VII. Finding of No Significant Environmental Impact: Availability
- VIII. Paperwork Reduction Act Statement
- IX. Regulatory Analysis