

Signed in Washington, DC, on March 30, 1999.

Parks Shackelford,

Acting Administrator, Farm Service Agency.

[FR Doc. 99-9129 Filed 4-12-99; 8:45 am]

BILLING CODE 3410-05-P

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Part 103

[INS No. 1952-98]

The Addition of Commercial Delivery Service as a Form of Personal Service

RIN 1115-AF30

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: This rule amends the Immigration and Naturalization Service (Service) regulations by adding the use of commercial delivery service as a form of personal service for the delivery of Notices of Intention to Fine (NIFs), Form I-79, by the Service. A commercial delivery service allows for the registered signature of the addressee or other responsible party to be on record, allows Service personnel to be able to track the mailing status of the copy on a computer information system, and allows the addressee to receive the copy in a timely and efficient manner. The change is intended to facilitate and improve the personal service of NIFs.

DATES: This final rule is effective April 13, 1999.

FOR FURTHER INFORMATION CONTACT: Marylena S. Kruszka, Immigration Fines Officer, National Fines Office, Immigration and Naturalization Service, 1400 Wilson Blvd., Suite 210, Arlington, VA 22209, telephone (202) 305-7018.

SUPPLEMENTARY INFORMATION: Currently, § 103.5a(a)(2) permits the Service to personally serve notices, decisions, or orders by: (1) Personally delivering the paperwork to the person in question; (2) delivering the paperwork to the person's residence; (3) delivering the paperwork to the person's attorney; or by (4) mailing a copy by certified or registered mail with a return receipt. This rule adds commercial overnight delivery service as a form of personal service for NIFs.

Why Is the Service Making This Change?

Currently, the National Fines Office (NFO) mails out approximately 7,000 NIFs per year via certified mail. By permitting commercial delivery, Service

personnel can use a commercial computer information system to complete the mail delivery forms, instantly track the status of the package, and retrieve the registered signature of the addressee. Commercial delivery services generally guarantee delivery within one or two business days. The NFO currently pays \$2.32 per NIF sent via certified mail, and \$3.50 via commercial delivery service. Even though commercial delivery is more expensive per NIF sent, multiple NIFs can be included and tracked in one overnight package; this is not the case with certified mail. There is also a cost involved in preparing the certified mail envelopes and filing the return receipts. The NFO has developed a method to record the overnight delivery tracking number for each NIF sent via commercial delivery service so there is no need to file a receipt. Moreover, since the commercial delivery system is automated, preparing the packages for mailing is less time consuming. Overall, there is a cost savings that will flow from the time and effort saved by using a commercial delivery service. Notice of Intention to Fine require timely responses by the recipient; therefore, guaranteed, verifiable delivery is beneficial to both the Service and the public. Accordingly, the Service is amending § 103.5a(a) to include commercial delivery service as a form of personal service for NIFs.

Good Cause Exception

This final rule is effective upon publication in the **Federal Register**. Compliance with 5 U.S.C. 553 with regard to proposed rulemaking and delayed effective date is unnecessary in this instance and would serve no useful purpose because the amendment relates to agency procedure and practice.

Regulatory Flexibility Act

The Commissioner of the Immigration and Naturalization Service, in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), has reviewed this regulation and, by approving it, certifies that this rule does not have a significant economic impact on a substantial number of small entities. This rule is intended to increase Service efficiency and reduce costs to the Government.

Unfunded Mandates Reform Act of 1995

This rule will not result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of \$100 million or more in any 1 year, and it will not significantly or uniquely affect small

governments. Therefore, no actions were deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

Small Business Regulatory Enforcement Fairness Act of 1996

This rule is not a major rule as defined by section 804 of the Small Business Regulatory Enforcement Act of 1996. This rule will not result in an annual effect on the economy of \$100 million or more; a major increase in costs or prices; or significant adverse effects or competition, employment, investment, productivity, innovation, or on the ability of United States-based companies to compete with foreign-based companies in domestic and export markets.

Executive Order 12866

This rule is not considered by the Department of Justice, Immigration and Naturalization Service, to be a "significant regulatory action" under Executive Order 12866, section 3(f), Regulatory Planning and Review, and the Office of Management and Budget has waived its review process under section 6(a)(3)(A).

Executive Order 12612

The regulation adopted herein will not have substantial direct effects on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Executive Order 12988 Civil Justice Reform

This final rule meets the applicable standards set forth in sections 3(a) and 3(b)(2) of E.O. 12988.

List of Subjects in 8 CFR Part 103

Administrative practice and procedure, Authority delegations (Government agencies), Freedom of information, Privacy, Reporting and recordkeeping requirements, Surety bonds.

Accordingly, part 103 of chapter I of title 8 of the Code of Federal Regulations is amended as follows:

PART 103—POWERS AND DUTIES OF SERVICE OFFICERS; AVAILABILITY OF SERVICE RECORDS

1. The authority citation for part 103 continues to read as follows:

Authority: 5 U.S.C. 552, 552(a); 8 U.S.C. 1101, 1103, 1201, 1252 note, 1252b, 1304, 1356; 31 U.S.C. 9701; E.O. 12356; 47 FR 14874, 15557; 3 CFR, 1982 Comp., p 166; 8 CFR part 2.

2. Section 103.5a is amended by adding a new paragraph (a)(3) to read as follows:

§ 103.5a Service of notification, decisions, and other papers by the Service.

* * * * *

(a) * * *

(3) *Personal service involving notices of intention to fine.* In addition to any of the methods of personal service listed in paragraph (a)(2) of this section, personal service of Form I-79, Notice of Intention to Fine, may also consist of delivery of the Form I-79 by a commercial delivery service at the carrier's address on file with the National Fines Office, the address listed on the Form I-849, Record for Notice of Intent to Fine, or to the office of the attorney or agent representing the carrier, provided that such a commercial delivery service requires the addressee or other responsible party accepting the package to sign for the package upon receipt.

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Dated: March 12, 1999.

Doris Meissner,

Commissioner, Immigration and Naturalization Service.

[FR Doc. 99-9162 Filed 4-12-99; 8:45 am]

BILLING CODE 4410-10-M

NUCLEAR REGULATORY COMMISSION

10 CFR Part 50

RIN 3150-AF96

Codes and Standards: IEEE National Consensus Standard

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Nuclear Regulatory Commission is amending its regulations to incorporate by reference IEEE Std. 603-1991, a national consensus standard for power, instrumentation, and control portions of safety systems in nuclear power plants. Use of IEEE Std. 603-1991 is mandatory for new nuclear power plants and design approvals or certifications and is voluntary for existing nuclear power plants and design approvals. This action is necessary to endorse the latest version of this national consensus standard in NRC's regulations because IEEE has withdrawn IEEE Std. 279-1971.

EFFECTIVE DATE: The final rule is effective on May 13, 1999. The incorporation by reference of IEEE Std. 603-1991 is approved by the Director of the Federal Register as of May 13, 1999.

FOR FURTHER INFORMATION CONTACT:

Satish K. Aggarwal, Senior Program Manager, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Telephone: 301-415-6005, Fax: 301-415-5074, E-mail: SKA@NRC.GOV.

SUPPLEMENTARY INFORMATION:

10 CFR part 50, "Domestic Licensing of Production and Utilization Facilities," § 50.55a(h) requires that the protection systems in nuclear power plants meet the requirements stated in IEEE Std. 279-1971, "Criteria for Protection Systems for Nuclear Power Generating Stations," in effect on the formal docket date of the application. However, IEEE has withdrawn IEEE Std. 279-1971 and has superseded it with IEEE Std. 603-1991, "Criteria for Safety Systems for Nuclear Power Generating Stations." On April 23, 1998 (63 FR 20136), the NRC published a proposed rule in the **Federal Register** that would amend its regulations to incorporate IEEE Std. 603-1991 for power, instrumentation, and control portions of safety systems. This action is consistent with the provisions of the National Technology Transfer and Advancement Act of 1995, Pub. L. 104-113, which encourages Federal regulatory agencies to consider adopting industry consensus standards as an alternative to de novo agency development of standards affecting an industry. This action is also consistent with the NRC policy of evaluating the latest versions of national consensus standards in terms of their suitability for endorsement by regulations or regulatory guides.

Currently, 10 CFR 50.55a(h) specifies that "protection systems" for plants with construction permits issued after January 1, 1971, must meet the requirements in IEEE Std. 279-1971 in effect on the formal docket date of the application for a construction permit. IEEE Std. 279-1971 states that a "protection system" encompasses all electric and mechanical devices and circuitry (from sensors to actuation device input terminals) involved in generating those signals associated with the protective function. These signals include those that actuate reactor trip and that, in the event of a serious reactor accident, actuate engineered safety features (ESFs), such as containment isolation, core spray, safety injection, pressure reduction, and air cleaning. "Protective function" is defined in IEEE Std. 279-1971 as "the sensing of one or more variables

associated with a particular generating station condition, signal processing, and the initiation and completion of the protective action at values of the variables established in the design bases."

IEEE Std. 603-1991 uses the term "safety systems" rather than "protection systems" to define its scope. A "safety system" is defined in IEEE Std. 603-1991 as "a system that is relied upon to remain functional during and following design basis events to ensure: (i) The integrity of the reactor coolant pressure boundary, (ii) the capability to shut down the reactor and maintain it in a safe shutdown condition, or (iii) the capability to prevent or mitigate the consequences of accidents that could result in potential offsite exposures comparable to the 10 CFR Part 100 guidelines." A "safety function" is defined in IEEE Std. 603-1991 as "one of the processes or conditions (for example, emergency negative reactivity insertion, post-accident heat removal, emergency core cooling, post-accident radioactivity removal, and containment isolation) essential to maintain plant parameters within acceptable limits established for a design basis event."

The NRC recognizes that "protection systems" are a subset of "safety systems." Safety system is a broad-based and all-encompassing term, embracing the protection system in addition to other electrical systems. Thus, the term "protection system" is not synonymous with the term "safety system." The final rule is not intended to change the scope of the systems covered in the final safety analysis report (FSAR) for currently operating nuclear power plants.

This final rule sets forth the standards for the design of safety systems for future power plants. The final rule mandates the use of IEEE Std. 603-1991 (including the correction sheet dated January 30, 1995) for applications for design approvals pursuant to 10 CFR Part 52, Appendix O and design certifications pursuant to 10 CFR Part 52, Subpart B which are filed after the effective date of this rule. Although the Westinghouse AP-600 design certification was filed prior to the effective date of this rule, it has been reviewed to IEEE Std. 603-1991. In addition, the final rule mandates the use of IEEE Std. 603-1991 (including the correction sheet dated January 30, 1995) for all applications for a construction permit, operating license or combined license filed on or after the effective date of the rule that do not reference a certified design. Any application for a construction permit, operating license or combined license that references a certified design is required to comply