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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.

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OFFICE OF PERSONNEL MANAGEMENT

5 CFR Parts 831 and 842

RIN 3206–A125

Voluntary Early Retirement Authority

AGENCY: Office of Personnel Management.

ACTION: Interim rule with request for comments.

SUMMARY: The Office of Personnel Management (OPM) is issuing revised interim regulations to extend current voluntary early retirement program procedures affecting agency requests, OPM approval, and agency offers of voluntary early retirement as well as several eligibility requirements for early retirement during a major reorganization, major reduction in force, or major transfer of function.

DATES: These regulations are effective October 4, 1999. Comments must be received by December 3, 1999.

ADDRESSES: Send written comments to Mary Lou Lindholm; Associate Director for Employment; Office of Personnel Management; Room 6500; 1900 E Street, NW; Washington, DC 20415.

FOR FURTHER INFORMATION CONTACT: Charles Gray, 202–606–0960, FAX 202–606–2329, e-mail cwgray@opm.gov.

SUPPLEMENTARY INFORMATION: This revised interim regulation makes a conforming revision to 5 CFR 831.114 and 842.213 necessitated by the enactment of the Treasury and General Government Appropriations Act for Fiscal Year 2000.

5 U.S.C. 8336(d)(2) and 8414(b)(1)(B) provide that OPM may approve voluntary early retirement authority for agencies undergoing a major reorganization, major reduction in force, or major transfer of function. 5 U.S.C. § 8336(d)(2) authorizes the voluntary early retirement of employees under the Civil Service Retirement System (CSRS), while 5 U.S.C. 8414 section (b)(1)(B) authorizes the voluntary early retirement of employees under the Federal Employees Retirement System (FERS).

Section 7001 of Public Law 105–174, the Supplemental Appropriations and Rescissions Act, FY 1998 (112 Stat. 91), enacted May 1, 1998, provided authority for OPM and agencies to apply special provisions affecting the manner in which voluntary early retirements may be administered and approved for the period from May 1, 1998 through September 30, 1999. The law restored management flexibilities impacted by a United States Court of Appeals for the Federal Circuit decision in *Torres* v. *OPM* (124 F.3d 1287, September 12, 1997).

Under section 7001 of Public Law 105–174, agencies may request a determination from the Office of Personnel Management that the agency or agency component(s) is undergoing a major reorganization, major reduction in force, or major transfer of function that could lead to the separation or downgrading of a significant percentage of the employees in the agency or agency component(s).

Public Law 105–174 allowed OPM to prescribe regulations which permit the agency, after OPM approval, to determine the scope of voluntary early retirement offers on the basis of one or more organizational units; one or more occupational series or levels; one or more geographic locations; other similar nonpersonal factors; or any appropriate combination of such factors.

On September 29, 1999, the President enacted the Treasury and General Government Appropriations Act for Fiscal Year 2000. Section 651 of that Act amended section 7001 of Public Law 105–174, making permanent the flexibilities restored May 1, 1998.

These interim regulations revise OPM regulations issued June 15, 1998, which give affect to the flexibilities provided in Public Law 105–174 (as amended). In particular, these regulations remove the September 30, 1999, sunset date which was in the June 15, 1998, regulations and make the regulations at 5 CFR 831.114 and 842.213 permanent. Additionally, old voluntary early retirement authority regulations at 5 CFR 831.108 and 842.205 are deleted. Those sections were suspended from June 15, 1998, through September 30, 1999, in lieu of the temporary authority in Public Law 105–174, and the interim regulations at 5 CFR 831.114 and 842.213.

As revised, interim regulations at 5 CFR 831.114 and 842.213 describe agencies' requests to OPM for approval of a voluntary early retirement authority; the manner in which agencies may offer voluntary early retirements; the responsibilities of agencies in managing approved voluntary early retirement authorities; eligibility of employees for voluntary early retirement; and agencies' required reports to OPM on use of the authorities.

The new voluntary early retirement law does not affect the existing basic statutory age and service requirements in 5 U.S.C. 8336(d) or 8414(b)(1). As in the past, in order to be eligible for voluntary early retirement, an individual must have completed 25 years of service or have reached age 50 and completed 20 years of service and must meet other certain basic eligibility requirements.

Waiver of Notice of Proposed Rulemaking and Delay in Effective Date

Pursuant to 5 U.S.C. 553(b)(3)(B), I find that good cause exists for waiving the general notice of proposed rulemaking because it would be contrary to the public interest. Also, pursuant to 5 U.S.C. 553(d)(3), I find that good cause exists to make this amendment effective in less than 30 days. The general notice of proposed rulemaking and delay in the effective date are being waived because these regulations allow OPM to immediately implement statutory language in § 651 of the Treasury and General Government Appropriations Act for Fiscal Year 2000 governing voluntary early retirements which was effective May 1, 1998, and to give full effect to benefits extended by that statute.

Regulatory Flexibility Act

I certify that this regulation will not have a significant economic impact on a substantial number of small entities because it only affects Federal employees.

Executive Order 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 Parts 831 and 842

Administrative practice and procedure, Air traffic controllers, Alimony, Claims, Disability benefits, Firefighters, Government employees, Income taxes, Intergovernmental relations, Law enforcement officers, Pensions, Reporting and recordkeeping requirements, Retirement.

Office of Personnel Management.

Janice R. Lachance,

Director.

Accordingly, OPM is amending parts 831 and 842 of title 5, Code of Federal Regulations, as follows:

PART 831—RETIREMENT

1. The authority citation for part 831 is revised to read as follows:

Authority: 5 U.S.C. 8347; § 831.102 also issued under 5 U.S.C. 8334; § 831.106 also issued under 5 U.S.C. 552a; § 831.114 also issued under 5 U.S.C. 8336(d)(2), Pub. L. 105–174, 112 Stat. 91; § 831.201(b)(1) also issued under 5 U.S.C. 8347(g); § 831.201(b)(6) also issued under 5 U.S.C. 7701(b)(2); § 831.201(g) also issued under sections 11202(f), 11232(e), and 11246(b) of Pub. L. 105–33, 111 Stat. 251; § 831.204 also issued under section 102(e) of Pub. L. 104–8, 109 Stat. 102, as amended by section 153 of Pub. L. 104–134, 110 Stat. 1321; § 831.303 also issued under 5 U.S.C. 8334(d)(2); § 831.502 also issued under 5 U.S.C. 8337; § 831.502 also issued under section 1(3), E.O. 11228, 3 CFR 1964–1965 Comp.; § 831.663 also issued under 5 U.S.C. 8339(j) and (k)(2); §§ 831.663 and 831.664 also issued under section 11004 (c)(2) of Pub. L. 103–66, 107 Stat. 412; § 831.682 also issued under section 201(d) of Pub. L. 99–251, 100 Stat. 23; subpart S also issued under 5 U.S.C. 8345(k); subpart V also issued under 5 U.S.C. 8343a and section 6001 of Pub. L. 100–203, 101 Stat. 1330–275; § 831.2203 also issued under section 7001(a)(4) of Pub. L. 101–508, 104 Stat. 1388–328.

Subpart A—Administration and General Provisions

§ 831.108 [Removed]

2. Section 831.108 is removed.

3. In § 831.114, paragraphs(b)(4) and (c)(2)(iii) are revised to read as follows:

§ 831.114 Early retirement-major reorganization, major reduction in force, or major transfer of function

* * * * *

(b) * * *

(4) OPM may approve an agency's request for voluntary early retirement authority to cover the entire period of the major reduction in force, major reorganization, or major transfer of function; or through the end of each fiscal year, whichever is less.

(c) * * *

(2) * * *

(iii) The time period during which voluntary early retirement will be offered. At the agency's discretion, the agency may request voluntary early retirement authority to cover the entire period of the major reduction in force, major reorganization, or major transfer of function; or through the end of the fiscal year, whichever is less.

* * * * *

PART 842—FEDERAL EMPLOYEES RETIREMENT SYSTEM—BASIC ANNUITY

4. The authority citation for part 842 is revised to read as follows:

Authority: 5 U.S.C. 8461(g); §§ 842.104 and 842.106 also issued under 5 U.S.C. 8461(n); § 842.105 also issued under 5 U.S.C. 8402(c)(1) and 7701(b)(2); § 842.106 also issued under section 102(e) of Pub. L. 104–8, 109 Stat. 102, as amended by section 153 of Pub. L. 104–134, 110 Stat. 1321; § 842.107 also issued under sections 11202(f), 11232(e), and 11246(b) of Pub. L. 105–33, 111 Stat. 251; § 842.213 also issued under 5 U.S.C. 8414(b)(1)(B), Pub. L. 105–174, 112 Stat. 91; §§ 842.604 and 842.611 also issued under 5 U.S.C. 8417; § 842.607 also issued under 5 U.S.C. 8416 and 8417; § 842.614 also issued under 5 U.S.C. 8419; § 842.615 also issued under 5 U.S.C. 8418; § 842.703 also issued under section 7001(a)(4) of Pub. L. 101–508; § 842.707 also issued under section 6001 of Pub. L. 100–203; § 842.708 also issued under section 4005 of Pub. L. 101–239 and section 7001 of Pub. L. 101–508; subpart H also issued under 5 U.S.C. 1104.

Subpart B—Eligibility

§ 842.205 [Removed]

5. Section 842.205 is removed.

8. In § 842.213,paragraphs (b)(4) and (c)(2)(iii) are revised to read as follows:

§ 842.213 Early retirement-major reorganization, major reduction in force, or major transfer of function

* * * * *

(b) * * *

(4) OPM may approve an agency's request for voluntary early retirement authority to cover the entire period of the major reduction in force, major reorganization, or major transfer of function; or through the end of each fiscal year, whichever is less.

(c) * * *

(2) * * *

(iii) The time period during which voluntary early retirement will be offered. At the agency's discretion, the agency may request voluntary early retirement authority to cover the entire period of the major reduction in force, major reorganization, or major transfer of function; or through the end of the fiscal year, whichever is less.

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[FR Doc. 99–25707 Filed 10–1–99; 8:45 am]

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NUCLEAR REGULATORY COMMISSION

10 CFR Parts 50 and 72

RIN 3150–AF94

Changes, Tests, and Experiments

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Nuclear Regulatory Commission (NRC) is amending its regulations concerning the authority for licensees of production or utilization facilities, such as nuclear reactors, and independent spent fuel storage facilities, and for certificate holders for spent fuel storage casks, to make changes to the facility or procedures, or to conduct tests or experiments, without prior NRC approval. The final rule clarifies the specific types of changes, tests, and experiments conducted at a licensed facility or by a certificate holder that require evaluation, and revises the criteria that licensees and certificate holders must use to determine when NRC approval is needed before such changes, tests, or experiments can be implemented. The final rule also adds definitions for terms that have been subject to differing interpretations, and reorganizes the rule language for clarity. Additionally, the final rule grants in part and denies in part, a petition for rulemaking (PRM–72–3) submitted by Ms. Fawn Shillinglaw on December 9, 1995. This notice constitutes final NRC action on this petition.

EFFECTIVE DATE: The amendments to sections 72.3, 72.9, 72.24, 72.56, 72.70, 72.80, 72.86, 72.244, 72.246, 72.248 of this rule are effective February 1, 2000. Sections 50.59, 50.66, 50.71(e), and 50.90 become effective 90 days after issuance of applicable regulatory guidance. The NRC will publish a document in the **Federal Register** that announces the issuance of the regulatory guidance and specifies that the final rule becomes effective in 90 days. Section 72.212 and the amendments to 72.48 are effective April 5, 2001.

FOR FURTHER INFORMATION CONTACT: Eileen McKenna, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington,