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Dated: October 8, 2008.

James A. Spangenberg,
Chairman, Government Accountability
Contract Appeals Board.

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OFFICE OF PERSONNEL MANAGEMENT

5 CFR Parts 315 and 316

RIN 3206-AL29

Disabled Veterans Documentation

AGENCY: U.S. Office of Personnel
Management.

ACTION: Final rule.

SUMMARY: The U.S. Office of Personnel Management (OPM) is issuing final regulations regarding documentation required for appointments of disabled veterans. The purpose of this change is to provide consistency with the policy implemented by the Department of Veterans Affairs.

DATES: *Effective Date:* November 13, 2008.

FOR FURTHER INFORMATION CONTACT:
Darlene Phelps at (202) 606-0960, by
FAX on (202) 606-2329, TDD at (202)
418-3134, or by e-mail at
Darlene.Phelps@opm.gov.

SUPPLEMENTARY INFORMATION: On August 20, 2007, OPM proposed regulations at 72 FR 46410 regarding documentation required for noncompetitive temporary and term appointments, and conversion of 30 percent or more disabled veterans from nonpermanent appointments. The Department of Veterans Affairs (VA) considers any VA disability letter issued for purposes of establishing veterans' preference in employment proof of a permanent record of disability, unless the letter specifically states otherwise. We proposed to modify sections 315.707(a)(2)(ii) and (iii), 316.302(b)(4), and 316.402(b)(4) of title 5, Code of Federal Regulations. In addition, in section 315.707(a)(2)(ii) and (iii), we are adding a reference to disability determinations from a branch of the Armed Forces, as these entities may also certify the existence of 30 percent or more disability. These modifications will clarify that a 30 percent or more disabled veteran who has proof of disability from the VA or a branch of the

Armed Forces dated 1991 or later is eligible for a noncompetitive temporary or term appointment. The employee may be noncompetitively converted to a permanent appointment in the competitive service at any time during such an appointment. Lastly, we are adding the word "so" in section 315.707(a)(2)(iii) to clarify that "rated" refers to a service-connected disability rating of 30 percent or more. We inadvertently omitted this clarification in the proposed regulation.

Comments

Comments on the proposed rule were requested by October 19, 2007. OPM received one comment from a private citizen who noticed a typographical error in sections 316.302(b)(4) and 316.402(b)(4). We have corrected this error by changing "of" to "or" the third time it appears in each of those paragraphs.

E.O. 12866, Regulatory Review

This rule has been reviewed by the Office of Management and Budget in accordance with Executive Order 12866.

Regulatory Flexibility Act

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

Paperwork Reduction Act

The information collection requirements contained in this final rule are currently approved by OMB under 3206-0001. This final regulation does not modify this approved collection.

List of Subjects in 5 CFR Parts 315 and 316

Government employees.

U.S. Office of Personnel Management.

Michael W. Hager,
Acting Director.

■ Accordingly, OPM is amending 5 CFR parts 315 and 316 as follows:

PART 315—CAREER AND CAREER CONDITIONAL EMPLOYMENT

■ 1. The authority citation for part 315 continues to read as follows:

Authority: 5 U.S.C. 1302, 3301, and 3302; E.O. 10577, 3 CFR, 1954-1958 Comp. p. 218, unless otherwise noted; and E.O. 13162. Secs. 315.601 and 315.609 also issued under 22 U.S.C. 3651 and 3652. Secs. 315.602 and 315.604 also issued under 5 U.S.C. 1104. Sec. 315.603 also issued under 5 U.S.C. 8151. Section 315.605 also issued under E.O. 12034, 3 CFR, 1978 Comp. p. 111. Section 315.606 also issued under E.O. 11219, 3 CFR, 1964-1965 Comp. p. 303. Sec 315.607 also issued under 22 U.S.C. 2506. Sec. 315.608

also issued under E.O. 12721, 3 CFR, 1990 Comp. p. 293. Sec. 315.610 also issued under 5 U.S.C. 3304(d). Sec. 315.611 also issued under Section 511, Pub. L. 106-117, 113 Stat. 1575-76. Sec. 315.708 also issued under E.O. 13318. Sec. 315.710 also issued under E.O. 12596, 3 CFR, 1987 Comp. p. 229. Subpart I also issued under 5 U.S.C. 3321, E.O. 12107, 3 CFR, 1978 Comp. p. 264.

Subpart G—Conversion to Career or Career-Conditional Employment From Other Types of Employment

■ 2. In 315.707, revise paragraphs (a)(2)(ii) and (iii) to read as follows:

§ 315.707 Disabled veterans.

(a) * * *

(2) * * *

(ii) Have been rated by the Department of Veterans Affairs since 1991 or later, or by a branch of the Armed Forces at any time, as having a compensable service-connected disability of 30 percent or more; or

(iii) Have been so rated by the Department of Veterans Affairs, or by a branch of the Armed Forces, at the time of a qualifying temporary appointment effected within the year immediately preceding, or a term appointment effected within four years immediately preceding, the conversion.

* * * * *

PART 316—TEMPORARY AND TERM EMPLOYMENT

■ 3. The authority citation for part 316 continues to read as follows:

Authority: 5 U.S.C. 3301, 3302; E.O. 10577, 3 CFR, 1954-1958 Comp., p. 218.

Subpart C—Term Employment

■ 4. In 316.302, revise paragraph (b)(4) to read as follows:

§ 316.302 Selection of term employees.

* * * * *

(b) * * *

(4) Appointment under 5 U.S.C. 3112 (veterans with compensable service-connected disability of 30 percent or more). The disability must be documented by a notice of retirement or discharge due to service-connected disability from active military service dated at any time, or by a notice of compensable disability rating from the Department of Veterans Affairs, dated 1991 or later;

* * * * *

Subpart D—Temporary Limited Employment

■ 5. In 316.402, revise paragraph (b)(4) to read as follows:

§ 316.402 Procedures for making temporary appointments.

* * * * *

(b) * * *

(4) Appointment under 5 U.S.C. 3112 (veterans with compensable service-connected disability of 30 percent of more). The disability must be documented by a notice of retirement or discharge due to service-connected disability from active military service dated at any time, or by a notice of compensable disability rating from the Department of Veterans Affairs, dated 1991 or later;

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NUCLEAR REGULATORY COMMISSION

10 CFR Part 50

[NRC-2008-0237]

Policy Statement on the Regulation of Advanced Reactors

AGENCY: Nuclear Regulatory Commission.

ACTION: Final policy statement.

SUMMARY: On May 9, 2008 (73 FR 26349), the Nuclear Regulatory Commission (NRC; Commission) issued, for public comment, a draft policy statement on the regulation of advanced reactors. This final policy statement reinforces the Commission's current policy regarding advanced reactors and includes new items to be considered during the design of these reactors, including security, emergency preparedness, threat of theft, and international safeguards.

DATE: The effective date is November 13, 2008.

FOR FURTHER INFORMATION CONTACT: Mr. Wesley W. Held, Rulemaking, Guidance, and Advanced Reactor Branch, Division of New Reactor Licensing, Office of New Reactors, U.S. Nuclear Regulatory Commission, *Mail Stop:* T-6 C34, Washington, DC 20555-0001; *Telephone:* (301) 415-1583; *fax number:* (301) 415-5399; *e-mail:* Wesley.Held@nrc.gov.

SUPPLEMENTARY INFORMATION:

I. Background

- II. Summary of Public Comments and Responses to Comments
 - A. General Comments
 - B. Attributes To Be Considered During Design
 - C. Security of Advanced Reactors
 - D. Relationship to General Design Criteria (GDC)
 - E. Other Comments
- III. Final Policy Statement

I. Background

On July 8, 1986 (51 FR 24643), the Commission published a policy statement on the regulation of advanced reactors. The Commission had the following three primary objectives in issuing the advanced reactor policy statement (ARPS):

- To maintain the earliest possible interaction of applicants, vendors, and government agencies with the NRC.
- To provide all interested parties, including the public, with the Commission's views concerning the desired characteristics of advanced reactor designs.
- To express the Commission's intent to issue timely comment on the implications of such designs for safety and the regulatory process.

On July 12, 1994 (59 FR 35461), the Commission revised the 1986 ARPS by addressing the Commission's policy on metrication (57 FR 46202; October 7, 1992; as revised June 19, 1996 (61 FR 31169)).

Since the events of September 11, 2001, the NRC has assessed potential threats and their possible impacts on the Nation's fleet of operating nuclear power reactors and has required upgrades of physical security measures and mitigative strategies through the issuance of a series of security orders and license conditions. For new nuclear power reactors, the Commission considers it prudent to provide expectations and guidance on security matters to prospective applicants so that they can use this information early in the design stage of new reactors to identify potential mitigative measures and/or design features that provide a more robust and effective security posture. Therefore, the Commission decided to revise the ARPS to integrate these expectations for security and emergency preparedness with the current expectations for safety.

The Commission's expectation for advanced reactor designers to consider the effects of a large, commercial

airplane impact is currently being addressed through rulemaking (Consideration of Aircraft Impacts for New Nuclear Power Reactor Designs—RIN AI19—Docket ID NRC-2007-0009). The Commission believes that reactors designed with potential aircraft impact considerations resulting from this rule would be more robust than if they were designed in the absence of this rule.

The proposed policy statement, "Policy Statement on the Regulation of Advanced Reactors," was published in the **Federal Register** on May 9, 2008 (73 FR 26349). The public comment period expired on July 8, 2008. This final policy statement reflects the pertinent comments received on the published draft policy statement.

II. Summary of Public Comments and Responses to Comments

Eight organizations and individuals submitted written comments on the draft policy statement. The commenters represented a variety of interests addressing a wide range of issues, and included individuals; reactor vendors; and citizen, environmental, and industry groups. Most commenters agreed with the general principle of the policy statement, but no commenter supported the policy statement exactly as proposed. Several commenters wanted changes made to the list of design attributes to be considered. Others suggested linking the design attributes to the general design criteria (GDC). Another commented on the security of nuclear power plants, and one commenter described a thorium reactor design.

Comments on this proposed rule are available electronically at <http://www.regulations.gov>. From this page, the public can find all the comments received by inputting NRC-2008-0237 into the search field. Comments are also available electronically at the NRC's Electronic Reading Room at <http://www.nrc.gov/reading-rm/adams.html>. From this page, the public can gain access to the Agencywide Documents Access and Management System (ADAMS), which provides text and image files of NRC's public documents. The public can search for comments using the ADAMS accession numbers listed in the table below, which includes the commenters' names and affiliations.

Letter No.	ADAMS accession No.	Commenter affiliation	Commenter name	Abbreviation
1	ML081420201	Private citizen	Paul Sund	Sund
2	ML081420208	University of California—Berkeley	Per Peterson	UCB
3	ML081770159	Toshiba	Koichiro Oshima	Toshiba
4	ML081900560	Thorium ElectroNuclear AB	Elling Disen	TEN AB