

Federal Register

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Wednesday, February 9, 1983

Presidential Documents

Title 3—

Proclamation 5018

The President

Year of the Bible, 1983

Correction

The file line for Proclamation 5018, appearing at page 5528 in the **Federal Register** issue of Monday, February 7, 1983, was incorrect. The correct file line is [FR Doc. 83-3381 Filed 2-4-83; 10:10 am].

Billing code 1505-01-M

Rules and Regulations

Federal Register

Vol. 48, No. 23

Wednesday, February 9, 1983

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510. The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 29

Tobacco Publications; Establishment of Fees and Charges

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: The Agricultural Marketing Service (AMS), issued a notice of proposed rulemaking on November 17, 1982, to amend the interim final rule originally published on June 16, 1982, which established the collection of fees for the distribution upon request of copies of tobacco publications to the general public. The Department proposed to require all media, whether trade publication or general news media, to pay for mailed publications thereby eliminating the exemption for news media presently contained in the interim final rule. The Department also proposed to add the publications "Annual Report of Tobacco Statistics" and "Tobacco Stocks" to the list of available tobacco publications and to amend the interim final rule to provide for only one annual application period instead of two. These proposals were made in order to streamline the collection process and to bring the regulations covering user fees on tobacco publications in line with regulations covering user fees for publications on other agricultural commodities. The period for public comment having passed with no responses filed, the Agricultural Marketing Service now issues a final rule adopting the interim final rule and proposed amendments.

EFFECTIVE DATE: February 9, 1983.

FOR FURTHER INFORMATION CONTACT: Larry L. Crabtree, Assistant Chief, Marketing Programs Branch, Tobacco Division, Agricultural Marketing Service, United States Department of Agriculture, Washington, D.C. 20250; (202) 447-3489.

SUPPLEMENTARY INFORMATION: Notice was given (47 FR 25933, June 16, 1982) that the Department was implementing, effective July 1, 1982, as an interim final rule, regulations providing for the collection of fees for the printing and mailing of tobacco publications distributed by the Department under the Tobacco Inspection Act of 1935 (7 U.S.C. 511-511(q)) and the Agriculture and Food Act of 1981 (7 U.S.C. 2242a). Such fees and charges were set at a level which would cover as nearly as practicable the costs of printing, postage, and handling of tobacco publications requested by the general public except growers, news media, and certain government agencies who cooperated in the collection of data. The Department then issued a proposal to amend the interim final rule to require all news media, whether trade publications or general news media, to pay for tobacco publications delivered by mail. The Department also proposed to include the statistical publications "Annual Report of Tobacco Statistics" and "Tobacco Stocks" in the list of publications covered by user fees and reduce the application periods from two to one. This proposal was published November 17, 1982 at 47 FR 51762-51764. No comments were received to the proposed rule and the Department is amending the regulations to incorporate the interim final rule and the proposed rulemaking.

The Tobacco Inspection Act authorizes the Secretary to collect and distribute tobacco market data "without cost to growers." Since passage of the Act in 1935, the Department has distributed tobacco publications through the mail, without cost to anyone requesting them. The Agriculture and Food Act of 1981, establishes authority for the Department to promulgate regulations to establish and collect fees and charges to cover the Department's cost for the printing, handling, and mailing of tobacco publications reporting economic research and statistical data.

The Department's decision to collect fees for tobacco publications is

consistent with both the Department's goal of reducing its cost of distributing publications and the Congressional policies which placed the tobacco inspection program under user fees. A limited distribution list will be established with other bureaus within USDA for copies of publications under the principle of data exchange to complement the various responsibilities of those organizations.

In the interim final rule, the Department provided that no fee would be charged for the distribution of tobacco publications to wire services, newspapers, news magazines, and broadcast news outlets. The interim final rule did provide for fees for the large number of trade journals and trade association publications aimed at organizational memberships for the reason that the Department had determined that it would not be appropriate to provide publications free of charge to these numerous organizations which service limited audiences. However, based upon written comments received from trade associations and trade publications covering a wide variety of agricultural commodities, the Department acknowledged that many publications in direct competition with each other for subscribers cannot be easily categorized as news media or trade publications. Therefore, it was proposed that the interim final rule be amended to eliminate the exemption for the news media. The Department will, however, continue to provide current information by wire service and automatic telephone answering devices.

The Annual Report on Tobacco Statistics and the Quarterly Tobacco Stocks publications were not included in the interim final rule because their status as to user fees had not been determined at that time. The Department later made a determination that a fee should also be charged for these publications and, therefore, proposed to amend the interim final rule to include them.

The interim final rule divided the publications between two application periods. Based on comments received from applicants and experience gained from processing the initial applications, the Department proposed a single application period and price list as more efficient, less costly, and to reduce confusion.

Fees for the publications will vary according to the number of pages, frequency of issues, number of subscribers, cost of equipment, personnel, and other factors affecting printing and distribution. With the expected fluctuating costs of printing, handling, and postage, it has been determined that it would be inappropriate for the fees to be specified in the regulations where any changes would require time consuming and expensive rulemaking procedures. Therefore, the fees will be computed and announced annually by the Director of the Tobacco Division. Any modification in the fees will simply reflect changing costs incurred by USDA for the duplication, handling, and distribution of the two additional publications. Based on estimates of current costs and activity level, fees during the initial subscription period for surface mail, for the United States, Canada, and Mexico are as follows:

- (1) Annual Report of Tobacco Statistics—first copy \$2.00, with additional copies \$1.00 each.
- (2) Tobacco Stocks Report, published quarterly—annual rate \$4.00 with additional copies \$0.50 (50¢) each.
- (3) Flue-cured type 11—\$8.00—consisting of weekly and season issues.
- (4) Flue-cured type 12—\$8.00—consisting of weekly and season issues.
- (5) Flue-cured type 11 and 12—\$14.00—combined mailing of these types.
- (6) Flue-cured type 13—\$8.00—consisting of weekly and season issues.
- (7) Flue-cured type 14—\$6.00—consisting of weekly and season issues.
- (8) Flue-cured type 11-14—\$25.00—consisting of weekly and season issues for each type.
- (9) Annual Flue-cured Market Review—first copy \$2.00, with additional copies \$1.00 each.
- (10) Virginia fire-cured type 21—\$6.00—consisting of weekly and season issues.
- (11) Virginia sun-cured type 37—\$4.00—consisting of weekly and season issues.
- (12) Virginia fire and sun-cured types 21 and 37—\$8.00—combined mailing of these types.
- (13) Kentucky-Tennessee fire-cured types 22 and 23—\$6.00—consisting of weekly and season issues.
- (14) One-Sucker—type 35—\$4.00—consisting of weekly and season issues.
- (15) Green River—type 36—\$4.00—consisting of weekly and season issues.
- (16) Kentucky-Tennessee fire-cured, One-sucker and Green River dark air-cured types 22, 23, 35, and 36—\$10.00—combined mailing of these types.

(17) Annual Fire and Dark air-cured Market Review—first copy \$2.00, with additional copies \$1.00 each.

(18) Burley type 31—\$10.00—consisting of weekly and season issues.

(19) Annual Burley Tobacco Market Review—first copy \$2.00, with additional copies \$1.00 each.

An additional fee of \$2.00 will be charged for requests for surface mailing of the two additional publications outside of the United States, Canada, or Mexico. Charges for air mail service outside of the United States, Canada, and Mexico will vary depending on the type of service requested.

Also, special requests for file copies, large volumes of issues, or requests which require special handling, will be assessed fees sufficient to cover the actual cost of the requested service.

Subscription fees will be prorated for requests arriving after the end of the application period, but will be subject to an additional fee to cover the Department's handling costs.

The authority for these regulations is contained in the Tobacco Inspection Act (49 Stat. 7 U.S.C. 511-511(q)) and the Agriculture and Food Act of 1981 (Pub. L. 97-98).

This final rule has been reviewed under USDA procedures established to implement Executive Order 12291 and the Secretary's Memorandum 1512-1 and has been determined to be a "non-major" rule because it does not meet any of the criteria established for major rules under the executive order. Additionally, in conformance with the provisions of the Regulatory Flexibility Act, Pub. L. 96-354 (5 U.S.C. 601) full consideration has been given to the potential economic impact upon small businesses. All tobacco warehousemen and producers and some tobacco buyers fall within the confines of "small business" as defined in the Regulatory Flexibility Act. A substantial number of buyers on auction markets who use the publications do not meet the definition of small businesses either because of their individual size or because of their dominant position in one or more marketing areas. The Department had informally advised all segments of the tobacco industry of the anticipated implementation of charges for publications and that these publications and information would remain available. It has been determined that the economic impact upon all entities, small and large, will not be adverse and will in no way affect normal competition in the market place.

List of Subjects in 7 CFR Part 29

Tobacco publications, Subscription fees, Tobacco.

PART 29—[AMENDED]

Accordingly, the Department adopts the aforesaid proposals to the Interim Final Rule and amends 7 CFR Part 29 by revising § 29.131 to read as follows:

§ 29.131 Tobacco publications.

The regulations in this section are issued to implement a subscription fee system for publications issued by the Tobacco Division, Agricultural Marketing Service. All other means of dissemination of market data currently in use, such as commercial and public wire service, telephone answering devices, radio and television will continue without charge to the recipient. Publications under the Act and this section shall be distributed in whatever manner and form and for whatever purpose the Director may choose, and will be available for distribution as follows:

(a) Publications consisting of timely information on the market supply and demand, location, disposition, quality, condition, and market prices for tobacco shall be available on an annual subscription through the mail upon written application and payment of a fee, except that no fee will be charged to other government agencies who cooperate in the collection of market data for the respective publication and growers. There shall be an annual application period during the months of February, March, and April.

(b) Subscription fees for publications shall be calculated by the Director annually to recover costs of printing (including machinery, paper, ink, and miscellaneous supplies) postage, and handling (including the accounting system, fee collection, and personnel with necessary supervision), and released prior to the application period. In order to keep subscription fees to a minimum level, the Director may choose to combine the data of two or more types of tobacco into a single publication.

(c) Requests involving research of records, file copies, large volumes of issues, or requests which require additional handling, shall be assessed fees sufficient to cover the actual cost of the requested service to the Department.

(d) Subscription fees will be prorated for requests arriving after the end of the application period, but may be subject to an additional handling charge to cover additional costs incurred by the Department.

(e) Information concerning tobacco publications and subscription fees may be obtained from the Director, Tobacco Division, Agricultural Marketing

Service, Room 502, Annex Building,
United States Department of
Agriculture, Washington, D.C. 20250.

Dated: February 2, 1983.

C. W. McMillan,

Assistant Secretary, Marketing and
Inspection Services.

[FR Doc. 83-3229 Filed 2-8-83; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Part 208

Aliens and Nationality; Asylum Procedures

AGENCY: Immigration and Naturalization
Service, Justice.

ACTION: Final rule.

SUMMARY: This final rule amends the Service's interim regulations relating to jurisdiction over applications for asylum which were published in conjunction with other interim and related regulations in the *Federal Register* on June 2, 1980 and effective June 1, 1980. After considering public comments and after evaluating Service experience with implementation of asylum procedures during the interim period, the Service is publishing this final rule which further implements the provisions of the Refugee Act of 1980.

EFFECTIVE DATE: February 8, 1983.

FOR FURTHER INFORMATION CONTACT:

For General Information: Stanley J. Kieszkiel, Acting Instructions Officer, Immigration and Naturalization Service, 425 Eye Street, NW., Washington, D.C. 20536, Telephone: (202) 633-3048

For Specific Information: John L. Rebsamen, Director, Refugee and Parole Staff, Immigration and Naturalization Service, 425 Eye Street, NW., Washington, D.C. 20536, Telephone: (202) 633-2361

SUPPLEMENTARY INFORMATION:

General

On June 2, 1980, at 45 FR 37393, the Service published interim regulations, effective June 1, 1980, to implement Title II of the Refugee Act of 1980, Pub. L. 96-212, 94 Stat. 102. The Act establishes a permanent and systematic procedure for meeting the humanitarian needs of refugees seeking asylum in the United States.

Section Analysis

The following section analysis is based upon the public comments

received during 60 day comment period following publication of the interim regulations on June 2, 1980, and on the Service's experience during this period.

Part 208—Asylum Procedures

A number of commenters suggested that all applications for asylum, whether filed before or after the institution of exclusion or expulsion proceedings, should be decided by the district director. Proceedings before the district directors were viewed as less adversarial in nature and were providing the applicants with a freer atmosphere within which to present their claims. It was pointed out that many applicants have fled from countries where the judicial process is suspect and feared by them and, they would not feel free to present their claims with the same candor that they could in a proceeding before a district director.

The comments have been carefully considered. While we consider the commenters' concerns to be understandable, we do not believe that in practice an application for asylum is given less consideration by an immigration judge than by a district director. In practice, it is not any more difficult for an applicant to properly present and support an asylum application during the course of exclusion or deportation proceedings than it is during the course of an interview before a district director.

This position is wholly consistent with recent decisions of the Board of Immigration Appeals. See, *Matter of Dea*, I.D. 2912 (BIA 1982); *Matter of Matelot*, A26 007 558 (Nov. 1, 1982). In addition, the final rule clarifies the intent of the statute and the purpose of the interim rule. Once an order to show cause or a notice of referral to exclusion proceedings is issued, sole authority to consider the individual's asylum application will lie with the immigration judge. An application pending with the district director at that point must be resubmitted to the immigration judge.

This final rule is not a major rule within the definition of subsection 1(b) of E.O. 12291. The order makes technical revisions to interim regulations which have been in effect since June 1, 1980.

In accordance with 5 U.S.C. 605(b), the Commissioner of Immigration and Naturalization Service certifies that promulgation of this final rule will not have a significant economic impact on a substantial number of small entities because the rule is substantially a technical revision of existing interim regulations and does not add an additional burden upon the public.

List of Subjects in 8 CFR Part 208

Administrative practice and procedure, Aliens, Asylum, Immigration, Jurisdiction.

Accordingly, Chapter I of Title 8 of the Code of Federal Regulations is amended as follows:

PART 208—ASYLUM PROCEDURES

1. Section 208.1 is revised to read as follows:

§ 208.1 Jurisdiction.

(a) Jurisdiction over any application for asylum made by an applicant for admission at a port of entry lies with the district director having jurisdiction over that port of entry. Initial jurisdiction over any application for asylum made by an alien in the United States lies with the district director having jurisdiction over the application's place of residence.

(b) Exclusive jurisdiction over an asylum application filed but an alien who has been served a notice of referral to exclusion proceedings under § 236.3 of this chapter, or served an order to show cause under § 242.1 of this chapter, lies with the immigration judge. Except upon the motion of the district director, an immigration judge shall not remand an application or terminate a proceeding on the ground that the district director has failed to adjudicate an asylum application filed, or allegedly filed, prior to the issuance of the order to show cause or the notice to appear for exclusion proceedings. Any previously filed but unadjudicated asylum application must be resubmitted by the alien to the immigration judge.

2. In § 208.3, paragraph (a)(2) is revised to read as follows:

§ 208.3 Filing Application.

(a) * * *

(1) * * *

(2) Is in the United States, regardless of status, and has not been served either with a notice to applicant for admission detained for hearing before an immigration judge or with an order to show cause.

(Secs. 101, 103, 208 of the Immigration and Nationality Act, as amended; (8 U.S.C. 1101, 1103, 1158; 5 U.S.C. 552))

Dated: January 20, 1983.

Andrew J. Carmichael, Jr.,

Associate Commissioner for Examinations,
Immigration and Naturalization Service.

[FR Doc. 83-3393 Filed 2-8-83; 8:45 am]

BILLING CODE 4410-10-M

NUCLEAR REGULATORY COMMISSION

10 CFR Parts 50 and 70

Regional Licensing Reviews

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The NRC is amending its regulations to require licensees to submit reports of plan changes which do not decrease safeguards effectiveness to NRC regional offices. This action is being taken as part of the implementation of the NRC regional licensing program under which responsibility for certain categories of action has been delegated to Regional Administrators. The amendments are necessary to inform current or prospective licensees of current NRC practice and organization.

EFFECTIVE DATE: February 9, 1983.

FOR FURTHER INFORMATION CONTACT: Martin Levy, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC, Telephone: (301) 427-4024.

SUPPLEMENTARY INFORMATION: The Nuclear Regulatory Commission is amending its regulations concerning the reviews of reactor security and contingency plan changes, transportation physical protection plan changes, and special nuclear material facility security, contingency and material control and accounting program changes where the plan or program changes do not decrease effectiveness. These amendments are being made to reflect current NRC practices and assigned responsibilities under the NRC regional licensing program. The revised provisions, 10 CFR 50.54(p), and 70.32 (c), (d), (e), and (g), specify that notification as to changes to certain security and contingency plans and material control and accounting programs in Regions I and II be sent to the cognizant regional office commencing February 9, 1983. As of October 1, 1983, notification as to changes in certain security and contingency plans and material control and accounting programs in all regions will be sent to the cognizant regional offices. With respect to the specific actions delegated to the Regional Administrators, the revisions to the regulations are intended to state exactly which functions are now assigned to the Regional Administrators as their total responsibility under the Commission's regionalization program and when these responsibilities will become effective.

The basic delegation of authority for the Regional Administrators is contained in NRC Manual Chapter 0128. The general delegation requires supplementation, however, as specific functions are transferred to the Regional Offices. The amendments contained herein meet the requirement for such supplementation.

The changes to 10 CFR 50.54(p) and 70.32 (c), (d), (e), and (g) are nonsubstantive amendments. They simply change the entity to which certain notices are sent and the dates that the change becomes effective.

Since the amendments relate to minor matters of agency organization and procedure, notice of proposed rulemaking and public procedure thereon are unnecessary under 5 U.S.C. 553. For the same reason good cause exists for making the amendments effective upon publication in the *Federal Register* without the customary thirty day notice.

Paperwork Reduction Act Statement

The information collection requirements contained in this regulation have been approved under OMB clearance numbers 3150-0011, 3150-0009.

List of Subjects

10 CFR Part 50

Antitrust, Classified information, Fire prevention, Intergovernmental relations, Nuclear power plants and reactors, Penalty, Radiation protection, Reactor siting criteria, Reporting and recordkeeping requirements.

10 CFR Part 70

Hazardous materials—Transportation, Nuclear materials, Packaging and containers, Penalty, Radiation protection, Reporting and recordkeeping requirements, Scientific equipment, Security measures, Special nuclear material.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and 5 U.S.C. 552 and 553, the following amendments to 10 CFR Parts 50 and 70, are published as a document subject to codification.

The authority for this document is sec. 161, Pub. L. 83-703, 68 Stat. 948, as amended, (42 U.S.C. 2201).

PART 50—DOMESTIC LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

1. Section 50.54(p) is revised to read as follows:

§ 50.54 Conditions of licenses.

Whether stated therein or not, the following shall be deemed conditions in every license issued:

(p) The licensee shall prepare and maintain safeguards contingency plan procedures in accordance with Appendix C of 10 CFR Part 73 for effecting the actions and decisions contained in the Responsibility Matrix of the safeguards contingency plan. The licensee may make no change which would decrease the effectiveness of a security plan prepared pursuant to § 50.34(c) or Part 73 of this chapter, or of the first four categories of information (Background, Generic Planning Base, Licensee Planning Base, Responsibility Matrix) contained in a licensee safeguards contingency plan prepared pursuant to § 50.34(d) or Part 73, as applicable, without prior approval of the Commission. A licensee desiring to make such a change shall submit an application for an amendment to his license pursuant to § 50.90. The licensee may make changes to the security plan or to the safeguards contingency plan without prior Commission approval if the changes do not decrease the safeguards effectiveness of the plan. The licensee shall maintain records of changes to the plans made without prior Commission approval for a period of two years from the date of the change, and shall furnish to the Director of Nuclear Material Safety and Safeguards (for enrichment and reprocessing facilities) or to the Director of Nuclear Reactor Regulation (for nuclear reactors), U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, with a copy to the appropriate NRC Regional Office specified in Appendix A of Part 73 of this chapter, a report containing a description of each change within two months after the change is made. Commencing on February 9, 1983, licensees in Regions I and II, and commencing on October 1, 1983 licensees in all regions shall furnish the report required by this paragraph to the Regional Administrator of the appropriate NRC Regional Office specified in Appendix A of Part 73 of this chapter, with a copy to the Director of Nuclear Material Safety and Safeguards (for enrichment and reprocessing facilities) or to the Director of Nuclear Reactor Regulation (for nuclear reactors). Prior to the safeguards contingency plan being put into effect, the licensee shall have:

(1) All safeguards capabilities specified in the safeguards contingency plan available and functional,

(2) Detailed procedures developed according to Appendix C to Part 73 available at the licensee's site, and

(3) All appropriate personnel trained to respond to safeguards incidents as outlined in the plan and specified in the detailed procedures.

The licensee shall provide for the development, revision, implementation, and maintenance of his safeguards contingency plan. To this end, the licensee shall provide for a review at least every 12 months of the safeguards contingency plan by individuals independent of both security program management and personnel who have direct responsibility for implementation of the security program. The review shall include a review and audit of safeguards contingency procedures and practices, an audit of the security system testing and maintenance program, and a test of the safeguards system along with commitments established for responses by local law enforcement authorities. The results of the review and audit, along with recommendations for improvements, shall be documented, reported to the licensee's corporate and plant management, and kept available at the plant for inspection for a period of two years.

PART 70—DOMESTIC LICENSING OF SPECIAL NUCLEAR MATERIAL

2. In § 70.32, paragraphs (c), (d), (e) and (g) are revised to read as follows:

§ 70.32 Conditions of Licenses.

(c)(1) Each license authorizing the possession at any one time and location of special nuclear material in a quantity exceeding one effective kilogram of special nuclear material and the use of such special nuclear material except those uses involved in the operation of a nuclear reactor licensed pursuant to Part 50 of this chapter and those involved in a waste disposal operation and in sealed sources, shall contain and be subject to a condition requiring the licensee to maintain and follow (i) the program for control and accounting for special nuclear material and fundamental material controls described pursuant to § 70.22(b) or 70.58, (ii) the measurement control program for special nuclear materials control and accounting described pursuant to § 70.57(c), and (iii) such other material control procedures as the Commission determines to be essential for the safeguarding of special nuclear material and providing that the licensee shall make no change which would decrease the effectiveness of the material control

and accounting program prepared pursuant to § 70.22(b), 70.58 or 70.51(g), and the measurement control program prepared pursuant to § 70.57(c) without the prior approval of the Commission. A licensee desiring to make such changes shall submit an application for amendment to his license pursuant to § 70.34.

(2) The licensee shall maintain records of changes to the material control and accounting program made without prior Commission approval, for a period of five years from the date of the change, and shall furnish to the Director of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, with a copy to the appropriate NRC Regional Office shown in Appendix A of Part 73 of this chapter, a report containing a description of each change within:

(i) Two months of the change if it pertains to uranium-233, uranium-235 contained in uranium enriched 20 percent or more in the uranium-235 isotope, or plutonium, except plutonium containing 80 percent or more by weight of the isotope Pu-238, and (ii) Six months of the change if it pertains to uranium enriched less than 20 percent in the uranium-235 isotope, or plutonium containing 80 percent or more by weight of the isotope Pu-238.

(3) Commencing February 9, 1983, licensees in Regions I and II, and commencing on October 1, 1983 licensees in all regions shall furnish the report required by this paragraph to the Regional Administrator of the appropriate NRC Regional Office specified in Appendix A of Part 73 of this chapter, with a copy to the Director of Nuclear Material Safety and Safeguards.

(d) The licensee shall make no change which would decrease the effectiveness of the plan for physical protection of special nuclear material in transit prepared pursuant to § 80.22(g) or § 73.20(c) of this chapter without the prior approval of the Commission. A licensee desiring to make such changes shall submit an application for a change in the technical specifications incorporated in his license, if any, or for an amendment to his license pursuant to § 50.90 or 70.34 of this chapter, as appropriate. The licensee may make changes to the plan for physical protection of special nuclear material without prior Commission approval if these changes do not decrease the effectiveness of the plan. A report containing a description of each change shall be furnished the Director of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission,

Washington, D.C. 20555, with a copy to the appropriate NRC Regional Office shown in Appendix A of Part 73 of this chapter within two months after the change. Commencing on February 9, 1983, licensees in Regions I and II, and commencing on October 1, 1983 licensees in all regions shall furnish the report required by this paragraph to the Regional Administrator of the appropriate NRC Regional Office specified in Appendix A of Part 73 of this chapter, with a copy to the Director of Nuclear Material Safety and Safeguards.

(e) The licensee shall make no change which would decrease the effectiveness of a security plan prepared pursuant to § 70.22(h) or 73.20(c) without the prior approval of the Commission. A licensee desiring to make such a change shall submit an application for an amendment to his license pursuant to § 70.34. The licensee shall maintain records of changes to the plan made without prior Commission approval, for a period of two years from the date of the change, and shall furnish to the Director of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, with a copy to Regional Office shown in Appendix A of Part 73 of this chapter, a report containing a description of each change within two months after the change is made. Commencing February 9, 1983 licensees in Regions I and II, and commencing on October 1, 1983 licensees in all regions shall furnish the report required by this paragraph to the Regional Administrator of the appropriate NRC Regional Office specified in Appendix A of Part 73 of this chapter, with a copy to the Director of Nuclear Material Safety and Safeguards.

(g) The licensee shall prepare and maintain safeguards contingency plan procedures in accordance with Appendix C of 10 CFR Part 73 for effecting the actions and decisions contained in the Responsibility Matrix of his safeguards contingency plan. The licensee shall make no change that would decrease the safeguards effectiveness of the first four categories of information (Background, Generic Planning Base, Licensee Planning Base, and Responsibility Matrix) contained in any licensee safeguards contingency plan prepared pursuant to § 70.22(g), 70.22(j), 70.30(g), or 73.40 of this chapter without the prior approval of the Commission. A licensee desiring to make such a change shall submit an application for an amendment to his license pursuant to § 70.34 of this

chapter. The licensee may make changes to the licensee safeguards contingency plan without prior Commission approval if the changes do not decrease the safeguards effectiveness of the plan. The licensee shall maintain records of changes to any such plan made without prior approval for a period of 2 years from the date of the change, and shall furnish to the Director of Nuclear Material Safety and Safeguard, U.S. Regulatory Commission, Washington, D.C. 20555, with a copy to the appropriate NRC Regional Office specified in Appendix A of Part 73 of this chapter, a report containing a description of each change within 2 months after the change is made. Commencing on February 9, 1983 licensees in Regions I and II, and commencing on October 1, 1983 licensees in all regions shall furnish the report required by this paragraph to the Regional Administrator of the appropriate NRC Regional Office specified in Appendix A of Part 73 of this chapter, with a copy to the Director of Nuclear Material Safety and Safeguards.

Dated at Bethesda, Md., this 20th day of January 1983.

For the Nuclear Regulatory Commission,
William J. Dircks,
Executive Director for Operations.

[FR Doc. 83-3326 Filed 2-6-83; 8:45 am]
BILLING CODE 7590-01-M

FEDERAL RESERVE SYSTEM

12 CFR Part 217

[Docket No. R-0454]

Interest on Deposits (Regulation Q); Temporary Suspension of Early Withdrawal Penalty

AGENCY: Federal Reserve System.

ACTION: Temporary suspension of the Regulation Q early withdrawal penalty.

SUMMARY: The Board of Governors, acting through its Secretary, pursuant to delegated authority, has suspended temporarily the Regulation Q penalty for the withdrawal of time deposits prior to maturity from member banks for depositors affected by the severe storms, tornadoes, and flooding in the designated areas of Missouri.

EFFECTIVE DATE: December 10, 1982.

FOR FURTHER INFORMATION CONTACT: Daniel L. Rhoads, Attorney (202/452-3711).

SUPPLEMENTARY INFORMATION: On December 10, 1982, pursuant to section 301 of the Disaster Relief Act of 1974 (42 U.S.C. 5141) and Executive Order 12148

of July 15, 1979, the President, acting through the Director of the Federal Emergency Management Agency, designated the Missouri counties of Bollinger, Cape Girardeau, Carter, Franklin, Iron, Jefferson, Lincoln, Perry, Phelps, Pulaski, Ripley, St. Charles, Ste. Genevieve, St. Louis, and Wayne major disaster areas. The declaration was subsequently amended on January 3, 1983, to add the city of Thayer. The Board regards the President's action as recognition by the Federal government that a disaster of major proportions had occurred. The President's designation enables victims of the disaster to qualify for special emergency financial assistance. The Board believes it appropriate to provide an additional measure of assistance to victims by temporarily suspending the Regulation Q early withdrawal penalty (12 CFR 217.4(d)). The Board's action permits a member bank, wherever located, to pay a time deposit before maturity without imposing this penalty upon a showing that the depositor has suffered property or other financial loss in the disaster areas as a result of the severe storms, tornadoes, and flooding beginning on or about December 1, 1982. A member bank should obtain from a depositor seeking to withdraw a time deposit pursuant to this action a signed statement describing fully the disaster-related loss. This statement should be approved and certified by an officer of the bank. This action will be retroactive to December 10, 1982, and will remain in effect until 12 midnight, June 15, 1983.

List of Subjects in 12 CFR Part 217

Advertising, Banks, banking, Federal Reserve System, Foreign banking.

In view of the urgent need to provide immediate assistance to relieve the financial hardship being suffered by persons in the disaster area directly affected by the severe storms, tornadoes, and flooding, good cause exists for dispensing with the notice and public participation provisions in section 553(b) of Title 5 of the United States Code with respect to this action. Because of the need to provide assistance as soon as possible and because the Board's action relieves a restriction, there is good cause to make this action effective immediately.

By order of the Board of Governors, acting through its Secretary, pursuant to delegated authority, February 2, 1983.

William W. Wiles,
Secretary of the Board.

[FR Doc. 83-3413 Filed 2-6-83; 8:45 am]
BILLING CODE 6210-01-M

SMALL BUSINESS ADMINISTRATION

13 CFR Part 115

[Rev. 1, Amdt 1]

Surety Bond Guarantee Regulations

AGENCY: Small Business Administration.

ACTION: Final rule.

SUMMARY: This final rule provides procedures to protect sureties and SBA in transactions with agents, brokers and other sureties when the conduct of such a person, as identified by the regulation demonstrates a lack of business integrity. The final rule extends existing regulation Sec. 115.13, which provides only for SBA adverse sanctions where a surety's operation under the SBA Surety Bond Guarantee program has demonstrated wrongdoing, improper practices or performance below standards established in that Section.

SBA's proposed rule was published on October 20, 1982, (47 CFR 46706), and provided for a 30 day comment period. The final rule is unchanged from the proposed rule.

EFFECTIVE DATE: February 9, 1983.

FOR FURTHER INFORMATION CONTACT: Howard F. Huegel, Chief, Surety Bond Guarantee Branch, Office of Special Guarantees, Small Business Administration, 4040 N. Fairfax Drive, Suite 500, Arlington, Va. 22203; (703) 235-2900.

SUPPLEMENTARY INFORMATION: SBA received only two comments. One of these was from a trade association and was supportive of the proposal. The other comment was from an interested individual. That commentator suggested that the coverage of the rule should not be limited to persons presenting applications for SBA guarantee of surety bonds but should include persons acting as "claims attorneys." SBA believes no further change is necessary. If an attorney is empowered to act on behalf of a surety, or its agent, the person will be subject to the rule.

For the purposes of Executive Order 12291, SBA hereby determines that this rule will not constitute a major rule. In addition, it hereby is certified pursuant to section 605 of the Regulatory Flexibility Act, 5 U.S.C. 605, that this rule will not have a significant economic impact on a substantial number of small entities. In this regard this rule will not affect any small business except where the small concern's request for surety bond assistance is made to a person determined through operation of the rule to be ineligible, because of a lack of good character, to present a surety's