

ADAMS Template: SECY-067

DOCUMENT DATE: 04/04/1997

**TITLE: PR-000 - 62FR16053 - REMOVAL OF 10 CFR PART 0 -
CONDUCT OF EMPLOYEES**

**CASE REFERENCE: PR-000
62FR16053**

KEY WORD: RULEMAKING COMMENTS

Document Sensitivity: Non-sensitive - SUNSI Review Complete

STATUS OF RULEMAKING

PROPOSED RULE: PR-000 OPEN ITEM (Y/N) N
RULE NAME: REMOVAL OF 10 CFR PART 0 - CONDUCT OF EMPLOYEES
PROPOSED RULE FED REG CITE: 62FR16053
PROPOSED RULE PUBLICATION DATE: 04/04/97 NUMBER OF COMMENTS: 0
ORIGINAL DATE FOR COMMENTS: / / EXTENSION DATE: / /
FINAL RULE FED. REG. CITE: 62FR16053 FINAL RULE PUBLICATION DATE: 04/04/97
NOTES ON: REMOVING PROVISIONS CONCERNING THE "CONDUCT OF EMPLOYEES" FROM THE
STATUS : CFR SINCE OGE ISSUED REGS THAT SUPERSEDE REMAINING SUBSTANTIVE PR
OF RULE : OVISION IN NRC'S REGS. /S/'D BY EDO. FILE ON P1.

HISTORY OF THE RULE

PART AFFECTED: PR-000
RULE TITLE: REMOVAL OF 10 CFR PART 0 - CONDUCT OF EMPLOYEES
PROPOSED RULE PROPOSED RULE DATE PROPOSED RULE
SECY PAPER: SRM DATE: / / SIGNED BY SECRETARY: / /
FINAL RULE FINAL RULE DATE FINAL RULE
SECY PAPER: SRM DATE: / / SIGNED BY SECRETARY: 03/20/97

STAFF CONTACTS ON THE RULE

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DOCKET NO. PR-000
(62FR16053)

In the Matter of
REMOVAL OF 10 CFR PART 0 - CONDUCT OF EMPLOYEES

DATE DOCKETED	DATE OF DOCUMENT	TITLE OR DESCRIPTION OF DOCUMENT
04/14/97	03/20/97	FEDERAL REGISTER NOTICE - FINAL RULE

[7590-01-P]

DOCKETED
USNRC

NUCLEAR REGULATORY COMMISSION

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10 CFR Part 0

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

RIN 3150-AF67

Removal of 10 CFR Part 0 - Conduct of Employees

AGENCY: Nuclear Regulatory Commission.

DOCKET NUMBER
PROPOSED RULE PR 0
(62FR16053)

ACTION: Final rule.

SUMMARY: The Nuclear Regulatory Commission (NRC) is amending its regulations to remove the provisions concerning the "Conduct of Employees" from the Code of Federal Regulations (CFR). This part of the Commission's regulations is no longer applicable because the Office of Government Ethics (OGE) issued executive branch-wide regulations (on exemptions and waivers for financial interests) that supersede the only remaining substantive provision in the NRC's regulations at 10 CFR Part 0.

April 4, 1997

EFFECTIVE DATE: ~~This final rule is effective on the date of publication.~~

FOR FURTHER INFORMATION CONTACT: Pamela Urban, Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555-0001, telephone (301) 415-1619.

*Pub. on 4/4/97
at 62FR16053*

SUPPLEMENTARY INFORMATION: The Nuclear Regulatory Commission (NRC) is amending its regulations to remove the provisions in 10 CFR Part 0 in their entirety. On December 18, 1996 (61 FR 66830), the Office of Government Ethics (OGE) issued executive branch-wide regulations on exemptions and waivers for financial interests under 18 U.S.C. 208(b) (codified at 5 CFR 2640). The portion of the OGE regulations on exemptions under 18 USC 208(b)(2) supersedes the only remaining substantive provision in Part 0 of the NRC's regulations (10 CFR Part 0.735-2).

Background

On August 7, 1992 (57 FR 35006), the OGE published its final rule establishing government-wide standards of conduct for executive branch employees. The regulations, which are codified at 5 CFR Part 2635, took effect on February 3, 1993, and supplanted a major portion of the NRC's standards of conduct regulations. On January 12, 1993 (58 FR 3825), the NRC published a final rule that amended Part 0 to remove those provisions of the NRC's standard of conduct regulations which were to be replaced by the government-wide regulations on February 3, 1993. On May 25, 1993 (58 FR 29951), the NRC further amended Part 0 (in compliance with the OGE regulations) to remove NRC internal procedures and delegations of authority on standards of conduct and to place them in internal NRC Management Directives.

In accordance with OGE's issuance of the final rule regarding 18 U.S.C. 208(b) exemptions and waivers (5 CFR 2640), the Commission is issuing this final rule withdrawing 10 CFR Part 0 in its entirety.

Because the Commission is required to delete the superseded provisions of 10 CFR Part 0 relating to 208(b)(2) exemptions, with no discretion in the matter, the NRC finds,

pursuant to 5 U.S.C. 553(b)(B), that there is good cause not to seek public comment on this rule, as such comment is unnecessary. Furthermore, for the reasons stated above, the NRC finds, pursuant to 5 U.S.C. 553(d)(3), that good cause exists to make this rule effective upon publication of this notice.

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 assessment nor an environmental impact statement has been prepared for this final regulation.

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 1995 (44 U.S.C. 3501 et seq.).

Regulatory Analysis

A regulatory analysis has not been prepared for this final rule because the NRC is eliminating regulations that have been superseded by the Office of Government Ethics' issuance of executive branch-wide regulations on exemptions and waivers for financial interests under 18 U.S.C. 208(b). This rule has no impact on health, safety or the environment. There is no cost to licensees, the NRC, or other Federal agencies.

Backfit Analysis

The NRC has determined that the backfit rule, 10 CFR 50.109, does not apply to this

final rule because the deletion of these regulations does not involve any provisions that would impose backfits as defined in 10 CFR 50.109(a)(1).

List of Subjects in 10 CFR Part 0


Conflict of interest, Criminal penalties.

PART 0 - [REMOVED]

For the reasons set out in the preamble and under the authority of the Atomic Energy Act of 1954 (42 U.S.C. 2201), as amended; the Energy Reorganization Act of 1974 (42 U.S.C. 5841), as amended; 5 U.S.C. 552 and 553; and 5 CFR Part 2640, the NRC is removing 10 CFR Part 0 from its regulations.

Dated at Rockville, Maryland this 20th day of March, 1997.

For the Nuclear Regulatory Commission.



L. Joseph Callan,
Executive Director for Operations.