

(and written) elections whenever possible. We expect agencies to approve waivers of the time limit in which to decline the deemed election unless they can document that the employee did not act with reasonable diligence or that the employee made an informed choice of FERS. Because of the adverse consequence for agencies that the commenter noted, agencies should develop procedures to fully document their counseling efforts and employee elections.

One commenter questioned the provisions concerning the rights of survivors. The regulations provide a special rule if an employee dies during the election period. Because the employee's election period ended prematurely due to death, the benefits payable to the survivor (either FERS or the benefits available in the absence of a deemed election) depend on whether the deemed election is forced upon the survivor. Because of the unique situation created by a deemed election, the regulations allow a survivor to decline the deemed election. In this way, we are assuring that the deemed election will not deprive a survivor of benefits established by statute, while providing what the employee and survivor would be anticipating (benefits under FERS) unless the survivor chooses otherwise.

One commenter raised questions concerning eligibility of an employee to be deemed to have elected FERS when a former spouse is entitled to a portion of the employee annuity or a survivor annuity. Deemed elections are permitted only for employees who were eligible to elect FERS during the election period. Agencies will have to confirm eligibility by obtaining a certification from the employee concerning former spouses, similar to the certification required on the SF 3109, Election of FERS Coverage, or by obtaining telephone approval from our Court-Ordered Benefits Section.

Two commenters specifically raised questions about the effective date of the deemed elections. The effective date is the later of the employee's entry-on-duty date or the beginning of the first pay period commencing after June 30, 1987. In devising the interim procedure we wanted to minimize the correction of records. If as we expect most employees affected by these regulations will want FERS coverage, records correction will be minimal. The only correction action required in cases of employees whose entry-on-duty date is on or after the beginning of the first pay period in July 1987, will be an SF-50 showing that FERS coverage, as of the entry-on-duty date was by election, rather than automatic. Of course, if the employee

was erroneously placed in FERS before the beginning of the first pay period of July 1987 or if the employee elects not to be covered by FERS, more substantial records corrections will be required. We will issue a payroll office letter to provide more details on correction of records.

Regulatory Flexibility Act

I certify that this regulation will not have a significant economic impact on a substantial number of small entities because the regulation will only affect Federal employees and agencies and retirement payments to retired Government employees and their survivors.

List of Subjects in 5 CFR Part 846

Administrative practice and procedure, Government employees, Pensions, Retirement.

Accordingly, under authority of 5 U.S.C. 8461(g), OPM is adopting its interim rules under 5 CFR part 846 published on September 13, 1993, at 58 FR 47821, as final rules without change.

U.S. Office of Personnel Management,
Lorraine A. Green,
Deputy Director.

[FR Doc. 94-24454 Filed 10-4-94; 8:45 am]
BILLING CODE 6325-01-M

NUCLEAR REGULATORY COMMISSION

10 CFR Parts 34, 35, 50, 73, and 110

RIN 3150-AF19

NRC Library; Address Change

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Nuclear Regulatory Commission is amending its regulations regarding the availability of material approved for incorporation by reference to make a needed change to the address provided for the NRC Library.

EFFECTIVE DATE: October 5, 1994.

FOR FURTHER INFORMATION CONTACT: Michael T. Lesar, Chief, Rules Review Section, Rules Review and Directives Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Telephone (301) 415-7163.

SUPPLEMENTARY INFORMATION:

Background

The Nuclear Regulatory Commission is revising those portions of 10 CFR

chapter I that reference the availability of materials that have been approved by the Director of the Office of the Federal Register for incorporation by reference. This amendment revises the text of 10 CFR chapter I to indicate the current location where this material is available for inspection. The material that has been approved for incorporation by reference is maintained and available for inspection at the NRC Library, which is now located at 11545 Rockville Pike, Rockville, Maryland 20852-2738.

Because this is an amendment dealing with agency practice and procedures, the notice and comment provisions of the Administrative Procedure Act do not apply pursuant to 5 U.S.C. 553(b)(A). The amendment is effective upon publication in the *Federal Register*. Good cause exists to dispense with the usual 30-day delay in the effective date because the amendment is of a minor and administrative nature dealing with an address change.

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 assessment has been prepared for this final rule.

Paperwork Reduction Act Statement

This final rule does not contain a new or amended information collection requirement subject to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*). Existing requirements were approved by the Office of Management and Budget, approval numbers 3150-0007, -0010, -0002, and -0036.

List of Subjects

10 CFR Part 34

Criminal penalties, Packaging and containers, Radiation protection, Radiography, Reporting and recordkeeping requirements, Scientific equipment, Security measures.

10 CFR Part 35

Byproduct material, Criminal penalties, Drugs, Health facilities, Health professions, Incorporation by reference, Medical devices, Nuclear materials, Occupational safety and health, Radiation protection, Reporting and recordkeeping requirements.

10 CFR Part 50

Antitrust, Classified information, Criminal penalties, Fire protection, Incorporation by reference, Intergovernmental relations, Nuclear power plants and reactors, Radiation

protection, Reactor siting criteria, Reporting and recordkeeping requirements.

10 CFR Part 73

Criminal penalties, Hazardous materials—transportation, Incorporation by reference, Nuclear materials, Nuclear power plants and reactors, Reporting and recordkeeping requirements, Security measures.

10 CFR Part 110

Administrative practice and procedure, Classified information, Criminal penalties, Export, Import, Incorporation by reference, Intergovernmental relations, Nuclear materials, Nuclear power plants and reactors, Reporting and recordkeeping requirements, Scientific equipment.

For the reasons 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 34, 35, 50, 73, and 110.

PART 34—LICENSES FOR RADIOGRAPHY AND RADIATION SAFETY REQUIREMENTS FOR RADIOGRAPHIC OPERATIONS

1. The authority citation for part 34 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) * * *.

§ 34.20 [Amended]

2. In § 34.20, paragraph (a), remove the words "7920 Norfolk Avenue, Bethesda, Maryland 20814," and add the words "11545 Rockville Pike, Rockville, Maryland 20852-2738."

PART 35—MEDICAL USE OF BYPRODUCT MATERIAL

3. The authority citation for part 35 continues to read 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) * * *.

§ 35.632 [Amended]

4. In § 35.632, paragraph (d), remove the words "7920 Norfolk Avenue, Bethesda, Maryland 20814," and add the words "11545 Rockville Pike, Rockville, Maryland 20852-2738."

PART 50—DOMESTIC LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

5. The authority citation for part 50 continues to read 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) * * *.

§ 50.34 [Amended]

6. In § 50.34, paragraph (f)(3)(v)(A)(2), remove the words "7920 Norfolk Avenue, Bethesda, Maryland 20814," and add the words "11545 Rockville Pike, Rockville, Maryland 20852-2738."

§ 50.55a [Amended]

7. In § 50.55a, paragraph (b) introductory text, remove the words "7920 Norfolk Avenue, Bethesda, Maryland, 20814," and add the words "11545 Rockville Pike, Rockville, Maryland 20852-2738."

§ 50.73 [Amended]

8. In § 50.73, paragraph (b)(2)(ii)(F)(2), remove the words "in the Phillips Building, 7920 Norfolk Avenue, Bethesda, Maryland" and add the words "at 11545 Rockville Pike, Rockville, Maryland 20852-2738."

Appendix H to Part 50 [Amended]

9. In the second paragraph of the introduction to appendix H to part 50, remove the words "7920 Norfolk Avenue, Bethesda, Maryland 20814," and add the words "11545 Rockville Pike, Rockville, Maryland 20852-2738."

Appendix J to Part 50 [Amended]

10. In appendix J to part 50, section III, paragraph A.3.(a), remove the words "7920 Norfolk Avenue, Bethesda, Maryland," and add the words "11545 Rockville Pike, Rockville, Maryland 20852-2738."

Appendix K to Part 50 [Amended]

11. In appendix K to part 50, section I, paragraphs A.4., C.1.b., D.5., and D.7.c., remove the words "7920 Norfolk Avenue, Bethesda, Maryland 20814," and add the words "11545 Rockville Pike, Rockville, Maryland 20852-2738."

PART 73—PHYSICAL PROTECTION OF PLANTS AND MATERIALS

12. The authority citation for part 73 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) * * *.

§ 73.26 [Amended]

13. In § 73.26, paragraph (l)(1), in the last sentence, remove the words "7920 Norfolk Avenue, Bethesda, Maryland 20814," and add the words "11545 Rockville Pike, Rockville, Maryland 20852-2738."

§ 73.50 [Amended]

14. In § 73.50, paragraph (d)(1), in the last sentence, remove the words "7920

Norfolk Avenue, Bethesda, Maryland 20814," and add the words "11545 Rockville Pike, Rockville, Maryland 20852-2738."

Appendix B to Part 73 [Amended]

15. In appendix B to part 73, section I, paragraph B.1.b.(2)(a) and section IV, paragraph C., footnote 2, remove the words "7920 Norfolk Avenue, Bethesda, Maryland 20814," and add the words "11545 Rockville Pike, Rockville, Maryland 20852-2738."

PART 110—EXPORT AND IMPORT OF NUCLEAR EQUIPMENT AND MATERIAL

16. The authority citation for part 110 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) * * *.

§ 110.43 [Amended]

17. In § 110.43, paragraph (a), remove the words "7920 Norfolk Avenue, Bethesda, Maryland 20814," and add the words "11545 Rockville Pike, Rockville, Maryland 20852-2738."

Dated at Rockville, Maryland, this 26th day of September 1994.

For the Nuclear Regulatory Commission.

James M. Taylor,

Executive Director for Operations.

[FR Doc. 94-24593 Filed 10-4-94; 8:45 am]

BILLING CODE 7590-01-P

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 101

[T.D. 94-77]

Customs Service Field Organization; Extension of Port Limits of Morgan City, Louisiana

AGENCY: Customs Service, Treasury.

ACTION: Final rule.

SUMMARY: This document amends the Customs Regulations pertaining to the field organization of Customs by extending the geographical limits of the port of entry of Morgan City, Louisiana. The current boundaries are being extended to include Lafayette Parish. This change is being made in order to include Lafayette Regional Airport and to complement current international trade activities at the Morgan City port of entry. This change will enable Customs to obtain more efficient use of its personnel, facilities, and resources and to provide better service to carriers, importers, and the general public.

EFFECTIVE DATE: November 4, 1994.

FOR FURTHER INFORMATION CONTACT: Brad Lund, Office of Inspection and Control, (202) 927-0192.

SUPPLEMENTARY INFORMATION:

Background

As part of its continuing program to obtain more efficient use of its personnel, facilities and resources, and to provide better service to carriers, importers and the public, Customs is amending § 101.3, Customs Regulations (19 CFR 101.3), to expand the boundaries of the port of Morgan City, Louisiana. The expansion of the port will add Lafayette Parish to the existing limits which are the parishes of Iberia, Lafourche, St. Mary, and Terrebonne, the corporate limits of the town of Grand Isle, and that portion of the right-of-way pertaining to State Highway 1 extending in a northeasterly direction from the Lafourche Parish and Jefferson Parish boundary line to the corporate limits of the town of Grand Isle.

The addition of Lafayette Parish, including Lafayette Regional Airport, will complement the current international trade activities in the parishes of Iberia, Lafourche, St. Mary and Terrebonne and the town of Grand Isle. Lafayette Parish's inclusion in the international port of entry will provide a boost to the economy of southern Louisiana. It will reduce the operating costs of recipients of Customs services, thereby greatly improving prospects for international trade.

Comments

Customs published a Notice of Proposed Rulemaking in the *Federal Register* (59 FR 23817) on May 9, 1994 which invited the public to comment on this proposed change to the port limits.

Nine comments were received. All of them were in favor of the proposed expansion. Accordingly, the amendment is being published in final as it was proposed.

Revised Port Limits

The revised port limits are as follows: In the State of Louisiana: All of the territory within the Parishes of Iberia, Lafayette, Lafourche, St. Mary, and Terrebonne; the Corporate limits of the town of Grand Isle; and that portion of the right-of-way pertaining to State Highway 1 extending in a northeasterly direction from the Lafourche Parish and Jefferson Parish boundary line to the corporate limits of the town of Grand Isle.

Regulatory Flexibility Act

Although Customs solicited public comments on this port expansion, no

notice of proposed rulemaking was required because the port expansion relates to agency management and organization. Accordingly, this document is not subject to the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

Executive Order 12866

This document does not meet the criteria for a "significant regulatory action" as specified in Executive Order 12866.

Drafting Information

The principal author of this document was Janet L. Johnson, Regulations Branch, U.S. Customs Service. However, personnel from other offices participated in its development.

List of Subjects in 19 CFR Part 101

Customs duties and inspection, Exports, Imports, Organization and functions (Government agencies).

Amendment to the Regulations

Accordingly, Part 101 of the Customs Regulations is amended as set forth below:

PART 101—GENERAL PROVISIONS

1. The general authority citation for Part 101 continues to read as follows:

Authority: 5 U.S.C. 301, 19 U.S.C. 2, 66, 1202 (General Note 17, Harmonized Tariff Schedule of the United States), 1623, 1624.

§ 101.3 [Amended]

2. The list of Customs regions, districts and ports of entry in § 101.3(b) is amended by removing the reference "T.D. 93-30" and adding in its place "T.D. 94-77", alongside "Morgan City" in the column headed "Ports of entry" in the New Orleans, Louisiana District of the South Central Region.

Dated: September 26, 1994.

Charles W. Winwood,

Acting Commissioner of Customs.

John P. Simpson,

Deputy Assistant Secretary of the Treasury.

[FR Doc. 94-24620 Filed 10-4-94; 8:45 am]

BILLING CODE 4820-02-P

POSTAL SERVICE

39 CFR Part 111

Mailing Prescription Medicines Containing Narcotic Drugs and Other Controlled Substances

AGENCY: Postal Service.

ACTION: Final rule.

SUMMARY: The final rule will remove a provision in the current postal

regulations that restricts use of the mails to carry prescription medicine containing narcotic drugs. This rule also would fully harmonize those regulations, namely, Domestic Mail Manual CO23.6.8 and CO23.6.9, with the Controlled Substances Act and its implementing regulations. As a consequence, such use of the mail by dispensers of such medicine would be allowed to the same extent that distribution via any carrier is permitted under the Controlled Substances Act and implementing regulations.

EFFECTIVE DATE: October 5, 1994.

FOR FURTHER INFORMATION CONTACT: Robert R. Adams, (202) 268-5168.

SUPPLEMENTARY INFORMATION: The Postal Service published in the *Federal Register* (58 FR 67747-67748) on December 22, 1993, a proposal to amend the Domestic Mail Manual to remove postal regulations restricting use of the mail to carry prescription medicine containing narcotic drugs.

Domestic Mail Manual (DMM) CO23.6.9 currently states that "prescription medicines containing narcotic drugs may be mailed only by Department of Veterans Affairs medical facilities to certain veterans." Some commercial suppliers have reported that they routinely ship such medicines via carriers competing with the Postal Service, and that the shipments are not prohibited by the Controlled Substances Act, 21 U.S.C. 801 *et seq.*, and its implementing regulations, 21 CFR 1300 *et seq.* These suppliers state that they would prefer to make these shipments via the Postal Service, except for the foregoing restriction in postal regulations.

Upon review, the Postal Service has found no need for provisions in its regulations on mailing controlled substances that would be stricter than those applicable to shipments via competing carriers. Whatever the means of carriage, such shipments must comply with the Controlled Substances Act and the regulations implementing it that provide a comprehensive system for protecting the public.

The revisions will make postal regulations fully consistent with that protective system. Although adopting this proposal may lead to substantial increases in the amount of mailed medicines containing narcotics, compliance with Postal Service regulations for preparation and packaging prerequisites should yield secure transit for those shipments.

The Postal Service received comments on the proposed rule from five parties. All comments were in favor of implementing the proposed rule.