

Subpart E—Career Appointments

2. Amend § 317.501 by revising the first sentence of paragraph (c)(2) and paragraph (c)(6), to read as follows:

§ 317.501 Recruitment and selection for initial SES career appointment.

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(c) * * *

(2) Provide that the ERB consider the executive and technical qualifications of each candidate, other than those found ineligible because they do not meet the requirements of the vacancy announcement. * * *

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(6) Provide that the appointing authority select from among the candidates identified as best qualified by the ERB and certify the candidate's executive and technical qualifications. * * *

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3. Section 317.502 is revised to read as follows:

§ 317.502 Qualifications Review Board certification.

(a) This section covers Qualifications Review Boards convened by:

(1) The Office of Personnel Management (OPM); or

(2) An agency, under a written delegation agreement with OPM.

(b) General Provisions:

(1) A Qualifications Review Board (QRB) must certify the executive/managerial qualifications of a candidate before initial career appointment may be made to an SES position. More than one-half of the members of a QRB must be SES career appointees.

(2) Requests for certification of a candidate by a QRB must contain such information as prescribed by OPM, including evidence that merit staffing procedures were followed and that the appointing authority certified the candidate's executive and technical qualifications for the position.

(3) Qualifications Review Board certification of executive qualifications must be based on demonstrated executive experience; successful completion of an OPM-approved candidate development program; or possession of special or unique qualities that indicate a likelihood of executive success. Any existing time limit on a previously approved certification is removed.

(4) OPM may determine the disposition of requests for QRB certification if the QRB has not yet acted when:

(i) The agency head leaves office or announces an intention to leave office;

(ii) The President has nominated a new agency head; or

(iii) There is a Presidential transition.

(5) An action to convert a "noncareer-type" employee to a career SES appointment in the employee's current position or a successor to that position will not be forwarded to a QRB. A "noncareer-type" employee includes a noncareer SES appointee, a Schedule C appointee, or equivalent.

(6) A new QRB certification is required for an individual to be reappointed as an SES career appointee following separation of the individual from an SES career appointment if:

(i) The individual was removed during the SES probationary period for performance or disciplinary reasons; or

(ii) The individual completed an SES probationary period, or did not have to serve one, and was removed for a reason that made the individual ineligible for reinstatement to the SES under subpart G of this part.

(c) Agencies may request the authority to convene Qualifications Review Boards. OPM may delegate such authority via written delegation agreement on an individual agency-by-agency basis. The delegation agreement will:

(1) Delegate the authority to the head of the agency;

(2) Provide for QRB operations that result in certification of candidates on the basis of executive qualifications and in the preservation of merit principles.

(3) Address the composition of the Boards to ensure an independent peer review.

(4) Prescribe documentation, reporting, and record retention requirements.

(5) Provide for OPM oversight.

4. Amend § 317.503 by revising paragraph (a); redesignating paragraphs (b) through (f) as paragraphs (c) through (g), respectively; adding a new paragraph (b); and revising the last sentence in newly redesignated paragraph (f) to read as follows:

§ 317.503 Probationary period.

(a) An individual's initial appointment as an SES career appointee becomes final only after the individual has served a 1-year probationary period as a career appointee; there has been an assessment of the appointee's performance during the probationary period; and the appointing authority has certified that the appointee performed at the level of excellence expected of a senior executive during the probationary period.

(b) When a career appointee's executive qualifications have been certified by a Qualifications Review Board on the basis of special or unique qualities, as described in

§ 317.502(b)(3), the probationary assessment must address any executive development activities the agency identified in support of the request for QRB certification.

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(f) * * * The individual, however, need not be recertified by a QRB unless the individual was removed for performance or disciplinary reasons.

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5. In subpart F, the heading for the subpart is revised to read as follows:

Subpart F—Noncareer and Limited Appointments

6. Amend § 317.601, paragraph (c)(1), by revising the first sentence to read as follows:

§ 317.601 Authorization.

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(c) * * *

(1) Agencies are provided a pool of limited appointment authorities equal to 3 percent of their Senior Executive Service (SES) position allocation, or one authority, whichever is greater. * * *

[FR Doc. 99-19487 Filed 7-29-99; 8:45 am]
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DEPARTMENT OF AGRICULTURE

Federal Crop Insurance Corporation

7 CFR Part 457

Common Crop Insurance Regulations; Potato Crop Insurance Certified Seed Endorsement

AGENCY: Federal Crop Insurance Corporation.

ACTION: Proposed rule.

SUMMARY: The Federal Crop Insurance Corporation (FCIC) hereby proposes to amend the Potato Crop Insurance Certified Seed Endorsement. The intended effect of this action is to improve the insurance coverage to better meet the needs of the insured.

DATES: Written comments and opinions on this proposed rule will be accepted until close of business September 28, 1999 and will be considered when the rule is to be made final.

ADDRESSES: Interested persons are invited to submit written comments to the Director, Product Development Division, Federal Crop Insurance Corporation, United States Department of Agriculture, 9435 Holmes Road, Kansas City, MO 64131. Comments may also be sent via the Internet to DIRECTORPDD@RM.FCIC.USDA.GOV. A copy of each response will be

available for public inspection and copying from 7:00 a.m. to 4:30 p.m., CST, Monday through Friday, except holidays, at the above address.

FOR FURTHER INFORMATION CONTACT: For further information, contact Rob Coultis, Insurance Management Specialist, Research and Development, Product Development Division, Federal Crop Insurance Corporation, at the Kansas City, MO address listed above, telephone (816) 926-7730.

SUPPLEMENTARY INFORMATION:

Executive Order 12866

The Office of Management and Budget (OMB) has determined this rule to be exempt for the purposes of Executive Order No. 12866 and, therefore, has not been reviewed by OMB.

Paperwork Reduction Act of 1995

Under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35), the collections of information for this rule have been previously approved by the Office of Management and Budget (OMB) under control number 0563-0053 through April 30, 2001. The amendments set forth in this rule do not revise the content or alter the frequency of reporting for any of the forms or information collections cleared under the above-referenced docket.

Unfunded Mandates Reform Act of 1995

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local, and tribal governments and the private sector. This rule contains no Federal mandates (under the regulatory provisions of title II of the UMRA) for State, local, and tribal governments or the private sector. Therefore, this rule is not subject to the requirements of sections 202 and 205 of the UMRA.

Executive Order 12612

It has been determined under section 6(a) of Executive Order 12612, Federalism, that this rule does not have sufficient federalism implication to warrant the preparation of a Federalism Assessment. The provisions contained in this rule will not have a substantial direct effect on States or their political subdivisions, or on the distribution of power and responsibilities among the various levels of government.

Regulatory Flexibility Act

This regulation will not have a significant impact on a substantial number of small entities. New

provisions included in this rule will not impact small entities to a greater extent than large entities. The amount of work required of the insurance companies delivering and servicing these policies will not increase significantly from the amount of work currently required. Therefore, this action is determined to be exempt from the provisions of the Regulatory Flexibility Act (5 U.S.C. 605) and no Regulatory Flexibility Analysis was prepared.

Federal Assistance Program

This program is listed in the Catalog of Federal Domestic Assistance under No. 10.450.

Executive Order 12372

This program is not subject to the provisions of Executive Order 12372 which requires intergovernmental consultation with State and local officials. See the Notice related to 7 CFR part 3015, subpart V, published at 48 FR 29115, June 24, 1983.

Executive Order 12988

This rule has been reviewed in accordance with Executive Order 12988 on civil justice reform. The provisions of this rule will not have a retroactive effect. The provisions of this rule will preempt State and local laws to the extent such State and local laws are inconsistent herewith. The administrative appeal provisions published at 7 CFR part 11 must be exhausted before any action against FCIC for judicial review may be brought.

Environmental Evaluation

This action is not expected to have a significant impact on the quality of the human environment, health, and safety. Therefore, neither an Environmental Assessment nor an Environmental Impact Statement is needed.

Background

FCIC proposes to amend the Common Crop Insurance Regulations (7 CFR part 457) by revising 7 CFR 457.145, Potato Crop Insurance Certified Seed Endorsement, effective for the 2000 and succeeding crop years. The principal changes to the provisions for insuring seed potatoes are as follows:

1. Paragraph 5—Clarify to indicate that the certified seed production guarantee per acre is the same as the per acre production guarantee used under the terms of the Northern Potato Crop Provisions. (Reductions for acreage increases above certain levels remain in place.)

2. Paragraph 8—Revise the claim computation so that an indemnity can be paid when seed production meets the

standards of the state in which it is grown, but the actual amount of production is lower than the production guarantee. Current provisions provide a payment only when production fails to meet applicable state standards for certified seed potatoes and do not take into account the actual amount of production from the insured acreage.

3. Paragraph 9—Revise to include the notice requirements when production fails certification.

4. A new paragraph 10 is added to specify that acreage covered under the revised endorsement will be insured using the same unit structure as is in place for the coverage provided under the Basic Provisions and the Northern Potato Crop Provisions. In the event certified seed acreage is not grown in the same optional or basic units as acreage covered under the Basic Provisions and the Northern Potato Crop Provisions, certified seed units will be established in accordance with the unit division provisions contained in the Basic Provisions and the Northern Potato Crop Provisions. Examples are provided for clarity.

5. A new paragraph 11 is added and includes provisions regarding uninsured causes of loss that are currently contained in section 8.

List of Subjects in 7 CFR Part 457

Crop insurance, Certified seed potatoes.

Proposed Rule

Accordingly, as set forth in the preamble, the Federal Crop Insurance Corporation proposes to amend 7 CFR part 457 as follows:

PART 457—COMMON CROP INSURANCE REGULATIONS

1. The authority citation for 7 CFR part 457 continues to read as follows:

Authority: 7 U.S.C. 1506(l) and 1506(p).

2. Amend § 457.145 as follows:
a. Revise the introductory text and paragraph 5.

b. Revise paragraph 8.

c. Revise paragraph 9.

d. Add a new paragraph 10.

e. Add a new paragraph 11.

g. The revisions and additions to § 457.145 read as follows:

§ 457.145 Potato crop insurance Certified Seed Endorsement.

The potato Certified Seed Endorsement provisions for the 2000 and succeeding crop years are as follows:

* * * * *

5. Your certified seed production guarantee per-acre will be the per-acre

production guarantee used to cover the same acreage under the terms of the Northern Potato Crop Provisions. However, unless a written agreement provides otherwise, if the total amount of insurable certified seed acreage you have for the current crop year is greater than 125 percent of your average number of acres entered into and passing certification in the potato certified seed program in the three previous calendar years, your certified seed production guarantee for each unit will be reduced as follows:

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8. If, due to insurable causes occurring within the insurance period, the amount of certified seed you produce is less than your certified seed production guarantee, we will settle your claim by:

(a) Multiplying the insured acreage by its respective certified seed production guarantee;

(b) Multiplying each result in section 9(a) by the dollar amount per hundredweight contained in the Special Provisions for production covered under this endorsement;

(c) Totaling the results of section 9(b);

(d) Multiplying the number of hundredweight of production that qualify as certified seed and any amount of production lost due to uninsured causes, or that does not qualify as certified seed due to uninsured causes, by the dollar amount per hundredweight contained in the Special Provisions for production covered under this endorsement;

(e) Subtracting the result of section 9(d) from the result of section 9(c); and

(f) Multiplying the result of section 9(e) by your share.

9. You must notify us of any loss under this endorsement not later than 14 days after you receive notice from the state certification agency that any acreage or production has failed certification.

10. Acreage covered under the terms of this endorsement will have the same unit structure as provided under the Basic Provisions and the Northern Potato Crop Provisions. For example, if you have two optional units (00101 and 00102) for Northern Potato Crop coverage and you elect this endorsement, you will also have two optional units (00201 and 00202) for certified seed coverage provided that certified seed is grown in both units 00101 and 00102. Or, if you have two basic units (0100 and 0200) for Northern Potato Crop coverage and you elect this endorsement, you will also have two basic units (00300 and 00400) for certified seed coverage provided that

certified seed is grown in both units 00100 and 00200. In the event certified seed acreage is not grown in the same optional or basic units as acreage covered under the Basic Provisions and the Northern Potato Crop Provisions, certified seed units will be established in accordance with the unit division provisions contained in the Basic Provisions and the Northern Potato Crop Provisions. For example, if a basic unit is divided into two optional units for potato acreage covered under the Basic Provisions and the Northern Potato Crop Provisions, but certified seed is grown in only one of those optional units, the certified seed acreage will be insured as one basic unit.

11. Any production that does not qualify as certified seed because of varietal mixing or your failure to follow the standard practices and procedures required for certification will be considered as lost due to uninsured causes.

Signed in Washington, DC, on July 26, 1999.

Kenneth D. Ackerman,
Manager, Federal Crop Insurance Corporation.

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NUCLEAR REGULATORY COMMISSION

10 CFR Part 70

RIN 3150-AF22

Domestic Licensing of Special Nuclear Material; Possession of a Critical Mass of Special Nuclear Material

AGENCY: Nuclear Regulatory Commission.

ACTION: Proposed rule.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is proposing to amend its regulations governing the domestic licensing of special nuclear material (SNM) for licensees authorized to possess a critical mass of SNM, that are engaged in one of the following activities: enriched uranium processing; fabrication of uranium fuel or fuel assemblies; uranium enrichment; enriched uranium hexafluoride conversion; plutonium processing; fabrication of mixed-oxide fuel or fuel assemblies; scrap recovery of special nuclear material; or any other activity involving a critical mass of SNM that the Commission determines could significantly affect public health and safety or the environment. The proposed amendments would identify appropriate

consequence criteria and the level of protection needed to prevent or mitigate accidents that exceed these criteria; require affected licensees to perform an integrated safety analysis (ISA) to identify potential accidents at the facility and the items relied on for safety necessary to prevent these potential accidents and/or mitigate their consequences; require the implementation of measures to ensure that the items relied on for safety are available and reliable to perform their function when needed; require the inclusion of the safety bases, including a summary of the ISA, with the license application; and allow for licensees to make certain changes to their safety program and facilities without prior NRC approval.

DATES: The comment period expires October 13, 1999. Comments received after this date will be considered if it is practical to do so, but, the Commission is able to ensure consideration only for comments received on or before this date.

ADDRESSES: Submit comments to: Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC, 20555-0001, Attention: Rulemakings and Adjudications Staff.

Deliver comments to: 11555 Rockville Pike, Rockville, Maryland, between 7:30 a.m. and 4:15 p.m. on Federal workdays.

You may also provide comments via NRC's interactive rulemaking website through the NRC home page (<http://www.nrc.gov>). From the home page, select "Rulemaking" from the tool bar at the bottom of the page. The interactive rulemaking website can then be accessed by selecting "Rulemaking Forum." 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 website, contact Ms. Carol Gallagher by telephone at (301) 415-5905 or e-mail cag@nrc.gov.

FOR FURTHER INFORMATION CONTACT: Theodore S. Sherr, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC, 20555-0001, telephone (301) 415-7218; e-mail tss@nrc.gov.

SUPPLEMENTARY INFORMATION:

- I. Background
- II. Description of Proposed Action

I. Background

A near-criticality incident at a low enriched fuel fabrication facility in May 1991 prompted NRC to review its safety regulations for licensees that possess and process large quantities of SNM. [See NUREG-1324, "Proposed Method