time for the normal development of new regulations and it is important to preserve the existing gifts regulations for the guidance of executive agencies and their officers and employees.

Regulatory Flexibility Act

Because no notice of proposed rulemaking is required for this regulation and because it will not have a significant economic impact on a substantial number of small entities, no Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) analysis is required.

E.O. 12291

The Office of Government Ethics has determined that this is not a major rule as defined under section 1(b) of Executive Order 12291, Federal Regulation Requirements.

Paperwork Reduction Act

This regulation does not impose any additional information collection requirements requiring Office of Management and Budget approval under the Paperwork Reduction Act (44 U.S.C. §§ 3501 *et seq.*) (none are directly contained in the new rule itself).

Regulation Identifier Numbers

The Regulation Identifier Numbers (RIN's) in the heading of this document indicate the old OPM numbers concerning two proposed modifications to part 735 in OPM's chapter I of 5 CFR. See the most recent Unified Agenda of the agencies as published in the **Federal Register** of October 30, 1989 (54 FR 45432, 45437). The first RIN, old OPM number 3206–AA93, which has been assigned new OGE RIN 3209–AA01 (3209 being OGE's agency code assigned by the Office of Management and Budget), does not directly address this new regulation. Rather, it refers to future non-public reporting regulations to be issued by OGE for the executive branch. See new part 2633 (Reserved) in OGE's recently established chapter XVI of 5 CFR. The second prior OPM RIN, 3206–AD90, now assigned OGE Rin 3209–AA04, refers to the overall standards of conduct regulation for the executive branch, the forthcoming Principles of Ethical Conduct to be issued by OGE under E.O. 12674 and other authorities. As noted above, this regulation, to be codified in the future at 5 CFR part 2635, will supersede the new § 2635.101 of 5 CFR being issued by this document as well as various portions of current 5 CFR part 735.

List of Subjects in 5 CFR Part 2635

Conflict of interests, Government employees.

Approved: December 11, 1989.

F. Gary Davis,

General Counsel, Office of Government Ethics.

Approved: December 14, 1989.

Constance B. Newman,

Director, Office of Personnel Management.

For the reasons set out in the preamble and under authority given to the Office of Government Ethics in 5 U.S.C. 7351 and 7353 (as amended and added, respectively, by the Ethics Reform Act of 1989) as well as its authority in Executive Order 12674 and the Ethics in Government Act, the Office of Government Ethics hereby adds the text of 5 CFR part 2635, previously reserved, and the authority citation for part 2635 to read as follows:

PART 2635—PRINCIPLES OF ETHICAL CONDUCT

Authority: 5 U.S.C. 7351, 7353, appendixes III, IV; E.O. 12674, 54 FR 15159.

§ 2635.101 Continuation of executive agency gifts regulations, including exceptions.

Existing executive branch agency gifts regulations issued pursuant to or based on 5 CFR 735.202, including exceptions to restrictions governing gifts to official superiors and to the gift restrictions regarding prohibited sources imposed by Executive order, shall remain in effect until superseded by further regulations to be issued by the Office of Government Ethics pursuant to 5 U.S.C. 7351 and 7353 (as amended and added, respectively, by the Ethics Reform Act of 1989, Public Law 101–194 (November 30, 1989)), as well as Executive Order 12674 and the Ethics in Government Act. Provided, however, that executive agencies may not issue or amend their existing gifts regulations issued under 5 CFR 735.202 subsequent to November 30, 1989.

[FR Doc. 89–30047 Filed 12–27–89; 8:45 am]

BILLING CODE 6345–01–M

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 890

RIN 3206–AD79

Federal Employees Health Benefits; Health Insurance Coverage for Certain Temporary Employees

AGENCY: U.S. Office of Personnel Management.

ACTION: Final rule.

SUMMARY: The Office of Personnel Management is issuing regulations to implement Title III of the Federal Employees Health Benefits Amendments Act of 1988. The regulations give certain temporary employees, who were previously excluded from enrolling, the opportunity to participate in the Federal Employees Health Benefits (FEHB) Program.

EFFECTIVE DATE: January 29, 1990.

FOR FURTHER INFORMATION CONTACT: Margaret C. Randall, (202) 632–4634.

SUPPLEMENTARY INFORMATION: The Federal Employees Health Benefits Amendments Act of 1988, Public Law 100–654, was enacted on November 14, 1988. Title III of the Act, which provides health insurance coverage for certain temporary employees, was effective March 14, 1989. Under Title III, temporary employees who have completed 1 year of current continuous employment, excluding any break in service of 5 days or less, are eligible to participate in the FEHB Program. Title III of the Act also provides that any temporary employee who enrolls, based on meeting the eligibility criteria in Title III of the Act, must have withheld from his or her pay the full subscription charge. The government will make no contribution to the premium.

On February 23, 1989, OPM published an interim regulation in the **Federal Register** (54 FR 7755) to amend part 890 so that it would conform with provisions of Title III of the Act and to make a special provision for temporary employees who elect not to enroll and subsequently receive a permanent appointment covered under a retirement system. For purposes of continuing enrollment during retirement, such employees' first opportunity to enroll begins when they receive a permanent appointment which entitles them to participate in a retirement system and also entitles them to receive the government contribution toward their health benefits premium payments.

OPM received comments from one employee organization, one insurance company, and one Government agency. The employee organization expressed confusion over how temporary employees would ever acquire the 1 year of current continuous employment needed to become eligible since, by definition, a temporary appointment cannot exceed 1 year. The law addresses those temporary employees who have worked for more than 1 year.

The assumption would be that their appointments are renewed after 1 year (not an uncommon occurrence). It is not intended to cover those individuals who work for the Government for 1 year or less. The organization also suggested reducing the period of employment needed for eligibility from 1 year to 3 or 6 months. Since the 1 year of current continuous employment is specified in the law, reducing it to 3 or 6 months is not an option.

The insurance carrier that submitted comments underwrites six FEHB plans and requested that we emphasize the importance of timely processing of health benefits registrations and reconciliation reports. OPM does not find that this regulation is the appropriate vehicle for addressing the subject ot timeliness. The Federal Personnel Manual issuance system is used periodically to remind agencies of such matters.

The agency commented that offering FEHB coverage to temporary employees is a step in the right direction, but that most of their temporary employees would not be able to afford to pay the full premium. While we sympathize with their concern, the law clearly states that agencies shall not pay the Government contribution toward the premium.

Since publication of the interim regulation, a number of agencies have asked OPM whether a temporary employee who has been eligible to enroll under provisions of the new law is permitted to enroll or to change plans when the employee is converted to a permanent appointment. OPM has determined that, in the interest of fairness and for consistency with the decision regarding first opportunity to enroll for purposes of continuing coverage after retirement, a temporary employee should be permitted to enroll or to change enrollment when the employee changes to a nontemporary appointment. Therefore, a new event covering the circumstances described above has been included in these final regulations.

E.O. 12291, Federal Regulation

I have determined that this is not a major rule as defined under section 1(b) of E.O. 12291, Federal Regulation.

Regulatory Flexibility Act

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

List of Subjects in 5 CFR Part 890

Administrative practice and procedure, Government employees, health Insurance.

U.S. Office of Personnel Management.

Constance B. Newman,

Director.

Accordingly, OPM is adopting as final its interim regulations on 5 CFR part 890 published on February 23, 1989, at 54 FR 7755, with the following change:

PART 890—FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM

1. The authority citation for part 890 continues to read as follows:

Authority: 5 U.S.C. 8913; § 890.102 also issued under 5 U.S.C. 1104 and Pub. L. 100-654; § 890.803 also issued under sec. 303 of Pub. L. 99-569, 100 Stat. 3190, sec. 188 of Pub. L. 100-204, 101 Stat. 1331, and sec. 204 of Pub. L. 100-238, 101 Stat. 1744.

2. A new paragraph (bb) is added to § 890.301, to read as follows:

§ 890.301 Opportunities to register to enroll and change enrollment.

* * * * *

(bb) *Change from a temporary appointment to a nontemporary appointment.* A temporary employee who is eligible to enroll according to provisions of 5 U.S.C. 8906a, which require payment of the full premium with no Government contribution, and who subsequently changes to a nontemporary appointment, which entitles the employee to receive the Government contribution toward the premium, may enroll or change to any other plan or option within 31 days after changing to the nontemporary appointment.

[FR Doc. 89-30088 Filed 12-27-89; 8:45 am]

BILLING CODE 6325-01-M

DEPARTMENT OF AGRICULTURE

Office of Operations

7 CFR Ch. XXVIII

Establishment of Chapter

AGENCY: Office of Operations, U.S. Department of Agriculture.

ACTION: Final rule.

SUMMARY: This rule establishes a new chapter XXVIII in title 7 of CFR to contain the regulations of the new Office of Operations.

EFFECTIVE DATE: December 20, 1989.

FOR FURTHER INFORMATION CONTACT: Bonnie Gray at 447-5008. Accordingly, a new chapter XXVIII, Office of Operations, Department of Agriculture, is established in title 7 of the CFR. Chapter XXVII consists of parts 2810 and 2811 which were published on December 20, 1989 at 54 FR 52013.

Signed at Washington, DC, this 21st day of December, 1989.

Frank Gearde, Jr.,

Director, Office of Operations.

[FR Doc. 89-30094 Filed 12-27-89; 8:45 am]

BILLING CODE 3410-98-M

NUCLEAR REGULATORY COMMISSION

10 CFR Parts 0, 1, 2, 9, 10, 15, 25, 51, and 95

RIN 3150-AD18

Statement of Organization and General Information; Minor Amendments

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Nuclear Regulatory Commission is revising its statement of organization and general information to reflect the reorganizations within the Office of the Executive Director for Operations and the former Office of Administration and Resources Management and the creation of the Office of the Licensing Support System Administrator and the Office of the Inspector General. The revision adds to the description of committees, boards, and panels the Advisory Committee on Nuclear Waste, the Nuclear Safety Research and Review Committee, and the Licensing Support System Advisory Review Panel. This revision is necessary to inform licensees and the public of organizational changes within the NRC.

EFFECTIVE DATE: The rule will become effective December 28, 1989.

FOR FURTHER INFORMATION CONTACT: Donnie H. Grimsley, Director, Division of Freedom of Information and Publications Services, Office of Administration, Washington, DC 20555, Telephone: 301-492-7211.

SUPPLEMENTARY INFORMATION: On January 9, 1989, the Nuclear Regulatory Commission (NRC) announced organizational changes within the Office of the Executive Director for Operations. In the reorganization, the Commission appointed a second Deputy Executive Director for Operations and assigned specific areas of responsibilities to each of these two deputies. There is now a Deputy Executive Director for Nuclear Reactor Regulation, Regional Operations, and Research and a Deputy Executive Director for Nuclear Materials Safety, Safeguards, and Operations Support. In a separate organizational change, the Office of Administration and Resources Management was abolished and three offices were established. These three offices are the Office of the Controller, which will report to the Executive Director for Operations, the Office of Administration, and the Office of Information Resources Management, which will report to the Deputy

Executive Director for Nuclear Materials Safety, Safeguards, and Operations Support.

On January 11, 1989, the Commission voted to establish an Office of the Licensing Support System (LSS) Administrator which reports to the Commission for policy direction and to the Chairman for day-to-day management supervision.

On April 17, 1989, the Office of the Inspector General was established as a result of Public Law 100-504, "The Inspector General Amendments Act of 1988."

The Commission has also added to its description of committees, panels, and boards information concerning the Advisory Committee on Nuclear Waste, the Nuclear Safety Research and Review Committee, and the Licensing Support System Advisory Review Panel.

Because these are amendments dealing with agency practice and procedure, the notice and comment provisions of the Administrative Procedure Act do not apply pursuant to 5 U.S.C. 553(b)(A). The amendments are effective upon publication in the Federal Register. Good cause exists to dispense with the usual 30-day delay in the effective date, because these amendments are of a minor and administrative nature, dealing with the agency's reorganization.

Environmental Impact: Categorical Exclusion

The NRC has determined that this final rule is the type of action described in categorical exclusion 10 CFR 51.22(c)(2). Therefore, neither an environmental impact statement nor an environmental assesssment has been prepared for this final rule.

Paperwork Reduction Act Statement

This final rule contains no information collection requirements and therefore is not subject to the requirements of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*).

List of Subjects

10 CFR Part 0

Conflict of interest, Penalty.

10 CFR Part 1

Organization and functions (Government Agencies).

10 CFR Part 2

Administrative practice and procedure, Antitrust, Byproduct material, Classified information, Environmental protection, Nuclear materials, Nuclear power plants and reactors, Penalty, Sex discrimination, Source material, Special nuclear material, Waste treatment and disposal.

10 CFR Part 9

Freedom of information, Penalty, Privacy, Reporting and recordkeeping requirements, Sunshine Act.

10 CFR Part 10

Administrative practice and procedure, Classified information, Government employees, Security measures.

10 CFR Part 15

Administrative practice and procedure, Debt collection.

10 CFR Part 25

Classified information, Investigations, Penalty, Reporting and recordkeeping requirements, Security measures.

10 CFR Part 51

Administrative practice and procedure, Environmental impact statement, Nuclear materials, Nuclear power plants and reactors, Reporting and recordkeeping requirements.

10 CFR Part 95

Classified information, Penalty, Reporting and recordkeeping requirements, Security measures.

For the reason set out in the preamble and under the authority of the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and 5 U.S.C. 552 and 553, the NRC is adopting the following amendments to 10 CFR parts 0, 1, 2, 9, 10, 15, 25, 51, and 95.

PART 0—CONDUCT OF EMPLOYEES

1. The authority citation for part 0 continues to read in part as follows:

Authority: Sec. 161, 68 Stat. 948, as amended (42 U.S.C. 2201); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841).

§ 0.735-28 [Amended]

2. In § 0.735-28, paragraph (a)(2), remove the words "and Resources Management".

PART 1—STATEMENT OF ORGANIZATION AND GENERAL INFORMATION

3. The authority citation for part 1 continues to read in part as follows:

Authority: Sec. 161, 68 Stat. 948, as amended (42 U.S.C. 2201); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841).

§ 1.3 [Amended]

4. In § 1.3, paragraph (c) remove the words "and Resources Management".

5. In § 1.5, paragraph (a) is revised to read as follows:

§ 1.5 Location of principal offices and regional offices.

(a) The principal NRC offices are located in the Washington, DC area. Facilities for the service of process and papers are maintained within the District of Columbia at 2120 L Street NW., and in the State of Maryland at 11555 Rockville Pike, Rockville, Maryland. The mailing address for all NRC Headquarters offices is Washington, DC 20555. The locations of NRC offices in the Washington, DC area are as follows:

(1) Capital Place, 80 F Street NW., Washington, DC.

(2) East West/West Towers Building, 4350 East West Highway, Bethesda, Maryland.

(3) Gelman Building, 2120 L Street NW., Washington, DC.

(4) Maryland National Bank Building, 7735 Georgetown Road, Bethesda, Maryland.

(5) Nicholson Lane/North Building, 5620 Nicholson Lane, Rockville, Maryland.

(6) Nicholson Lane/South Building, 5650 Nicholson Lane, Rockville, Maryland.

(7) One White Flint North Building, 11555 Rockville Pike, Rockville, Maryland.

(8) Phillips Building, 7920 Norfolk Avenue, Bethesda, Maryland.

(9) Woodmont Building, 8120 Woodmont Avenue, Bethesda, Maryland.

* * * * *

6. A new heading entitled Inspector General and a new § 1.12 are added directly after § 1.11 to read as follows:

Inspector General

§ 1.12 Office of the Inspector General.

The Office of the Inspector General—

(a) Develops policies and standards that govern NRC's financial and management audit program;

(b) Plans, directs, and executes the long-range, comprehensive audit program;

(c) Conducts and reports on investigations and inquiries, as necessary, to ascertain and verify the facts with regard to the integrity of all NRC programs and operations;

(d) Investigates possible irregularities or alleged misconduct of NRC employees and contractors;

(e) Refers suspected or alleged criminal violations concerning NRC employees or contractors to the Department of Justice;

(f) Reviews existing and proposed legislation and regulations for their impact on economy and efficiency in the administration of NRC's programs and operations;

(g) Keeps the Commission and the Congress fully and currently informed, by means of semiannual and other reports, about fraud, abuse, and other serious deficiencies in NRC's programs and operations; and

(h) Maintains liaison with audit and inspector general organizations and other law enforcement agencies in regard to all matters relating to the promotion of economy and efficiency and the detection of fraud and abuse in programs and operations.

A new § 1.18 is added to read as follows:

§ 1.18 Advisory Committee on Nuclear Waste.

The Advisory Committee on Nuclear Waste (ACNW) provides advice to the Commission on all aspects of nuclear waste management, as appropriate, within the purview of NRC's regulatory responsibilities. The primary emphasis of the ACNW is disposal but will also include other aspects of nuclear waste management such as handling, processing, transportation, storage, and safeguarding of nuclear wastes including spent fuel, nuclear wastes mixed with other hazardous substances, and uranium mill tailings. In performing its work, the committee examines and reports on specific areas of concern referred to it by the Commission or designated representatives of the Commission, and undertakes studies and activities on its own initiative as appropriate to carry out its responsibilities. The committee interacts with representatives of NRC, other Federal agencies, state and local governments, Indian Tribes, and private organizations, as appropriate, to fulfill its responsibilities.

8. In § 1.19, the introductory paragraph is revised and new paragraphs (c) and (d) are added to read as follows:

§ 1.19 Other committees, boards, and panels.

Under section 161a. of the Atomic Energy Act of 1954, as amended, the Commission may establish advisory bodies to make recommendations to it. Currently, four committees are in existence.

* * * * *

(c) The Nuclear Safety Research Review Committee (NSRRC) was established by the NRC in February 1988 for the purpose of reporting to the Commission through the Director of the Office of Nuclear Regulatory Research on important management matters in the direction of the Commission's nuclear safety research program. The committee activities cover all aspects of nuclear safety research including, but not limited to, accident management, plant aging, human factors and system reliability, earth science, waste disposal and seismic and structural engineering. In performing its activities, the committee evaluates and reports on the conformance of the nuclear safety research program to the NRC philosophy of nuclear regulatory research. The committee conducts specialized studies when requested by the Commission or Director of the Office of Nuclear Regulatory Research. The committee interacts with the Office of Research management staff and selected contractors in private industry, at national laboratories and universities.

(d) The Licensing Support System Advisory Review Panel (LSSARP) was established by the Commission on October 3, 1989, pursuant to 10 CFR 2.1011(e) of the Commission's regulations. The LSSARP provides advice to the Commission on the design, development, and operation of the Licensing Support System (LSS), an electronic information management system for use in the Commission's high-level radioactive waste (HLW) licensing proceeding. Membership consists of those interests that will be affected by the use of the LSS, and selected Federal agencies with expertise in large-scale electronic information systems. The individual representatives of these interests and agencies possess expertise in management information science and in managing records of the Commission's licensing process for the HLW repository.

9. A new § 1.26 is added under the heading Commission Staff to read as follows:

§ 1.26 Office of the Licensing Support System Administrator.

The Office of the Licensing Support System (LSS) Administrator—

(a) Ensures that the LSS meets the requirements of 10 CFR part 2, subpart J, concerning the availability and use of the LSS in the Commission's high-level waste licensing proceedings;

(b) Advises DOE on LSS design, development, and testing;

(c) Approves any necessary redesign of the LSS;

(d) Provides the necessary personnel, materials, and services for operation and maintenance of the LSS;

(e) Provides for the entry of documentary material into the LSS, and provides access to the LSS to LSS participants and to the public as appropriate;

(f) Maintains the integrity and security of the LSS database;

(g) Reviews the timeliness and degree of compliance of LSS participants with the applicable LSS rules, including determining whether DOE is in substantial compliance with the document submission requirements of 10 CFR 2.1003; and

(h) Maintains sufficient oversight of LSS-related activities to not only identify issues, but to ensure that these issues are properly addressed by the right organization(s) and are being resolved on a timely basis.

§ 1.27 [Removed]

10. Section 1.27 is removed.

11. Section 1.31 is revised to read as follows:

§ 1.31 Office of the Executive Director for Operations.

(a) The Executive Director for Operations (EDO) reports for all matters to the Chairman, and is subject to the supervision and direction of the Chairman as provided in Reorganization Plan No. 1 of 1980.

(b) The EDO supervises and coordinates policy development and operational activities in the following line offices: The Office of Nuclear Reactor Regulation, the Office of Nuclear Material Safety and Safeguards, the Office of Nuclear Regulatory Research, and the NRC Regional Offices; and the following staff offices: The Office of Enforcement, the Office of Administration, the Office of Information Resources Management, the Office of the Controller, the Office of Investigations, the Office of Consolidation, the Office for Analysis and Evaluation of Operational Data, the Office of Small and Disadvantaged Business Utilization and Civil Rights, the Office of Personnel, and other organizational units as shall be assigned by the Commission. The EDO is also responsible for implementation of the Commission's policy directives pertaining to these offices.

(c) The EDO exercises powers and functions delegated to the EDO under the Reorganization Plan No. 1 of 1980, this chapter, or otherwise by the Commission or Chairman, as appropriate. The EDO has the authority to perform any function that may be performed by an office director reporting to the EDO.

12. A new § 1.32 is added under the heading Staff Offices to read as follows:

§ 1.32 Office of Enforcement.

The Office of Enforcement—

(a) Develops policies and programs for enforcement of NRC requirements;

(b) Manages major enforcement actions; and

(c) Assesses the effectiveness and uniformity of Regional enforcement actions.

13. Section 1.33 is revised to read as follows:

§ 1.33 Office of Administration.

The Office of Administration—

(a) Develops and implements agency-wide contracting policies and procedures;

(b) Develops policies and procedures and manages the operation and maintenance of NRC offices, facilities, and equipment;

(c) Plans, develops, establishes, and administers policies, standards, and procedures for the overall NRC security program;

(d) Develops and implements policies and procedures for administering the Freedom of Information, Privacy, and Regulatory Flexibility Acts and the LPDR program, and for providing editorial and related publications services; and

(e) Manages the production, printing, and copying of NUREGs and other official NRC publications and maintains NRC liaison with the Joint Committee on Printing.

14. A new § 1.34 is added to read as follows:

§ 1.34 Office of Information Resources Management.

The Office of Information Resources Management—

(a) Manages the centralized information resources of the agency in the areas of computer hardware and software, systems development, telecommunications, and information support services including document control and distribution, central files, records management and services, the Library, and graphics; and

(b) Participates in the review of information resources management policies, practices, and procedures on an NRC-wide basis, and in consultation with cognizant officials, makes recommendations for appropriate improvements.

15. Section 1.36 is added to read as follows:

§ 1.36 Office of Investigations.

The Office of Investigations (OI)—

(a) Conducts investigations of licensees, applicants, their contractors or vendors, including the investigation of all allegations of wrongdoing by other than NRC employees and contractors;

(b) Maintains current awareness of inquiries and inspections by other NRC offices to identify the need for formal investigations;

(c) Makes appropriate referrals to the Department of Justice;

(d) Maintains liaison with other agencies and organizations to ensure the timely exchange of information of mutual interest; and

(e) Issues subpoenas where necessary or appropriate for the conduct of investigations.

16. A new § 1.38 is added to read as follows:

§ 1.38 Office of the Controller.

The Office of the Controller—

(a) Prepares the agency's Five-Year Plan and budget;

(b) Manages all accounting and financial systems management functions including payroll, travel, and license fees;

(c) Provides agency support for employee relocation services and internal control activities; and

(d) Manages the agency's internal control program.

17. A new § 1.40 is added to read as follows:

§ 1.40 Office of Consolidation.

The Office of Consolidation—

(a) Provides overall coordination of planning, budgeting, and execution of tasks required to consolidate the NRC Headquarters staff at White Flint, Rockville, Maryland;

(b) Provides a single focus for management review, decisionmaking, and direction for activities undertaken to accomplish the consolidation of the Headquarters' staff; and

(c) Keeps NRC management and NRC employees as fully informed as possible about aspects of the consolidation, especially those which could affect their individual and collective performance of Agency missions and tasks.

PART 2—RULES OF PRACTICE FOR DOMESTIC LICENSING PROCEEDINGS

18. The authority citation for part 2 continues to read in part as follows:

Authority: Sec. 161, 68 Stat. 948, as amended (42 U.S.C. 2201); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841).

§ 2.201 [Amended]

19. In § 2.201, in paragraphs (a), (b), and (c), remove the words "Deputy Executive Director for Regional Operations", and add in their place the words "Deputy Executive Director for Nuclear Materials Safety, Safeguards, and Operations Support".

§ 2.202 [Amended]

20. In § 2.202, in paragraphs (a) and (f), remove the words "Deputy Executive Director for Regional Operations", and add in their place the words "Deputy Executive Director for Nuclear Materials Safety, Safeguards, and Operations Support", and in paragraph (a) remove the words "Office of Administration and Resources Management", and add in their place the words "Office of the Controller".

§ 2.205 [Amended]

21. In § 2.205, in paragraphs (a), (d), (g), and (h), remove the words "Deputy Executive Director for Regional Operations", and add in their place the words "Deputy Executive Director for Nuclear Materials Safety, Safeguards, and Operations Support".

§ 2.802 [Amended]

22. In § 2.802, in paragraph (b), remove the words "Rules and Procedures Branch", and add in their place the words "Regulatory Publications Branch", and in paragraphs (b) and (g), remove the words "and Resources Management".

Appendix C [Amended]

23. Appendix C, section V., in paragraphs (E), (F), and (G), remove the words "Deputy Executive Director for Regional Operations" and add in their place the words "Deputy Executive Director for Nuclear Materials Safety, Safeguards, and Operations Support"; in section VIII., remove the words "Deputy Executive Director for Regional Operations (DEDRO)" and "DEDRO" and add in their place the words "Deputy Executive Director for Nuclear Materials Safety, Safeguards, and Operations Support (DEDS)" and "DEDS", and in Footnote (5) remove the words "Deputy Executive Director for Regional Operations", and add in their place the words "Deputy Executive Director for Nuclear Materials Safety, Safeguards, and Operations Support", and also remove the words "Office of Administration and Resources Management", and add in their place the words "Office of the Controller".

PART 9—PUBLIC RECORDS

24. The authority citation for part 9 continues to read in part as follows:

Authority: Secs. 161, 948, as amended (42 U.S.C. 2201); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841).

§ 9.23 [Amended]

25. In § 9.23, paragraph (b), remove the words "and Resources Management."

§ 9.41 [Amended]

26. In § 9.41, paragraph (a)(2), remove the words "and Resources Management".

§ 9.53 [Amended]

27. In § 9.53, paragraphs (a) and (b), remove the words "and Resources Management".

§ 9.54 [Amended]

28. In § 9.54, paragraph (b), remove the words "and Resources Management".

§ 9.60 [Amended]

29. In § 9.60, paragraph (a), remove the words "and Resources Management".

§ 9.65 [Amended]

30. In § 9.65, paragraph (a), remove the words "and Resources Management".

§ 9.66 [Amended]

31. In § 9.66, paragraphs (a)(1), (a)(2), (a)(3), and (c)(2), remove the words "and Resources Management".

§ 9.69 [Amended]

32. In § 9.69, paragraph (a), remove the words "and Resources Management".

PART 10—CRITERIA AND PROCEDURES FOR DETERMINING ELIGIBILITY FOR ACCESS TO RESTRICTED DATA OR NATIONAL SECURITY INFORMATION OR AN EMPLOYMENT CLEARANCE

33. The authority citation for part 10 continues to read in part as follows:

Authority: Sec. 161, 68 Stat. 948, as amended (42 U.S.C. 2201); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841).

§ 10.5 [Amended]

34. In § 10.5, paragraph (b), remove the words "and Resources Management".

§ 10.12 [Amended]

35. In § 10.12, paragraph (a), remove the words "and Resources Management".

§ 10.21 [Amended]

36. In § 10.21, remove the words "and Resources Management".

§ 10.22 [Amended]

37. In § 10.22, in the introductory paragraph and in paragraphs (c), (d), and (e), remove the words "and Resources Management".

§ 10.23 [Amended]

38. In § 10.23, paragraphs (a) and (b), remove the words "and Resources Management".

§ 10.24 [Amended]

39. In § 10.24, paragraphs (a) and (b), remove the words "and Resources Management".

§ 10.27 [Amended]

40. In § 10.27, paragraph (c), remove the words "and Resources Management".

§ 10.28 [Amended]

41. In § 10.28, paragraph (m), remove the words "and Resources Management".

§ 10.29 [Amended]

42. In § 10.29, paragraph (d), remove the words "and Resources Management".

§ 10.30 [Amended]

43. In § 10.30, remove the words "and Resources Management".

§ 10.31 [Amended]

44. In § 10.31, paragraph (a), remove the words "and Resources Management".

§ 10.32 [Amended]

45. In § 10.32, paragraph (b), remove the words "and Resources Management".

§ 10.33 [Amended]

46. In § 10.33, paragraphs (c) and (d) remove the words "and Resources Management".

§ 10.34 [Amended]

47. In § 10.34, paragraph (b), remove the words "and Resources Management".

§ 10.35 [Amended]

48. In § 10.35, paragraph (b), remove the words "and Resources Management".

§ 10.37 [Amended]

49. In § 10.37, remove the words "and Resources Management".

PART 15—DEBT COLLECTION PROCEDURES

50. The authority citation for Part 15 continues to read in part as follows:

Authority: Sec. 161, 68 Stat. 948, as amended (42 U.S.C. 2201); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841).

§ 15.3 [Amended]

51. In § 15.3, remove the words "Office of Administration and Resources Management", and add in their place the words "Office of the Controller".

§ 15.35 [Amended]

52. In § 15.35, paragraph (c), remove the words "Office of Administration and Resources Management", and add in their place the words "Office of the Controller".

PART 25—ACCESS AUTHORIZATION FOR LICENSEE PERSONNEL

53. The authority citation for part 25 continues to read in part as follows:

Authority: Sec. 161, 68 Stat. 948, as amended (42 U.S.C. 2201); sec. 201, 88 stat. 1242, as amended (42 U.S.C. 5841).

§ 25.33 [Amended]

54. In § 25.33, paragraph (c), remove the words "and Resources Management".

PART 51—ENVIRONMENTAL PROTECTION REGULATIONS FOR DOMESTIC LICENSING AND RELATED REGULATORY FUNCTIONS

55. The authority citation for part 51 continues to read in part as follows:

Authority: Sec. 161, 68 Stat. 948, as amended (42 U.S.C. 2201); sec. 201, 88 Stat. 1242 (42 U.S.C. 5841).

§ 51.122 [Amended]

56. In § 51.122, remove the words "Office of Administration and Resources Management", and add in their place the words "Office of Information Resources Management".

PART 95—SECURITY FACILITY APPROVAL AND SAFEGUARDING OF NATIONAL SECURITY INFORMATION AND RESTRICTED DATA

57. The authority citation for part 95 continues to read in part as follows:

Authority: Sec. 161, 68 Stat. 948, as amended (42 U.S.C. 2201); sec. 201, 88 Stat. 1242 (42 U.S.C. 5841).

§ 95.18 [Amended]

58. In § 95.18, paragraph (a), remove the words "and Resources Management".

§ 95.45 [Amended]

59. In § 95.45, paragraph (a), remove the words "and Resources Management".

Dated at Rockville, Maryland, this 14th day of December, 1989.

For the Nuclear Regulatory Commission.
James M. Taylor,
Executive Director for Operations.
[FR Doc. 89-29867 Filed 12-27-89; 8:45 am]
BILLING CODE 7590-01-M

SMALL BUSINESS ADMINISTRATION

13 CFR Part 121

Waiver of Nonmanufacturer Rule

AGENCY: Small Business Administration.

ACTION: Notice of waiver of nonmanufacturer rule.

SUMMARY: This notice establishes a waiver to the Small Business Administration's (SBA) "nonmanufacturer rule" for several types of construction equipment. These are: backhoes, cranes, road graders, and scrapers. The basis for this waiver to the nonmanufacturer rule is that no small business manufacturer is supplying these products to the Federal government. The effect of this waiver is to allow an otherwise qualified regular dealer to supply the product of any domestic manufacturer on a contract set-aside for small business or awarded through the 8(a) program. This waiver shall remain in effect until such time a small business manufacturer(s) is determined to be in the Federal market. The public may submit comments on this determination.

DATES: This notice is effective December 21, 1989. Comments may be submitted until January 12, 1990.

ADDRESS COMMENTS TO: Robert J. Moffitt, Chairperson, Size Policy Board, U.S. Small Business Administration, 1441 L Street NW., Room 600, Washington, DC 20416.

FOR FURTHER INFORMATION CONTACT: Gary M. Jackson, Director, Size Standards Staff, (202) 652-6373.

SUPPLEMENTARY INFORMATION: Public Law 100-656, enacted on November 15, 1988, incorporated into the Small Business Act the previously existing regulation that recipients of contracts set-aside for small business or 8(a) contracts must provide the product of a small business manufacturer or producer. This requirement is commonly referred to as the "nonmanufacturer rule." The SBA regulations imposing this requirement is found at 13 CFR 121.5(b)(a). (SBA anticipates publishing revised Small Business Size Regulations effective January 1, 1990 which would contain this requirement at 13 CFR 121.906(b) and 121.1106(b).) Section 303(h) of the Act provided for waiver of this requirement by SBA for any "class of products" for which there are no small business manufacturers or producers in the Federal market. This notice waives the nonmanufacturer rule for the following construction equipment classes of products: backhoes; crane, construction; graders, road construction; and scrapers. Also, this notice denies the request for a waiver for drill rigs, forklifts, loaders and manlifts (or aerial work platforms). SBA has found small business manufacturers of these products which supply the Federal government.

SBA's District Office in Los Angeles, California requested a waiver of the nonmanufacturer rule for eight classes of products of construction and industrial equipments. SBA has conducted a study for these classes of products to determine if a small manufacturer(s) has supplied any of these products to the Federal government.

To be considered in the Federal market, a small manufacturer must have been awarded a contract by the Federal government within recent years. A "class of products" is considered to be a particular Product and Service Code (PSC) under the Federal Procurement Data System or an SBA recognize product line within a PSC.

SBA's review of the Federal market evaluated procurement statistics from the U.S. General Services Administration's Federal Procurement Data Center (FPDC) and SBA's Procurement Automated Source System (PASS), a data base of firms interested in Federal procurement.

The FPDC data show contract awards by Product and Services Codes as well as by Standard Industrial Classification (SIC) codes. The PASS data were also reviewed to assess small business manufacturing capability and Federal experience. Other sources of information such as industry trade associations were also reviewed as needed to assist in discovering and evaluating small manufacturers of each class of products.

The affected classes of products are some of the products included within several PSC codes, but do not comprise any one entire PSC. The request for waiver relates to the following classes of products:

PSC Code	Product
3805	Backhoes, Graders, Loaders, Scrapers.
3810	Cranes.
3815	Manlifts (Aerial Work Platform).
3820	Drill Rigs.
3930	Forklifts.

A survey of small business manufacturers of the affected classes of products was subsequently conducted to determine small manufacturers capabilities and participation in the Federal market. Small manufacturers of these types of equipment were identified from SBA's PASS data base. Each identified small business manufacturer was contacted to determine the types and range of products it manufactures.

For manlifts (aerial work platforms), drill rigs, forklifts, and loaders SBA identified small manufacturers that have recently supplied the Federal government. Accordingly, SBA denies the request for a waiver of the nonmanufacturer rule for these classes of products.

SBA's review also found that small manufacturers do not provide to the Federal market the following items: backhoes, cranes, construction; graders, road (construction machinery); and scrapers. Accordingly, SBA decided to grant a waiver for these designated classes of products within PSC codes 3805 and 3810.

The public is invited to submit comments on the basis of this waiver action. If evidence is received that a small manufacturer is in fact in the Federal market, as defined by receiving a Federal contract, SBA will reevaulate its decision to waive the nonmanufacturer rule for that class of products and will take steps to terminate the waiver.

This waiver is being granted under statutory authority for the designated classes of products, prior to the promulgation of final regulatory procedures. Proposed procedures will be published for public comment in the **Federal Register** in early 1990. Although the processing and evaluation of this waiver request are intended to be similar to the proposed procedures, final procedures may differ from those followed for this particular request.

A waiver of the nonmanufacturer rule is established for purposes of allowing an otherwise qualified small business regular dealer to supply the product of any domestic manufacturer on a contract set-aside for small business or awarded through the 8(a) program for the following classes of products:

Backhoes (PSC 3805)
Graders, Road (Construction Machinery) (PSC 3805)
Scrapers, Construction (PSC 3805)
Cranes, Construction (PSC 3810)