

not cause significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

For this rulemaking action, the Office of Management and Budget has waived its review process required by Executive Order 12291.

In addition to air and ocean ports, the regulations list Canadian border ports, Mexican border ports, and a number of other ports where Veterinary Services maintains facilities for the importation of certain animals. The regulations also provide a mechanism for allowing the importation of horses or birds at ports with privately operated facilities.

It appears that the addition of the port of Los Angeles to the list of air and ocean ports will not have a significant impact on the importation of animals into the United States. It provides another alternative facility for importation of animals and will reduce costs of importation for certain importers. Prior to the interim rule, almost all of the animals imported into the United States at Los Angeles were horses imported at one privately operated facility. This addition of a VS facility at the port of Los Angeles impacts on this privately operated facility.

Under these circumstances, Mr. Bert W. Hawkins, Administrator of the Animal and Plant Health Inspection Service, has determined that this action will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 9 CFR Part 92

Animal diseases, Canada, Imports, Livestock and livestock products, Mexico, Poultry and poultry products, Quarantine, Transportation, Wildlife.

Accordingly, the interim rule which was published at 49 FR 11823-11824 on March 28, 1984, is adopted as a final rule.

Authority: Sec. 2, 32 Stat. 792, as amended; secs. 2, 4, and 11, 76 Stat. 129, 130, 132, (21 U.S.C. 111, 134a, 134c, and 134f); 7 CFR 2.17, 2.51, and 371.2(d).

Done at Washington, D.C., this 2nd day of July 1984.

K.R. Hook,
Acting Deputy Administrator, Veterinary Services.

[FR Doc. 84-18078 Filed 7-6-84; 8:45 am]
BILLING CODE 3410-34-M

NUCLEAR REGULATORY COMMISSION

10 CFR Parts 30, 33, 34, 35, and 40

Application Consolidation to NRC Form 313; Application for Material License

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The NRC is amending its regulations concerning the domestic licensing of source and byproduct material to provide for consolidation of five application forms into one simplified form for applications for material licenses. The consolidation simplifies the regional review process and provides an improved format for automatic data entry of information submitted.

EFFECTIVE DATE: July 9, 1984.

FOR FURTHER INFORMATION CONTACT:

Bernard Singer, Chief, Material Certification and Procedures Branch, Division of Fuel Cycle and Material Safety, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Telephone: 301-427-4236.

SUPPLEMENTARY INFORMATION: On May 27, 1982 (47 CFR 23138), the Nuclear Regulatory Commission (NRC) amended its rules on the domestic licensing of nuclear materials to begin

decentralization of its licensing program to the Regional Offices. As a part of this program, currently used NRC Forms 2 and 313 I, M, R, and T are being combined into a new NRC Form 313, "Application for Material License." This standardization of forms will foster the uniformity of the review process. Additionally, the applicant will not have to determine which of five forms is the correct one to use for its application.

There is no change in the information collection required for the submission of an application or issuance of an NRC license. There are, however, four added voluntary questions at the end of the form that request certain economic data. This change is for the convenience of the NRC. The new format will simplify the work of the reviewers by having information of the same type, i.e., "Radiation Protection" appear in the same location for all types of applications thereby saving the reviewer orientation time in reviewing different types of license applications. The continuing move toward automatic data entry of information from license applications dictated that a uniform format be developed to assist in this important function. The revised

provisions in §§ 30.32, 33.12, 34.3, 35.4 and 40.31 specify that applications for use of byproduct and source material may be submitted in duplicate on NRC Form 313, "Application for Material License." These amendments do not apply to Agreement States, but do apply to all licensees and applicants in non-Agreement States and the District of Columbia.

Because this is an amendment dealing with agency practice and procedure, the notice provisions of the Administrative Procedure Act do not apply pursuant to 5 U.S.C. 553(b)(A). The amendment is effective upon publication in the *Federal Register*, because good cause exists to dispense the usual 30 day delay in the effective date. The amendment is of a minor and technical administrative nature dealing solely with agency procedure. The rule simplifies the license application process and establishes uniformity in the NRC license review.

Paperwork Reduction Act Statement

This final rule amends information collection requirements that are subject to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.). These requirements were approved by the Office of Management and Budget under control number 3150-0120.

List of Subjects

10 CFR Part 30

Byproduct material, Government contracts, Intergovernmental relations, Isotopes, Nuclear materials, Penalty, Radiation protection, Reporting and recordkeeping requirements.

10 CFR Part 33

Byproduct material, Nuclear materials, Penalty, Radiation protection, Reporting and recordkeeping requirements.

10 CFR Part 34

Packaging and containers, Penalty, Radiation protection, Radiography, Reporting and recordkeeping requirements, Scientific equipment, Security measures.

10 CFR Part 35

Byproduct material, Drugs, Health facilities, Health professions, Incorporation by reference, Medical devices, Nuclear materials, Occupational safety and health, Penalty, Radiation protection, Reporting and recordkeeping requirements.

10 CFR Part 40

Government contracts, Hazardous materials—transportation, Nuclear

materials, Penalty, Reporting and recordkeeping requirements, Source material, Uranium.

Under the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and 5 U.S.C. 552, the following amendments to 10 CFR Parts 30, 33, 34, 35 and 40 are published as a document subject to codification.

The authority citation for this document is:

Authority: Sec. 161, Pub. L. 83-703, 68 Stat. 948, as amended (42 U.S.C. 2201); Sec. 201, Pub. L. 93-438, 88 Stat. 1242, as amended (42 U.S.C. 5841).

PART 30—RULES OF GENERAL APPLICABILITY TO DOMESTIC LICENSING OF BYPRODUCT MATERIAL

1. In § 30.32, paragraph (a) is revised to read as follows:

§ 30.32 Application for specific licenses.

(a) A person may file an application in duplicate on NRC Form 313, "Application for Material License," in accordance with the instructions in § 30.6 of this chapter. Information contained in previous applications, statements or reports filed with the Commission or the Atomic Energy Commission may be incorporated by reference, provided that the reference is clear and specific.

PART 33—SPECIFIC DOMESTIC LICENSES OF BROAD SCOPE FOR BYPRODUCT MATERIAL

2. Section 33.12 is revised to read as follows:

§ 33.12 Applications for specific licenses by broad scope.

A person may file an application for specific license of broad scope in duplicate on NRC Form 313, "Application for Material License," in accordance with the provisions of § 30.32 of this chapter.

PART 34—LICENSES FOR RADIOGRAPHY AND RADIATION SAFETY REQUIREMENTS FOR RADIOGRAPHIC OPERATIONS

3. Section 34.3 is revised to read as follows:

§ 34.3 Applications for specific licenses.

A person may file an application for specific license for use of sealed sources in radiography in duplicate on NRC Form 313, "Application for Material License," in accordance with the provisions of § 30.32 of this chapter.

PART 35—HUMAN USE OF BYPRODUCT MATERIAL

4. Section 35.4 is revised to read as follows:

§ 35.4 Application form for specific licenses.

A person may file an application for specific license for human use under §§ 35.11, 35.12, and 35.13 of this part in duplicate on NRC Form 313, "Application for Material License," in accordance with the provisions of § 30.32 of this chapter.

PART 40—DOMESTIC LICENSING OF SOURCE MATERIAL

5. In § 40.31, paragraph (a) is revised to read as follows:

§ 40.31 Applications for specific licenses.

(a) A person may file an application for specific license in duplicate on NRC Form 313, "Application for Material License," in accordance with the instructions in § 40.5 of this chapter. Information contained in previous applications, statements or reports filed with the Commission may be incorporated by reference provided that the reference is clear and specific.

Dated at Bethesda, Maryland this 21st day of June 1984.

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

[FR Doc. 84-18119 Filed 7-9-84; 8:45 am]

BILLING CODE 7590-01-M

SMALL BUSINESS ADMINISTRATION

13 CFR Part 121

Small Business Size Standards; Definition of Small Business

AGENCY: Small Business Administration.
ACTION: Interim emergency rule.

SUMMARY: SBA is immediately establishing, on an interim emergency basis, five new size standards—four at \$3.5 million average annual receipts and one at 1,500 employees. These are for business and secretarial schools, vocational schools, job training services, child care services, and telephone communication. This action is necessary because no published size standards presently exist for these industries and size standards are needed for purposes of affording financial and procurement assistance for otherwise eligible businesses.

DATES: Effective July 9, 1984. Comments on what should be the permanent size

standards for these industries should be submitted by September 7, 1984.

ADDRESS: All comments to: Andrew A. Canellas, Director, Size Standards Staff, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416.

FOR FURTHER INFORMATION CONTACT: Andrew A. Canellas, (202) 653-6373.

SUPPLEMENTARY INFORMATION: Pursuant to the Small Business Act, 15 U.S.C. 631, *et seq.*, and 13 CFR 121.10(b), in urgent situations, SBA may put into effect interim emergency size standards when needed for program purposes if no size standard exists for the industry in question. SBA believes there is an urgent need for the immediate establishment of the size standards set forth below in order to facilitate the operation and availability of our financial and procurement assistance programs. Otherwise eligible applicants for assistance would be denied the opportunity to apply for such assistance without the existence of a relevant size standard. These size standards therefore are made effective upon publication. The standards are hereby being established on an interim basis at \$3.5 million average annual receipts for four service industries and 1,500 employees for telephone communications. SBA's rationale supporting the establishment of each of these standards is set forth below. Public comments, however, are invited as to what size standard in each case should be permanently established. This procedure is being undertaken in conformity with Section 8 of Executive Order 12291 and section 608 (5 U.S.C. 608) of the Regulatory Flexibility Act, as well as section 553(b)(A) of the Administrative Procedure Act, 5 U.S.C. 553(b)(A). There are no recordkeeping or paperwork requirements inherent in this document. SBA will publish final size standards for each of these industries as soon after the expiration of the comment period on these interim emergency standards as possible.

List of Subjects in 13 CFR Part 121

Small business, Small business size standards.

Job Training and Vocational Rehabilitation Services, SIC-8331

Initial research indicates that in 1982 there were 1,807 firms in this industry with \$1.6 billion annual sales. Average sales and employment per firm were \$869,000 and 14 persons. The median size firm (half larger and half smaller) had about \$350,000 in sales and 25 employees.

The industry appears to be competitive and unconcentrated, which

is typical for the services sector. The 26 top firms each employed 500 or more persons yet, together, controlled only 12 percent of industry sales. For these reasons, the lowest general size standard for services, \$3.5 million average annual receipts, is established on an interim basis.

Vocational Schools, SIC-8249

The definition for this industry differs from the previous industry in that the job training industry is often concerned with disadvantaged, handicapped, or undereducated persons, usually in a government sponsored program. On the other hand, vocational schools include the more conventional trade schools, commercial art schools, practical nurse schools, and similar.

This industry had 2,332 firms in 1982 with \$1.7 billion in sales. Average sales and employment per firm were \$724,000 and 30 persons. The median size firm had about seven employees and \$182,000 in sales.

The industry appears to be competitive, unconcentrated, and with low average firm size; typical for services. The 16 largest firms each employed 500 or more persons and together accounted for 19 percent of total industry sales. Similar to the reasons stated in the previous industry, the size standard is established on an interim basis at \$3.5 million average annual receipts.

Business and Secretarial Schools, SIC-8244

This industry had 574 firms with \$386 million in 1982 sales. Average sales and employment were \$672,000 and 30 employees. The median size firm had about \$330,000 sales with 15 employees.

Typical of services, firm size is low and the industry is unconcentrated. The three largest firms each had between 500 and 1,000 employees and controlled only 4 percent of industry sales. These three firms each had average annual sales of \$6.4 million in 1982.

A size standard of \$3.5 million would include about 97 percent of all firms in this industry. A size standard of \$3.5 million average annual receipts is established on an interim basis.

Child Care Services, SIC-8351

This industry, which is growing rapidly, had 6,294 firms in 1982 with \$1.2 billion in annual sales. Average sales and employment per firm were \$191,000 and 16 employees. The median size firm had about \$60,000 in sales and eight employees.

Like most service industries, this one is competitive, unconcentrated, and has very low average firm size. The seven

largest firms together controlled only 5 percent of industry sales. The lowest general size standard for services, \$3.5 million, is established on an interim basis.

Telephone Communication (Wire or Radio), SIC-4811

While this industry was substantially restructured in 1983 as a result of the AT&T divestiture, giant firms continue to dominate it. Even though there were 1,457 firms in this industry in 1982, the four largest producers controlled at least 90 percent of total sales of \$82 billion. Average sales and employment per firm were \$56 million and 775 persons. SBA's maximum size standard of 1,500 employees would encompass about 98 percent of industry firms, but only about 1 percent of sales. Because of the concentrated nature of this industry and large average firm size, a size standard of 1,500 employees is established on an interim basis.

PART 121—[AMENDED]

Accordingly, pursuant to 15 U.S.C. 634(b)(6), SBA hereby amends § 121.2(c)(2) of Part 121 of 13 CFR by publishing on an interim emergency basis five new size standards:

§ 121.2 [Amended]

- (c) * * *
(2) * * *
* * * * *

Major Group 48—Communication		
4811	Telephone Communication (Wire or Radio)...	1,500
Major Group 82—Educational Services		
8244	Business and Secretarial Schools.....	\$3.5
8249	Vocational Schools.....	\$3.5
Major Group 83—Social Services		
8331	Job Training and Vocational Rehabilitation Services.....	\$3.5
8351	Child Care Services.....	\$3.5

* * * * *
Dated: June 29, 1984.

James C. Sanders,
Administrator.

[FR Doc. 84-18101 Filed 7-8-84; 8:45 am]
BILLING CODE 8025-01-M

13 CFR Part 121

Small Business Size Standards

AGENCY: Small Business Administration.
ACTION: Temporary emergency rule.

SUMMARY: SBA is temporarily amending § 121.5(b)(2) of its regulations by adding a new paragraph (v) that will delay the

implementation of the "nonmanufacturer" rule as it applies to Government procurement requirements from the Defense Fuel Supply Center for certain refined petroleum products, commonly referred to as the Posts, Camps and Stations program. This is being issued as a temporary rule because of the emergency relief necessary to alleviate the dislocations and hardship caused by the immediate application of the nonmanufacturer rule to 8(a) awards from the Defense Fuel Supply Center for such products and to provide a transition period to allow compliance with the nonmanufacturer rule or full competitive bidding on such awards at the end of the transition period.

DATES: This temporary emergency rule is effective June 29, 1984 and will remain effective through December 31, 1984.

ADDRESS: Comments should be addressed to: Charles L. Dean, Chief Counsel for Special Programs, Small Business Administration, 1441 L Street, NW., Washington, D.C. 20416, 202-653-6699.

FOR FURTHER INFORMATION CONTACT: Charlie L. Dean, (202) 653-6699.

SUPPLEMENTARY INFORMATION: SBA published a final rule February 9, 1984 (49 FR 5029), effective March 12, 1984, revising Part 121 of Title 13 of the Code of Federal Regulations. A new section of the revised rule, § 121.4(b)(2), requires for the purposes of the Minority Small Business and Capital Ownership Development Assistance (Section 8(a)) program that once a concern is admitted in the Section 8(a) program, the concern must certify to SBA that it is a small business for the purpose of performing each individual contract which it is awarded. SBA, in turn, will verify such certifications. This requirement did not exist prior to March 12, 1984.

This size requirement operates in conjunction with the "nonmanufacturer" rule (13 CFR 121.5(b)(2)). This rule requires that any concern which submits a bid or offer in its own name, on a contract other than a construction or service contract, and which proposes to furnish a product which it did not itself manufacture, is deemed a small business only when it furnishes the product of a small business manufacturer or producer, which end product is manufactured or produced in the United States. In its application to the Section 8(a) program, the rule is intended to promote the development of small businesses and limit brokering and other similar arrangements.

Virtually all of the Government's requirements for motor gasoline and