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INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Overseas Private Investment Corporation

5 CFR Chapter XXXIII

22 CFR Part 705

RINs 3209-AA00, 3209-AA04, 3209-AA15, and 3209-AA16

Supplemental Standards for Ethical Conduct for Employees of the Overseas Private Investment Corporation

AGENCY: Overseas Private Investment Corporation (OPIC).

ACTION: Final rule.

SUMMARY: The Overseas Private Investment Corporation (OPIC), with the concurrence of the Office of Government Ethics (OGE), is issuing a regulation for employees of OPIC that supplements the executive branch-wide Standards of Ethical Conduct issued by OGE. OPIC is also repealing its existing agency standards of conduct regulations that are now superseded by the branch-wide Standards of Ethical Conduct and by the executive branch financial disclosure regulation also issued by OGE. In place of the regulations, OPIC is substituting a cross-reference to the new branch-wide regulations and this supplemental regulation.

EFFECTIVE DATE: July 21, 1995.

FOR FURTHER INFORMATION CONTACT: James R. Offutt, (202) 336-8414.

SUPPLEMENTARY INFORMATION:

I. Analysis of Regulation

On August 7, 1992, the OGE published the Standards of Ethical Conduct for Employees of the Executive Branch (Standards) for codification at 5 CFR part 2635. See 57 FR 35006-35067, as corrected at 57 FR 48557 (October 27,

1992) and 57 FR 52583 (November 4, 1992). The Standards, effective February 3, 1993, set uniform ethical conduct standards applicable to all executive branch personnel.

With the concurrence of OGE, 5 CFR 2635.105 authorizes executive agencies to publish agency-specific supplemental regulations that are necessary to properly implement their respective ethics programs. OPIC and OGE have determined that the following interim supplemental rule is necessary for successful implementation of OPIC's ethics program, in light of OPIC's operations.

5 CFR 2635.105 and 2635.803 authorize individual agencies, by supplemental regulation, to require employees to obtain approval before engaging in outside employment activities. This final rule, for codification at 5 CFR 4301.101, requires any employee of OPIC who wants to engage in outside employment to obtain prior approval of such activity from OPIC's Designated Agency Ethics Official.

OPIC is also repealing its existing standards of conduct regulations at 22 CFR part 705 which, except for the sections noted immediately below, were superseded by the executive branch-wide Standards on February 3, 1993. Sections 705.735-104, 705.735-109 and part of 705.734-110 of OPIC's standards, dealing with financial disclosure, were superseded on October 5, 1992 by OGE's executive branch-wide financial disclosure regulation codified at 5 CFR part 2634. See 57 FR 11800-11830 (April 7, 1992), as amended at 57 FR 21854-21855 (May 22, 1992) and 57 FR 62605 (December 31, 1992). In place of its old standards at 22 CFR part 705, OPIC is issuing a residual cross-reference provision at new 22 CFR 705.101 to refer to both the branch-wide Standards and financial disclosure regulations and to OPIC's new supplemental regulation.

II. Matters of Regulatory Procedure

Administrative Procedure Act

The Deputy General Counsel of OPIC found good cause pursuant to 5 U.S.C. 553(b) for waiving, as unnecessary and contrary to the public interest, the general notice of proposed rulemaking and the 30-day delay in effectiveness as to the interim rules and repeal. The reason for this determination was that it

was important to smooth transition from OPIC's prior ethics rules to the new executive branch-wide Standards and financial disclosure regulations that these rulemaking actions take place as soon as possible. Furthermore, this rulemaking is related to OPIC organization, procedure and practice. Nonetheless, the interim rulemaking was published in 58 FR 33319 (June 17, 1993), and had provision for a 45-day public comment period. No comments were received on the interim rulemaking.

Executive Order 12866

In promulgating these final regulations, the Overseas Private Investment Corporation has adhered to the regulatory philosophy and the applicable principles of regulation set forth in section 1 of Executive Order 12866, Regulatory Planning and Review. These regulations have not been approved by the Office of Management and Budget under the Executive Order, as they deal with agency organizational, management, and personnel matters and are not, in any event, deemed "significant" thereunder.

Regulatory Flexibility Act

The Deputy General Counsel of OPIC determined under the Regulatory Flexibility Act (5 U.S.C. chapter 6) that this regulation will not have a significant impact on small business because it affects only OPIC employees.

Paperwork Reduction Act

The Deputy General Counsel of OPIC determined that the Paperwork Reduction Act (44 U.S.C. chapter 35) does not apply because this regulation does not contain any information collection requirements that require the approval of the Office of Management and Budget.

Executive Agency Ethics Programs

The Director of the Office of Government Ethics approved this interim rule, for the reasons set forth in the preamble, on March 18, 1993. No changes were made to the interim rule to make it the final rule.

List of Subjects in 5 CFR Part 4301 and 22 CFR Part 705

Conflict of interests, Government employees.

For the reasons set out the preamble, the interim rules published in the

Federal Register issue of June 17, 1993 (58 FR 33320) adding 5 CFR chapter XXXIII and revising 22 CFR part 709 are adopted as final without change.

Authority: 5 U.S.C. 7301.

Dated: July 14, 1995.

James R. Offutt,

Assistant General Counsel, Department of Legal Affairs, Overseas Private Investment Corporation.

Dated: July 14, 1995.

Stephen D. Potts,

Director, Office of Government Ethics.

[FR Doc. 95-17844 Filed 7-20-95; 8:45 am]

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DEPARTMENT OF AGRICULTURE

Food and Consumer Service

7 CFR Part 273

[Amendment No. 351]

Food Stamp Program; Distribution of Employment and Training Performance-Based Funds

AGENCY: Food and Consumer Service, USDA.

ACTION: Final rule; correction.

SUMMARY: The Food and Consumer Service is correcting a typographical error in the regulatory text to the final rule published on January 5, 1995 (60 FR 1708) entitled Food Stamp Program: Distribution of Employment and Training Performance-Based Funds. This action is necessary to ensure proper codification of the provisions of the January 5, 1995 rulemaking.

EFFECTIVE DATE: July 21, 1995.

FOR FURTHER INFORMATION CONTACT: Ellen Henigan, Supervisor, Work Program Section, Program Design Branch, Program Development Division, Food Stamp Program, Food and Consumer Service, USDA, 3101 Park Center Drive, Alexandria, Virginia, 22302. The telephone number is (703) 305-2762.

SUPPLEMENTARY INFORMATION:

Background

In the **Federal Register** published on January 5, 1995, at 60 FR 1708 (column 3), amendatory instruction No. 3 under Part 273 calls for a revision to paragraph (d)(1)(i)(B) of 7 CFR 273.7. The reference to paragraph (d)(1)(i)(B) should have read "(d)(1)(i)(C)". Paragraph (d)(1)(i)(B) was redesignated by an earlier rulemaking as paragraph (d)(1)(i)(C). (See, 57 FR 60082, December 12, 1992). Therefore, the Department is amending Amendatory Instruction No. 3 to make

the necessary correction to the reference.

Correction of Publication

Accordingly, the publication on January 5, 1995, is corrected as follows:

§ 273.7 [Corrected]

1. On page 1708, third column, under Part 273, in amendatory statement no. 3, the reference to paragraph "(d)(1)(i)(B)" is corrected to read "(d)(1)(i)(C)".

2. On page 1708, third column, in § 273.7, paragraph (d)(1)(i)(B) is correctly designated as paragraph (d)(1)(i)(C).

Dated: July 11, 1995.

William E. Ludwig,

Administrator, Food and Consumer Services.

[FR Doc. 95-17943 Filed 7-20-95; 8:45 am]

BILLING CODE 3410-30-U

NUCLEAR REGULATORY COMMISSION

10 CFR Part 110

RIN 3150-AD36

Import and Export of Radioactive Waste

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Nuclear Regulatory Commission (NRC) is amending its regulations to establish specific licensing requirements for the import and export of radioactive waste and to clarify the requirements for the import and export of incidental radioactive material coming into or leaving the United States. The amendments conform the policies of the United States to the guidelines of the International Atomic Energy Agency (IAEA) Code of Practice on the International Transboundary Movement of Radioactive Waste. These amendments strengthen the Commission's control over radioactive waste entering and leaving the United States.

EFFECTIVE DATE: August 21, 1995.

ADDRESSES: Copies of comments received are available for public inspection and copying for a fee at the Commission's Public Document Room, located at 2120 L Street, NW. (Lower Level), Washington, DC.

FOR FURTHER INFORMATION CONTACT: Ronald Hauber, Office of International Programs, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Telephone (301) 415-2344.

SUPPLEMENTARY INFORMATION:

- I. Objective and Background
- II. Analysis of Public Comments on Proposed Rule
- III. Overview of New Rule

I. Objective and Background

Radioactive waste is generated from the nuclear fuel cycle during the normal operation of nuclear power plants, fuel fabrication plants, enrichment facilities, uranium mining and milling facilities; the decommissioning and close out of nuclear facilities (environmental restoration); and the use of radioactive materials in medicine, industrial applications, research, and education. The nuclear fuel cycle is by far the largest source of radioactive waste, with low-level radioactive waste (LLW) currently accounting for the largest proportion of waste by volume. The importance of protecting human health and the environment in radioactive waste management and disposal has long been recognized by the NRC. This rule helps ensure the safe management and disposal of radioactive waste by amending the NRC's regulations in 10 CFR Part 110 with respect to radioactive waste entering or leaving the jurisdiction or control of the United States. The amendment also clarifies the requirements applicable to shipments of incidental radioactive material.

This final rule is intended to reflect the principles of the International Atomic Energy Agency (IAEA) Code of Practice on the International Transboundary Movement of Radioactive Waste (Code). The Code was approved in September 1990, with strong U.S. Government support. The Code resulted from an international effort within the IAEA to address concerns about possible improper transfer and disposal of radioactive waste. A set of principles was established to guide countries in the development and harmonization of policies and laws on transboundary movements of radioactive waste to ensure its safe management and disposal. A basic principle of the Code is that international movements of radioactive waste should take place with the prior notification and consent of the sending, receiving, and transit countries. The Code also provides that no receiving country should permit the receipt of radioactive waste for management or disposal unless it has the administrative and technical capacity and regulatory structure to manage and dispose of the waste in a manner consistent with international safety standards. Before the issuance of this final rule, NRC's regulations were not consistent with the principles