

(1) The number of individual consumer packages, the net weight of each consumer package, and the size description of the contents.

(ii) The name and address (including zip code) of the shipper.

(9) Each individual consumer package shall bear the name and address of the shipper and the net weight.

(b) As used herein, "standard pack" shall have the same meaning as set forth in U.S. Standards for Grades of Peaches (§§ 51.1210 to 51.1223) and all other terms shall have the same meaning as when used in the amended marketing agreement and order. "No. 12B standard fruit box" measures 2 3/8 to 7 1/2 x 11 1/2 x 16 1/2 inches, "No. 22D standard lug box" measures 2 3/8 to 7 1/2 x 13 1/2 x 16 1/2 inches. "No. 22E standard lug box" measures 8 3/4 x 13 1/2 x 16 1/2 inches. All dimensions are given in depth (inside dimensions) by width by length (outside dimensions).

4. Section 917.454 is amended by revising paragraphs (a) and (d) to read as follows:

§ 917.454 Plum Regulation 17.

(a) No handler shall ship any package or container of any variety of plums except in accordance with the following terms and conditions:

(1) Such plums, when shipped in closed in packages or containers, except master containers of consumer packages and individual consumer packages therein, shall conform to the requirements of standard pack:

(2) The diameters of the smallest and largest plums in any individual package or container shall not vary more than one-fourth (1/4) inch: *Provided*, That a total of not more than five (5) percent, by count, of the plums in any package or container may fail to meet this requirement.

(3) Each package or container of plums shall bear on one outside end, in plain sight and in plain letters, the name "plums" and except for consumer packages in master containers the name of variety if known or, when the variety is not known, the words "unknown variety".

(4) Each package or container of plums shall bear on one outside end, in plain sight and in plain letters, the size description of the contents which description shall conform to the following as applicable:

(i) The size of plums in four-basket crates shall be indicated in accordance with the arrangement of the plums in the top layer of the baskets, such as "4x4 size," "4x5 size," etc.

(ii) The size of plums loose-filled or tight-filled in standard lug boxes, cartons, or other packages or containers

shall be indicated in accordance with the equivalent size designation for such plums when packed in four-basket crates, such as "4x4 size," etc.

(iii) The size of plums packed in molded forms (tray-packs) in cartons or lugs and of wrapped plums packed in No. 12B fruit (peach) boxes shall be indicated in accordance with the number of plums in the container, such as "88 count," "108 count," etc.

(iv) The size of plums packed in molded forms (tray-packs) in No. 22G standard lug boxes shall be indicated according to the number of such plums when packed in molded forms in the No. 22D standard lug box in accordance with the requirements of standard pack, such as "80 size," "88 size," etc., along with count requirements in paragraph (a)(4)(iii) of this section.

(5) Each package or container of loose-filled or tight-filled plums other than bulk bin containers, master containers of consumer packages, and individual consumer packages in master containers shall bear on one outside end, in plain sight and in plain letters, the words "28 pounds net weight."

(6) Each bulk bin container of loose-filled plums shall contain not less than 400 pounds net weight, and bear on one outside panel, in plain sight and in plain letters, the following information:

(i) The name and address (including zip code) of the shipper.

(ii) The net weight.

(7) Each master container when filled with plums packed in consumer packages shall bear on one outside end in plain sight and in plain letters the following information:

(i) The number of individual consumer packages, the net weight of each consumer package, and the size description of the contents.

(ii) The name and address (including zip code) of the shipper.

(8) Each individual consumer package shall bear the name and address of the shipper and the net weight.

(b) * * *

(c) * * *

(d) When used herein "standard pack" and "diameter" shall have the same meanings as set forth in the U.S. Standards for Grades of Fresh Plums and Prunes (§§ 51.1520 to 51.1538) and all other terms shall have the same meaning as when used in the amended marketing agreement and order. "No. 12B standard fruit box" measures 2 3/8 to 7 1/2 x 11 1/2 x 16 1/2 inches, "No. 22D standard lug box" measures 2 3/8 to 7 1/2 x 13 1/2 x 16 1/2 inches and "No. 22G standard lug box" measures 7 3/8 to 7 1/2 x 13 1/4 x 15 3/4 inches. All dimensions are given in depth (inside dimensions) by width by length (outside dimensions).

Dated: September 24, 1985.

Thomas R. Clark,

Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 85-23183 Filed 9-26-85; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Part 238

Contracts With Transportation Lines; Addition of Five Star Airlines

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: This rule adds Five Star Airlines to the list of carriers which have entered into agreements with the Service to guarantee the passage through the United States in immediate and continuous transit of aliens destined to foreign countries.

EFFECTIVE DATE: September 18, 1985.

FOR FURTHER INFORMATION CONTACT:

Loretta J. Shogren, Director, Policy Directives and Instructions, Immigration and Naturalization Service, 425 I Street, NW., Washington, DC 20536, Telephone: (202) 633-3048.

SUPPLEMENTARY INFORMATION: The Commissioner of Immigration and Naturalization entered into an agreement with Five Star Airlines on September 18, 1985 to guarantee passage through the United States in immediate and continuous transit of aliens destined to foreign countries.

The agreement provides for the waiver of certain documentary requirements and facilitates the air travel of passengers on international flights while passing through the United States.

Compliance with 5 U.S.C. 553 as to notice of proposed rulemaking and delayed effective date is unnecessary because the amendment merely makes an editorial change to the listing of transportation lines.

In accordance with 5 U.S.C. 605(b), the Commissioner of Immigration and Naturalization certifies that the rule will not have a significant impact on a substantial number of small entities.

This order constitutes a notice to the public under 5 U.S.C. 552 and is not a rule within the definition of section 1(a) of E.O. 12291.

List of Subjects in 8 CFR Part 238

Airlines, Aliens, Government contracts, Travel, Travel restriction.

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

PART 238—CONTRACTS WITH TRANSPORTATION LINES

1. The authority citation for Part 238 continues to read as follows:

Authority: Secs. 103 and 238 of the Immigration and Nationality Act, as amended (8 U.S.C. 1103 and 1228).

§ 238.3 [Amended]

In § 238.3 Aliens in immediate and continuous transit, the listing of transportation lines in paragraph (b) *Signatory lines* is amended by: Adding in alphabetical sequence, Five Star Airlines.

Dated: September 20, 1985.

Marvin J. Gibson,
Acting Associate Commissioner,
Examinations, Immigration and
Naturalization Service.

[FR Doc. 85-23105 Filed 9-26-85; 8:45 am]

BILLING CODE 4410-10-M

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 78

[Docket No. 85-086]

Brucellosis in Cattle; State and Area Classifications

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Affirmation of interim rule.

SUMMARY: This document affirms the interim rule which amended the regulations governing the interstate movement of cattle because of brucellosis by including Medina County, Texas, in the portion of Texas designated as Class B rather than in the portion of the State designated as Class C. This rule is necessary because it has been determined that Medina County together with the previously designated Class B Area of Texas meets the standards for Class B. The effect of the rule is to relieve certain restrictions on the interstate movement of cattle from Medina County, Texas.

EFFECTIVE DATE: September 27, 1985.

FOR FURTHER INFORMATION CONTACT:
Dr. G.H. Frye, Cattle Diseases Staff, VS, APHIS, USDA, Room 814, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301-436-8711.

SUPPLEMENTARY INFORMATION: Background

A document published in the *Federal Register* on June 4, 1985 (50 FR 23393-23394), amended the brucellosis regulations in 9 CFR Part 78 by including Medina County, Texas, in the Area of Texas designated as Class B. Prior to the effective date of the interim rule, Medina County, Texas, was included in the Area of Texas designated as Class C. The amendment, which was made effective June 4, 1985, relieves certain restrictions on the interstate movement of cattle from Medina County, Texas.

Comments were solicited for 60 days after publication of the amendment. No comments were received. The factual situation which was set forth in the document of June 4, 1985, still provides a basis for the amendment.

Executive Order and Regulatory Flexibility Act

This rule is issued in conformance with Executive Order 12291 and has been determined to be not a major rule. Based on information compiled by the Department, it has been determined that this rule will not have a significant effect on the economy; will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and will not have any significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

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

Changing the status of a portion of the State of Texas reduces testing and other requirements on the interstate movement of certain cattle. Cattle moved interstate are moved for slaughter, for use as breeding stock, or for feeding. Testing requirements for cattle moved interstate for immediate slaughter, or to quarantined feedlots are not affected by the change in status. Also, cattle from Certified Brucellosis-Free Herds moving interstate are not affected by the change in status. It has been determined that the change in brucellosis status made by this rule will not affect marketing patterns and will not have a significant economic impact on those persons affected by this document.

Under these circumstances, the 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.

Executive Order 12372

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.025 and is subject to the provisions of Executive Order 12372 which requires intergovernmental consultation with State and local officials. (See 7 CFR 3015, Subpart V, 48 FR 29112, June 24, 1983; 49 FR 22675, May 31, 1984; 50 FR 14088, April 10, 1985).

List of Subjects in 9 CFR Part 78

Animal Diseases, Cattle, Hogs, Quarantine, Transportation, Brucellosis.

PART 78—BRUCELLOSIS

Accordingly, the interim rule amending 9 CFR Part 78 which was published at 50 FR 23393-23394 on June 4, 1985, is adopted as a final rule.

Authority: 21 U.S.C. 111-114a-1, 114g, 115, 117, 120, 121, 123-126, 134b, 134f; 7 CFR 2.17, 2.51, and 371.2(d).

Done at Washington, D.C., this 20th day of September 1985.

B.G. Johnson,
Acting Deputy Administrator, Veterinary Services.

[FR Doc. 85-23029 Filed 9-26-85; 8:45 am]

BILLING CODE 3410-34-M

NUCLEAR REGULATORY COMMISSION

10 CFR Part 11

Criteria and Procedures for Determining Eligibility for Access to or Control Over Special Nuclear Material

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Nuclear Regulatory Commission is amending the requirements for applications for initial special nuclear material "U" and "R" access authorizations and for the renewal of "U" access authorizations by allowing utilization of information on file with the Federal government on those individuals who possess current active clearances based upon equivalent investigations. The amendments will eliminate unnecessary duplication of administrative and investigative costs to licensees for affected individuals as well as reduce certain NRC administrative costs.

EFFECTIVE DATE: October 28, 1985.

FOR FURTHER INFORMATION CONTACT:
Dr. W.B. Brown, Office of Nuclear

Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone: (301) 427-4185.

SUPPLEMENTARY INFORMATION:

Background

On March 17, 1977 (42 FR 14880), the NRC published proposed amendments to its regulations which would establish an access authorization program for individuals who have unescorted access to or control over special nuclear material. Written comments were invited and received. On December 28, 1977 (42 FR 64703), the Commission issued a notice of public hearings on the proposed regulations and subsequently established a Hearing Board to gather additional testimony. A final rule, based upon recommendations of the Hearing Board regarding only fuel cycle facilities and transportation, was published in the *Federal Register* amending 10 CFR Parts 11, 50, and 70 on November 21, 1980 (45 FR 76968).

One of the reasons for undertaking the NRC access authorization program for individuals having access to or control over special nuclear material was to maintain comparability with a similar program of clearances at Department of Energy (DOE) facilities and at mixed DOE/NRC facilities. Subsequently, the population of individuals affected has become one in which DOE/NRC mixed facility employees are by far the dominant segment. Accordingly, the incentive to establish and maintain a comparable and independent NRC program has been replaced by an incentive to use as much of the existing Federal system as possible. The revisions to 10 CFR Part 11 accomplish this end.

Conversion of Clearances

Under the revised Part 11 requirements the NRC would accept an existing personnel access clearance from any Federal agency, including NRC, DOE or DOD, if the investigation upon which the clearance is based is equivalent to the investigation required for the special nuclear material access authorization. This avoids having to conduct an investigation on an individual for whom an adequate investigation already exists.

Acceptance of Non-NRC Application Forms

Acceptance of an application for access authorizations on other than NRC forms allows the NRC to use existing information on individuals with current Federal clearances. It also allows an individual applying for renewal of a DOE "Q" personnel

clearance to use some of the DOE documents in making application for the NRC "U" material access authorization. This reduces the administrative burden upon applicants.

Use of Department of Energy Reinvestigation Program

Application for renewal of an NRC "U" material access authorization may follow the schedule of the DOE Reinvestigation Program and utilize signed and dated copies of Part I of the DOE Personnel Security Questionnaire if an individual is subject to both DOE "Q" clearance and NRC "U" access authorization requirements.

Minor Administrative Changes

A number of administrative changes which are not related to reducing duplication are included in this rule revision. The schedule date for revision of fees has been changed from December to July; the fee for a full field investigation has been changed from \$1550.00 to \$1580.00 to reflect the current cost; and a new section has been added regarding withdrawal or cancellation of applications.

Omission of a Proposed Rule

These changes in the procedures in 10 CFR Part 11 were initiated in response to a request by a licensee for elimination of needless duplication between the NRC special nuclear material access authorization program and the Department of Energy personnel clearance program. The changes have been discussed in detail with all affected licensees. All agree that the changes are desirable. The changes do not alter the list of jobs identified in 10 CFR Part 11 as requiring material access authorization; therefore, individual applicants for access authorizations are either not affected or are benefited by the elimination of duplication. No other persons are affected by the changes. For these reasons good cause exists for omitting notice and public rulemaking as unnecessary. Accordingly, these changes in 10 CFR Part 11 are issued as a final rule effective in 30 days.

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)(1). Therefore, neither an environmental impact statement nor an environmental assessment has been prepared for this final rule.

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 approval number 3150-0062.

Regulatory Analysis

The Commission has prepared a regulatory analysis on this final regulation. The analysis examines the costs and benefits of the alternatives considered by the Commission. The analysis is available for inspection in the NRC Public Document Room, 1717 H Street NW., Washington, DC. Single copies of the analysis may be obtained from Dr. W.B. Brown, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone: (301) 427-4185.

List of Subjects in 10 CFR Part 11

Hazardous materials transportation, Nuclear materials, Reporting and recordkeeping requirements, Security measures, Special nuclear material.

PART 11—CRITERIA AND PROCEDURES FOR DETERMINING ELIGIBILITY FOR ACCESS TO OR CONTROL OVER SPECIAL NUCLEAR MATERIAL

For the reasons set out in the preamble and under the authority of the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and 5 U.S.C. 553, the NRC is adopting the following amendments to 10 CFR Part 11.

1. The authority citation for Part 11 is revised to read as follows:

Authority: Sec. 161, including 161i, 68 Stat. 948, as amended (42 U.S.C. 2201); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841). Section 11.15(e) also issued under sec. 501, 65 Stat. 290 (31 U.S.C. 9701).

2. In § 11.7, Paragraph (c) is revised to read as follows:

§ 11.7 Definitions.

(c) "NRC-'U' special nuclear material access authorization" means an administrative determination based upon a national agency check and a full-field background investigation, normally conducted by the Office of Personnel Management, that an individual in the course of employment is eligible to work at a job falling within the criteria of § 11.11(a)(1) or § 11.13.

3. In § 11.11, the introductory text of paragraph (a) and the entire text of paragraph (b) are revised to read as follows:

§ 11.11 General requirements.

(a) Each licensee who uses, processes, stores, transports, or delivers to a carrier for transport, formula quantities of special nuclear material (as defined in Part 73 of this chapter) subject to the physical protection requirements of §§ 73.20, 73.25, 73.26, 73.45, and 73.46, and each person subject to the general licensing requirements of § 70.20a, shall identify at its facility or plant (excluding all non-power reactor facilities and storage of fuel incident thereto and facilities and plants in which the licensee possesses or uses only irradiated special nuclear material subject to the exemption of § 73.6(b) of Part 73), describe, and if not already provided, provide to the Commission, by December 26, 1985 by amendment to its security plan:

(b) After 365 days following Commission approval of the amended security plan submitted in accordance with paragraph (a) of this section, no individual may be permitted to work at any job determined by the Commission to fall within the criterion of paragraph (a)(1) of this section without an NRC-U special nuclear material access authorization, and no individual may be permitted unescorted access to any protected area at any site subject to this Part without either an NRC-U or NRC-R special nuclear material access authorization. The exceptions to the requirement for an NRC-U and NRC-R special nuclear material access authorization are as follows:

(1) Exceptions to the requirement for an NRC-U special nuclear material access authorization for an individual to work at a job within the criteria of paragraph (a)(1) are provided for (i) any individual employed in such a job on October 28, 1985, who is not yet in receipt of an NRC-U special nuclear material access authorization from the Commission, provided that a complete application has been submitted to and is pending before the NRC for processing for that employee in accordance with § 11.15 (a) and (b); or (ii) any individual in possession of an NRC-L or R access authorization or an equivalent active Federal security clearance but not yet in receipt of the NRC-U special nuclear material access authorization, provided that a complete application has been submitted to and is pending before the NRC for processing for that employee in accordance with § 11.15 (a) or (b), or both.

(2) Exceptions to the requirement for an NRC-R special nuclear material access authorization for an individual to have unescorted access to a protected

area are provided for (i) any individual employed in such a job on October 28, 1985 who is not yet in receipt of an NRC-R special nuclear material access authorization from the Commission, provided that a complete application has been submitted to and is pending before the NRC for processing for that employee in accordance with § 11.15 (a) and (b); or (ii) any individual in possession of an NRC-L access authorization or an equivalent active Federal security clearance, provided that a complete application has been submitted to the NRC for processing for that employee in accordance with § 11.15 (a) or (b), or both.

§ 11.13 (Revised)

4. Section 11.13, is revised to read as follows:

§ 11.13 Special requirements for transportation.

(a) All individuals who, after 365 days following approval of the amended security plan submitted in accordance with § 11.11(a), transport, arrange for transport, drive motor vehicles in road shipments of special nuclear material, pilot aircraft in air shipments of special nuclear material, act as monitors at transfer points, or escort road, rail, sea, or air shipments of special nuclear material subject to the appropriate physical protection requirements of §§ 73.20, 73.25, 73.26, or 73.27 of this chapter, or who are authorized to alter the scheduling and routing of such transport shall have NRC-U special nuclear material access authorization. Exceptions are provided for (1) any individual who is employed in such a job on October 28, 1985 and who is not yet in receipt of an NRC-U special nuclear material access authorization from the Commission, provided that a complete application has been submitted to and is pending before the NRC for processing for that employee in accordance with § 11.15 (a) and (b) or (2) any individual in possession of an NRC-L or R access authorization or equivalent active Federal security clearance but not yet in receipt of the NRC-U special nuclear material access authorization, provided that a complete application has been submitted to and is pending before the NRC for processing for that employee in accordance with § 11.15 (a) or (b), or both.

(b) Licensees who, after 365 days following Commission approval of the amended security plan submitted in accordance with § 11.11(a), transport or deliver to a carrier for transport special nuclear material subject to the physical protection requirements of §§ 73.20, 73.25, 73.26, or 73.27 of this chapter shall

confirm and record prior to shipment the name and special nuclear material access authorization number of all individuals identified in paragraph (a) of this section assigned to the shipment. However, the licensee need not confirm and record the special nuclear material access authorization number in the case of any individual for whom an application has been submitted and is pending before the NRC in accordance with paragraph (a) of this section.

5. Section 11.15 is revised to read as follows:

§ 11.15 Application for special nuclear material access authorization.

(a)(1) Application for special nuclear material access authorization, renewal, or change in level shall be filed by the licensee on behalf of the applicant with the Director, Division of Security, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Applications for affected individuals employed on October 28, 1985, shall be submitted within 60 days of notification of Commission approval of the amended security plan.

(2) Licensees who wish to secure NRC-U or NRC-R special nuclear material access authorizations for individuals in possession of an active NRC Q or L access authorization or other security clearance granted by another Federal agency based on an equivalent investigation shall submit a "Security Acknowledgement" (NRC Form 176) and a "Request for Access Authorization" (NRC Form 237). NRC will process these requests by verifying the data on an NRC cleared individual, or by contacting the Federal agency which granted the clearance, requesting certification of the security clearance, and determining the investigative basis and level of the clearance. Licensees may directly request the Federal agency which administered the security clearance, if other than NRC, to certify to the NRC that it has on file an active security clearance for an individual and to specify the investigative basis and level of the clearance.

(b) Applications for special nuclear material access authorization for individuals, other than those qualifying under the provisions of § 11.15(a)(2), must be made on forms supplied by the Commission, including:

(1) Personnel Security Questionnaire (PSQ) (NRC Form 1, Parts I and II);

(2) National Agency Check-Data for Nonsensitive or Noncritical-Position (SF-85A) for R cases only (This form must be typed.);

(3) Two completed standard fingerprint cards (FD-258);

(4) Security Acknowledgement (NRC Form 176);

(5) Authority to Release Information (NRC Form 259);

(6) Related forms where specified in accompanying instructions (NRC-254); and

(7) A statement by the employer, prospective employer, or contractor identifying the job to be assigned to or assumed by the individual and the level of authorization needed, justified by appropriate reference to the licensee's security plan.

(c)(1) Except as provided in paragraph (c)(2) of this section, NRC-U and R special nuclear material access authorizations shall expire 5 years from the date of issuance. If continued NRC-U and R special nuclear material access authorization is required, an application for renewal must be submitted at least 120 days prior to its expiration date. Failure to make a timely application will result in expiration of special nuclear material access authorization. Special nuclear material access authorization for which a timely application for renewal has been made may be continued beyond the expiration date pending final action on the application. An application for renewal will include:

(i) A statement by the licensee that at the time of application for renewal the individual's assigned or assumed job requires an NRC-U special nuclear material access authorization, justified by appropriate reference to the licensee's security plan;

(ii) Personnel Security Questionnaire (NRC Form 1, Parts I and II);

(iii) National Agency Check-Data for Non-sensitive or Noncritical-sensitive position (SF-85A) (This form must be typed.);

(iv) Two completed standard fingerprint cards (FD Form 258);

(v) Authority to Release Information (NRC Form 259); and

(vi) Other related forms where specified in accompanying NRC instructions (NRC Form 254).

(2) An exception to the NRC-U special nuclear material access authorization expiration date and the time for submission of NRC-U special nuclear material access authorization renewal applications is provided for those individuals who have a current and active DOE-Q access authorization and who are subject to DOE Selective Reinvestigation Program requirements. For these individuals, the time for submission of NRC-U special nuclear material access authorization renewal applications may coincide with the time for submission to DOE of Part I of a DOE Personnel Security Questionnaire pursuant to DOE Selective

Reinvestigation Program requirements. The licensee may submit to NRC, concurrent with its submission to DOE, a copy of Part I of the individual's DOE Personnel Security Questionnaire which is dated and bears an original signature together with Part II of an NRC Personnel Security Questionnaire and the forms and information required by paragraphs (c)(1) (i), (iii), (iv), (v) and (vi) of this section, as the supporting documentation for an NRC-U special nuclear material access authorization renewal application. Any NRC-U special nuclear material access authorization issued in response to a renewal application submitted pursuant to this paragraph will not expire until the date set by DOE for the next reinvestigation of the individual pursuant to DOE's Selective Reinvestigation Program (generally every five years). At that time (and at the time of each subsequent reinvestigation of the individual), the licensee may again submit, concurrent with its submission to DOE, a copy of Part I of the individual's DOE Personnel Security Questionnaire which is dated and bears an original signature together with Part II of an NRC Personnel Security Questionnaire and the forms and information required by paragraphs (c)(1) (i), (iii), (iv), (v), and (vi) of this section as the supporting documentation for the renewal application. Failure to file such a renewal application concurrent with the time for submission of an individual's Part I of a DOE Personnel Security Questionnaire to DOE pursuant to DOE Selective Reinvestigation Program requirements will result in the expiration of the individual's NRC special nuclear material access authorization. NRC-U special nuclear material access authorizations for which timely applications for renewal have been made may be continued beyond the expiration date, pending final action on the application.

(3) Notwithstanding the above, in no instance shall the period of time for the initial and each subsequent NRC-U renewal application to NRC exceed 7 years. Any individual who is subject to the DOE Selective Reinvestigation Program requirements but, for administrative or other reasons, who does not submit reinvestigation forms to DOE within 7 years of the previous submission, shall submit a renewal application to NRC using the forms prescribed in paragraph (c)(1) above before the expiration of the 7 year period. Failure to request an NRC-U renewal for any individual within the 7 year period will result in termination of

the individual's NRC-U access authorization.

(d) If at any time, due to new assignment or assumption of duties, a change in special nuclear material access authorization level from NRC "R" to "U" is required, the individual shall apply for a change of level of special nuclear material access authorization. The application must include a description of the new duties to be assigned or assumed, justified by appropriate reference to the licensee's security plan.

(e)(1) Each application for special nuclear material access authorization, renewal or change in level must be accompanied by the licensee's remittance payable to the U.S. Nuclear Regulatory Commission according to the following schedule:

i. NRC-U requiring full field investigation.	\$1,580
ii. NRC-U based on certification of comparable full field background investigation.	¹ 0
iii. NRC-U or R renewal.	¹ 15
iv. NRC-R.	¹ 15
v. NRC-R based on certification of comparable investigation.	² 0

¹ If a full field investigation is deemed necessary, a subsequent fee of \$1580 will be assessed.

² If a National Agency Check investigation is deemed necessary, a subsequent fee of \$15.00 will be assessed; however, if a full field investigation is deemed necessary, a subsequent fee of \$1580 will be assessed.

(2) Material access authorization fees will be published in July of each year and will be applicable to each access authorization request received during the following calendar year. Applications from individuals having current Federal access authorizations may be processed expeditiously at no cost, since the Commission may accept the certification of access authorizations and investigative data from other Federal government agencies which grant personnel access authorization.

(f)(1) Any Federal employee, employee of a contractor of a Federal agency, licensee, or other person visiting an affected facility for the purpose of conducting official business, who possesses an active NRC or DOE-Q access authorization or an equivalent Federal security clearance granted by another Federal agency ("Top Secret") based on a comparable full field background investigation may be permitted in accordance with § 11.11 the same level of unescorted access that an NRC-U special nuclear material access authorization would afford. (2) Any Federal employee, employee of a contractor of a Federal agency, licensee, or other person visiting an affected

facility for the purpose of conducting official business, who possesses an active NRC or DOE-L access authorization or an equivalent security clearance granted by another Federal agency ("Secret") based on a background investigation or national agency check may be permitted in accordance with § 11.11 the same level of unescorted access that an NRC-R special nuclear material access authorization would afford.

6. A new § 11.16 is added to read as follows:

§ 11.16 Cancellation of request for special nuclear material access authorization.

When a request for an individual's access authorization is withdrawn or cancelled, the licensee shall immediately notify the Chief, Facilities and Personnel Security Branch, NRC Division of Security, by telephone, so that the full investigation or National Agency Check may be discontinued. The caller shall provide the full name and date of birth of the individual, the date of request, and the type of access authorization originally requested ("U" or "R"). The licensee shall promptly submit written confirmation of the telephone notification to the Facilities and Personnel Security Branch, NRC Division of Security. A portion of the fee for the "U" special nuclear material access authorization may be refunded depending upon the status of the full field investigation at the time of withdrawal or cancellation.

Dated at Bethesda, Maryland, this 13th day of September 1985.

For the Nuclear Regulatory Commission.
William J. Dircks,

Executive Director for Operations.

[FR Doc. 85-23166 Filed 9-26-85; 8:45 am]

BILLING CODE 7590-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

15 CFR Part 399

[Docket No. 50944-5144]

Exports to COCOM Countries

Correction

In FR Doc. 85-22650 beginning on page 38511 in the issue of Monday, September 23, 1985, make the following correction:

On page 38513, third column, paragraph 20., third line from the bottom, "(vi)" should read "(iv)".

BILLING CODE 1505-01-M

COMMODITY FUTURES TRADING COMMISSION

17 CFR Part 3

Review of National Futures Association Registration Proceedings

AGENCY: Commodity Futures Trading Commission.

ACTION: Final rules.

SUMMARY: The Commodity Futures Trading Commission ("Commission") has adopted rules pursuant to which the Commission, in accordance with the provisions of section 17(o)(2) of the Commodity Exchange Act ("Act"), 7 U.S.C. 21(o)(2) (1982), will review registration proceedings conducted by the National Futures Association ("NFA") to deny, condition, suspend, restrict or revoke registration. The Commission has authorized NFA to conduct such proceedings effective September 30, 1985.

EFFECTIVE DATE: September 30, 1985.

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SUPPLEMENTARY INFORMATION: On August 14, 1985, the Commission published in the *Federal Register* proposed rules pursuant to which the Commission, in accordance with the provisions of section 17(o)(2) of the Act, 7 U.S.C. 21(o)(2) (1982), will review registration proceedings conducted by NFA to deny, condition, suspend, restrict or revoke registration. 50 FR 32737. By order dated August 22, 1985, the Commission has authorized NFA to conduct such proceedings, effective September 30, 1985, with respect to futures commission merchants, introducing brokers, commodity pool operators, commodity trading advisors and their respective associated persons. 50 FR 34885.¹

The Commission received no comments on its proposed rules. After careful consideration of its own, the Commission has determined to adopt them essentially as proposed. However, the second sentence of proposed rule 3.84(a), relating to the contents of an applicant's or registrant's brief in support of a petition for review, has been revised for the sole purpose of clarity. As proposed, this sentence read:

¹ The rules in accordance with which NFA will conduct such proceedings are set forth as an appendix to the Commission's order. 50 FR at 34887.

The brief shall include a statement of the reasons why it is claimed that the order of the National Futures Association comports with the standards for disposition upon review set forth in § 3.87 of this subpart and the specific facts which support those reasons.

As revised, this sentence reads as follows:

The brief shall include a statement of the reasons why it is claimed that the order of the National Futures Association should not be affirmed in accordance with the provisions of § 3.87 of this subpart and the specific facts which support those reasons.

This provision now more closely parallels § 3.87(b), which provides that the order of NFA shall be affirmed unless the Commission makes one or more of the findings set forth in that paragraph.

The Regulatory Flexibility Act

The Commission has previously determined that neither futures commission merchants nor registered commodity pool operators should be considered small entities for purposes of the Regulatory Flexibility Act ("RFA"), 5 U.S.C. 601 *et seq.* Accordingly, the requirements of the RFA do not apply to those entities. With respect to the remaining entities, introducing brokers, commodity trading advisors and associated persons, the Commission noted when it proposed these rules that it believed they would not impose any additional burdens upon such parties, since all registrants are already subject to similar requirements under Part 3 of the Commission's regulations, and the proposed rules simply provide a procedure to petition for review of an order concerning the registration of such parties. Therefore, pursuant to section 3(a) of the RFA, 5 U.S.C. 605(b), the Chairman certifies that these regulations will not have a significant economic impact on a substantial number of small entities.

Effective Date

Section 4(c) of the Administrative Procedure Act, 5 U.S.C. 553(d), provides that rules promulgated by an agency generally may not be made effective less than thirty days after publication in the *Federal Register* except, *inter alia*, "for good cause." The Commission finds that good cause exists to make these rules effective September 30, 1985. As previously noted, the Commission has authorized NFA to conduct proceedings to deny, condition, suspend, restrict or revoke registration as of that date, and the Commission believes it is

² See 47 FR 18618 [April 30, 1982].