

# Proposed Rules

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This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

## OFFICE OF PERSONNEL MANAGEMENT

### 5 CFR Part 334

RIN 3206 AG61

### Intergovernmental Personnel Act Mobility Program

**AGENCY:** Office of Personnel Management.

**ACTION:** Proposed rule.

**SUMMARY:** The Office of Personnel Management (OPM) is proposing to issue regulations governing mobility assignments between Federal agencies and non-Federal entities. Since 1979, when the original regulations were issued, the program has evolved to a point where some of these regulations have become too cumbersome. The revised regulations will allow the program to operate more efficiently.

**DATES:** Comments must be submitted on or before January 10, 1997.

**ADDRESSES:** All comments concerning these proposed changes to the regulations should be addressed to Tony Ryan, Director, IPA Mobility Program, U.S. Office of Personnel Management, Room 7457, 1900 E Street NW., Washington, DC 20415.

**FOR FURTHER INFORMATION CONTACT:** Tony Ryan, 202-606-1181.

**SUPPLEMENTARY INFORMATION:** In October of 1995, OPM initiated a general review of the Intergovernmental Personnel Act Mobility Program. The program was part of the Intergovernmental Personnel Act (IPA) of 1970. The review team met with IPA coordinators from eleven agencies, in addition to contacting State governments, universities, and nonprofit organizations which use the IPA Mobility Program. A summary of the changes follows:

In section 334.102, the definition of "other organization" was expanded to include Federally funded research and development centers, which formerly had to apply for certification to participate in the IPA Mobility Program. The National Defense Authorization Act

for FY 1995 (Pub. L. 103-337) included an amendment to the IPA which gives these centers automatic eligibility. Section 334.103 was changed to require the nonprofit status of "Other Organizations" to be determined by agencies, not OPM. OPM will provide criteria to determine nonprofit status. Section 334.104 places a lifetime limit of 6 years for Federal employees on IPA assignments and for individuals from non-Federal organizations who receive IPA assignments. This section also requires that when an assignment is over, the employee must return to his or her home organization for the same duration as the assignment. Section 334.105 says that if an employee fails to return to Federal service for the equivalent period of the assignment, then he or she is responsible for the costs of the assignment except for salary. Section 334.106 requires that agencies execute a written agreement for each assignment and keep a copy of the agreement available for review. However, OPM will no longer require that a copy of the agreement be sent to them. To monitor mobility program activity, OPM will request agencies to submit an annual report, a requirement which was dropped a few years back.

These revised regulations are a result of the feedback the review team received from the various shareholders. While decentralizing responsibility for the program, these new rules will empower agencies and allow them to operate the program in a more efficient manner. OPM will still exercise its statutory authority to issue regulations, but the day-to-day management of the program will rest with agencies.

#### List of Subjects in 5 CFR Part 334

Colleges and universities,  
Government employees, Indians,  
Intergovernmental relations.

Office of Personnel Management.  
James B. King,  
Director.

Accordingly, OPM proposes to amend part 334 of title 5, Code of Federal Regulations:

## PART 334—TEMPORARY ASSIGNMENT OF EMPLOYEES BETWEEN FEDERAL AGENCIES AND STATE, LOCAL, AND INDIAN TRIBAL GOVERNMENTS, INSTITUTIONS OF HIGHER EDUCATION, AND OTHER ELIGIBLE ORGANIZATIONS

1. The authority citation for part 334 continues to read as follows:

Authority: 5 U.S.C. 3376; E.O. 11589, 3 CFR 557 (1971-1975).

2. Section 334.102, the definition of *other organization* is revised to read as follows:

#### § 334.102 Definitions.

\* \* \* \* \*

*Other organization* means a national, regional, Statewide, area wide, or metropolitan organization representing member State or local governments; an association of State or local public officials; a nonprofit organization which has as one of its principal functions the offering of professional advisory, research, educational, or development services, or related services to governments or universities concerned with public management; or a federally funded research and development center; and

\* \* \* \* \*

3. Section 334.103 is revised to read as follows:

#### § 334.103 Approval of instrumentalities or authorities of State and local governments and "other organizations".

(a) Organizations interested in participating in the mobility program as an instrumentality or authority of a State or local government or as an "other organization" as set out in this part must have their nonprofit status approved for participation by the Federal agency with which they are entering into an assignment.

(b) Written requests for approval as a nonprofit should include a copy of the organization's:

- (1) Articles of incorporation;
- (2) Bylaws;
- (3) Internal Revenue Service nonprofit statement; and
- (4) Any other information which indicates that the organization has as a principal function the offering of professional advisory, research, educational, or development services, or related services to governments or universities concerned with public management.

(c) Federally Funded Research and Development Centers which appear on the Master Government List maintained by the National Science Foundation are eligible to enter into mobility agreements. An organization denied approval by an agency of its nonprofit status may request reconsideration by the Office of Personnel Management.

4. Section 334.104 is revised to read as follows:

**§ 334.104 Length of assignment.**

(a) An assignment may be made for up to 2 years and may be extended by the head of a Federal agency for up to 2 more years, given the concurrence of the other parties to the agreement.

(b) A Federal agency may not send or receive on assignment an employee who has served on mobility assignments for more than a total of 6 years during his or her career. The Office of Personnel Management may waive this provision upon the written request of the agency head.

(c) At the completion of an assignment, an employee must take a break equal in length to the time spent on that assignment before participating again in the mobility program.

5. Section 334.105 is revised to read as follows:

**§ 334.105 Obligated service requirement.**

(a) A Federal employee assigned under this subchapter must agree as a condition of accepting an assignment to serve with the Federal Government upon completion of the assignment for a period equal to the length of the assignment.

(b) If the employee fails to carry out this agreement, he or she must reimburse the Federal agency of its share of the costs of the assignment (exclusive of salary). The head of the Federal agency may waive this reimbursement for good and sufficient reason.

6. Section 334.106 is revised to read as follows:

**§ 334.106 Requirement for written agreement.**

(a) Before an assignment is made the Federal agency and the State, local, or Indian tribal government, institution of higher education, or other eligible organization and the assigned employee shall enter into a written agreement which records the obligations and responsibilities of the parties as specified in 5 U.S. Code 3373–3375.

(b) Agencies must maintain a copy of each assignment agreement form as well as any modification to the agreement.

[FR Doc. 96–31394 Filed 12–10–96; 8:45 am]

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**NUCLEAR REGULATORY COMMISSION**

**10 CFR Part 50**

**Draft Policy Statement on the Restructuring and Economic Deregulation of the Electric Utility Industry**

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Extension of public comment period.

**SUMMARY:** On September 23, 1996 (61 FR 49711), the NRC published for public comment a draft policy statement regarding its expectations for, and intended approach to, its power reactor licensees as the electric utility industry moves from an environment of rate regulation toward greater competition. The comment period for this draft policy statement was originally scheduled to expire on December 9, 1996. In a letter dated November 6, 1996, the Nuclear Information and Resource Service requested that the NRC extend the comment period to allow sufficient time for the industry to air concerns and develop comments. In response to this request and NRC concerns that the public have ample opportunity to address the issues raised in the draft policy statement, the NRC has decided to extend the comment period 60 days.

**DATES:** The comment period has been extended and now expires on February 9, 1997. Comments submitted after this date will be considered if it is practical to do so, but assurance of consideration cannot be given except for comments received on or before this date.

**ADDRESSEES:** Submit written comments to Secretary, U.S. Nuclear Regulatory Commission, Attention: Docketing and Service Branch, Washington, DC 20555. Written comments may also be delivered to 11555 Rockville Pike, Rockville, Maryland, from 7:30 AM to 4:15 PM, Federal workdays. Copies of written comments received may be examined at the NRC Public Document Room, 2120 L Street N.W. (Lower Level), Washington, DC.

**FOR FURTHER INFORMATION CONTACT:** Robert Wood (301) 415–1255.

Dated at Rockville, Maryland, this 6th day of December, 1996.

For the Nuclear Regulatory Commission.  
John C. Hoyle,  
*Secretary of the Commission.*

[FR Doc. 96–31481 Filed 12–10–96; 8:45 am]

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**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**14 CFR Chapter I**

[Summary Notice No. PR–96–8]

**Petition for Rulemaking; Summary of Petitions Received; Dispositions of Petitions Issued**

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of petitions for rulemaking received and of dispositions of prior petitions.

**SUMMARY:** Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for rulemaking (14 CFR Part 11), this notice contains a summary of certain petitions requesting the initiation of rulemaking procedures for the amendment of specified provisions of the Federal Aviation Regulations and of denials or withdrawals of certain petitions previously received. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

**DATES:** Comments on petitions received must identify the petition docket number involved and must be received February 10, 1997.

**ADDRESSES:** Send comments on any petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket No. \_\_\_\_\_, 800 Independence Avenue, SW., Washington, DC 20591. Comments may also be sent electronically to the following internet address: [nprmcmts@faa.dot.gov](mailto:nprmcmts@faa.dot.gov).

The petition, any comments received, and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC–200), Room 915G, FAA Headquarters Building (FOB 10A), 800 Independence Ave., SW., Washington, DC 20591; telephone (202) 267–3132.

**FOR FURTHER INFORMATION CONTACT:** Fred Haynes, (202) 267–3939, or Marisa Mullen, (202) 267–9681, Office of Rulemaking (ARM–1), Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591.

This notice is published pursuant to paragraphs (b) and (f) of § 11.27 of Part 11 of the Federal Aviation Regulations (14 CFR Part 11).