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DEPARTMENT OF AGRICULTURE

Farmers Home Administration

7 CFR Part 1944

Revision of Section 502 Rural Housing Loan Policies, Procedures, and Authorizations

AGENCY: Farmers Home Administration, USDA.

ACTION: Final rule.

SUMMARY: The Farmers Home Administration (FmHA) adopts its interim rule published April 2, 1986 (51 FR 11298). This action is being taken to add an exception authority to its regulation for the section 502 rural housing program. The amendment is necessary to authorize the Administrator of FmHA, in individual cases, to make an exception to any requirement in the regulation which is not inconsistent with the authorizing statute if the Administrator determines that application of the requirement would adversely affect the Government's interest or would endanger the immediate health and/or safety of applicants/borrowers or the community if there is no adverse effect on the Government's interest. The intended effect is to facilitate actions within current statutes which are not now authorized by the regulations but which are needed to protect the interests of the applicant/borrower, the community and the Government.

EFFECTIVE DATE: April 27, 1987.

FOR FURTHER INFORMATION CONTACT: Frank Colon, Chief, Homeownership Branch, Single Family Housing Processing Division, or Dale Alling, Loan Specialist, at Farmers Home Administration, USDA, Room 5334-S, South Agriculture Building, 14th and Independence Avenue SW, Washington, DC 20250, Telephone (202) 382-1474.

SUPPLEMENTARY INFORMATION: This action has been reviewed under USDA procedures established in Departmental Regulation 1512-1 which implements Executive Order 12291, and has been determined to be nonmajor because there is no substantial change from practices under existing rules that would have an annual effect on the economy of \$100 million or more. There is no major increase in cost or prices for consumers, individual industries, Federal, State, or local government agencies or geographical region or significant adverse effects on competition, employment, investment, productivity, innovation, or in the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Only one comment was received on the April 2, 1986, interim rule. The respondent indicated that the rule as written restricts the right to request an exception to the State Director and does not adequately protect the rights of applicants/borrowers. The respondent requested that the rule be changed to allow citizens to be able to initiate a request for an exception when (1) there is a clear need, (2) published regulations prohibit FmHA actions to meet that need, (3) the action requested is a practical response to the need, (4) the action and exception do not conflict with law or adversely affect the government's interest, and (5) the State Director refuses to make a request in their behalf or fails to initiate same within 30 days of their petition. We did not adopt the changes recommended. The intent of rule is to expand the authority of the FmHA Administrator within the underlying law, to further facilitate actions in providing housing assistance. The rights of applicants/borrowers are not hampered by their exclusion from the rule as originators of the request for exceptions as there are other means provided by the regulations for the protection of such rights and there are no restrictions on direct communication between applicants/borrowers and the Administrator. In fact, the exclusion only means that applicants/borrowers will not participate in the Agency's chain of in-house communications.

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.410. For the reasons set forth in the Final Rule related Notice to

7 CFR Part 3015, Subpart V, 48 FR 29115, June 24, 1983, this program/activity is excluded from the Scope of Executive Order 12372 which requires intergovernmental consultation with the State and local officials.

This document has been reviewed in accordance with 7 CFR Part 1940 Subpart G, "Environmental Program." It is the determination of FmHA that this action does not constitute a major Federal action significantly affecting the quality of human environment and in accordance with the National Environmental Policy Act of 1969, Pub. L. 91-190, an Environmental Impact Statement is not required.

List of Subjects in 7 CFR Part 1944

Home improvement, Loan program, Housing and community development, Low and moderate income housing, Rental, Mortgages, Rural housing, Subsidies.

Accordingly, the interim rule published in the Federal Register on April 2, 1986 (51 FR 11298) affecting Chapter XVIII, Title 7, CFR Part 1944 is adopted as a final rule.

Dated: January 12, 1987.

Vance L. Clark,
Administrator, Farmers Home
Administration.

[FR Doc. 87-6574 Filed 3-25-87; 8:45 am]

BILLING CODE 3410-07-M

NUCLEAR REGULATORY COMMISSION

10 CFR Parts 40, 70, 73, and 110

Implementation of the Convention on the Physical Protection of Nuclear Material

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule

SUMMARY: The Nuclear Regulatory Commission is amending its regulations to bring them into accord with the Provisions of the Convention on the Physical Protection of Nuclear Material. The amendments will result in strengthened protection of shipments of Convention-defined materials during international transport. The amendments will affect licensees and carriers who import, export, or transport international shipments of Convention-

defined materials in four specifically defined situations.

EFFECTIVE DATE: March 25, 1987.

FOR FURTHER INFORMATION CONTACT: William C. Floyd, Division of Safeguards and Transportation, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Telephone: 301-427-4033.

SUPPLEMENTARY INFORMATION:

Background

On March 3, 1980, the United States signed the Convention on the Physical Protection of Nuclear Material (the Convention) (Exec. H, Senate, 96th Cong., 2d Sess.). The Convention is the result of a U.S. proposal originally made by the Secretary of State in 1974. Its purpose is to provide for the establishment and maintenance of adequate physical security with respect to international shipment of significant quantities of source or special nuclear material. The Senate ratified the Convention on July 30, 1981 and the implementing legislation was enacted by the Congress and signed by the President on October 18, 1982 (Pub. L. 97-351, 96 Stat. 1663). The Convention entered into force on February 8, 1987, the thirtieth day following the date on which the twenty-first country formally ratified it. Accordingly, this final rule will be immediately effective on publication in the **Federal Register**.

A review of NRC regulations and procedures disclosed that they are in accord with the Convention except for four specific situations: (1) The physical protection of transient shipments of special nuclear material of moderate and low strategic significance and irradiated reactor fuel; (2) advance notification to the NRC regarding the export of Convention-defined nuclear materials; (3) advance notification and assurance of protection to NRC concerning transient shipments of Convention-defined nuclear material between countries that are not parties to the Convention; and (4) advance notification and assurance of protection to the NRC regarding the importation of Convention-defined nuclear materials from countries that are not parties to the Convention. Convention-defined material includes natural uranium (other than in the form of ore or ore residue) in a quantity exceeding 500 kilograms, plutonium, uranium-233, uranium enriched in uranium-235, and irradiated fuel. A transient shipment is one originating and terminating in foreign countries, that is transported on a vessel or aircraft which stops at a United States port.

On July 14, 1983, the NRC published a **Federal Register** notice (FRN) (43 FR

32182) inviting public comment on a proposed rule that would bring NRC regulations into accord with the Convention in the four situations cited above. The 90-day comment period ended on October 13, 1983.

Five letters of comment were received, each containing several comments and suggestions. A summary of the public comments along with their impact on the regulation was discussed in the March 28, 1985 FRN (50 FR 12221), notice of rulemaking for information only.

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 numbers 3150-0002, 3150-0009, and 3150-0020.

Regulatory Analysis

The Commission has prepared a regulatory analysis on this final regulation. The analysis examines the costs and benefits and environmental implications of the regulation. Interested persons may examine a copy of the regulatory analysis at the NRC Public Document Room, 1717 H Street NW., Washington, DC. Single copies of the analysis may be obtained from William C. Floyd, Division of Safeguards and Transportation, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone: 301-427-4033.

Finding of No Significant Environmental Impact: Availability

The Commission has determined under the National Environmental Policy Act of 1969, as amended, and the Commission's regulations in Subpart A of 10 CFR Part 51, that this rule is not a major Federal Action significantly affecting the quality of the human environment and therefore an environmental impact statement is not required. The rule would improve the physical protection of nuclear materials during international transport and would result in no negative environmental impacts. The environmental assessment and finding of no significant impact on which this determination is based are part of the Regulatory Analysis prepared in connection with this rulemaking.

Regulatory Flexibility Certification

As required by the Regulatory Flexibility Act (5 U.S.C. 605(b)), the Commission certifies that this rule does not have a significant economic impact on a substantial number of small

entities. The NRC reviewed data on import and export shipments made during the period between December 1, 1983 and February 29, 1984, and found that no small entities in the U.S. were among the importers or exporters. Additionally, public comments did not indicate significant economic impact on a large number of small entities. (One letter of comment is from a company identifying itself as a small entity. The objective of the letter, however, is judged to be to present constructive comment for improving the proposed rule rather than to demonstrate that, because of its size, the company is likely to bear a disproportionate adverse economic impact.) The data reviewed shows no transient shipments of spent fuel or formula quantities of strategic special nuclear material; such shipments are very rare. Currently, there are no reporting requirements for transient shipments of natural uranium or special nuclear material of low or moderate significance. Such shipments, if they are regularly made, are not expected to affect a substantial number of small entities.

List of Subjects

10 CFR Part 40

Government contracts, Hazardous materials—transportation, Nuclear materials, Penalty, Reporting and recordkeeping requirements, Source material, Uranium.

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.

10 CFR Part 73

Hazardous materials—transportation, Nuclear materials, Nuclear power plants and reactors, Penalty, Reporting and recordkeeping requirements, Security measures.

10 CFR Part 110

Administrative practice and procedure, Classified information, Export, Import, Intergovernmental relations, Nuclear materials, Nuclear power plants and reactors, Penalty, Reporting and recordkeeping requirements, Scientific equipment.

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

making effective and republishing the following amendments to Parts 40, 70, 73, and 110 except item 16 which is a revision of Appendix F and item 18, as they appeared on March 28, 1985 at (50 FR 12221).

PART 40—DOMESTIC LICENSING OF SOURCE MATERIAL

1. The authority citation for Part 40 is revised to read as follows:

Authority: Secs. 62, 63, 64, 65, 81, 161, 182, 183, 186, 68 Stat. 932, 933, 935, 948, 953, 954, 955, as amended, secs. 11e(2), 83, 84, Pub. L. 95-604, 92 Stat. 3033, as amended, 3039, sec. 234, 83 Stat. 444, as amended (42 U.S.C. 2014(e)(2), 2092, 2093, 2094, 2095, 2111, 2113, 2114, 2201, 2232, 2233, 2236, 2282); sec. 274, Pub. L. 86-373, 73 Stat. 688 (42 U.S.C. 2021); secs. 201, as amended, 202, 206, 88 Stat. 1242, as amended, 1244, 1246 (42 U.S.C. 5841, 5842, 5846); sec. 275, 92 Stat. 3021, as amended by Pub. L. 97-415, 96 Stat. 2067 (42 U.S.C. 2022).

Section 40.7 also issued under Pub. L. 95-601, sec. 10, 92 Stat. 2951 (42 U.S.C. 5851). Section 40.31(g) also issued under sec. 122, 68 Stat. 939 (42 U.S.C. 2152). Section 40.46 also issued under sec. 184, 68 Stat. 954, as amended (42 U.S.C. 2234). Section 40.71 also issued under sec. 187, 68 Stat. 955 (42 U.S.C. 2237).

For the purposes of sec. 223, 68 Stat. 958, as amended (42 U.S.C. 2273), §§ 40.3, 40.25(d)(1)-(3), 40.35(a)-(d), 40.41(b) and (c), 40.46, 40.51(a) and (c), and 40.63 are issued under sec. 161b, 68 Stat. 948, as amended (42 U.S.C. 2201(b)); and §§ 40.5, 40.25(c), (d)(3), and (4), 40.26(c)(2), 40.35(e), 40.42, 40.61, 40.62, 40.64, and 40.65 are issued under sec. 161o, 68 Stat. 950, as amended (42 U.S.C. 2201(o)).

2. In § 40.1, paragraph (a) is revised to read as follows:

§ 40.1 Purpose.

(a) The regulations in this part establish procedures and criteria for the issuance of licenses to receive title to, receive, possess, use, transfer, or deliver source and byproduct materials, as defined in this part, and establish and provide for the terms and conditions upon which the Commission will issue such licenses. The regulations in this part also establish certain requirements for the physical protection of import, export, and transient shipments of natural uranium. (Additional requirements applicable to the import and export of natural uranium are set forth in Part 110 of this chapter.) The regulations in this part do not establish procedures and criteria for the issuance of licenses for materials covered under Title I of the Uranium Mill Tailings Radiation Control Act of 1978 (92 Stat. 3021).

3. In § 40.4, a new (r) is added to read as follows:

§ 40.4 Definitions.

(r) "Transient shipment" means a shipment of nuclear material, originating and terminating in foreign countries, on a vessel or aircraft that stops at a United States port.

4. Section 40.12 is revised to read as follows:

§ 40.12 Carriers.

(a) Except as specified in paragraph (b) of this section, common and contract carriers, freight forwarders, warehousemen, and the U.S. Postal Service are exempt from the regulations in this part and the requirements for a license set forth in section 62 of the Act to the extent that they transport or store source material in the regular course of the carriage for another or storage incident thereto.

(b) The exemption in paragraph (a) of this section does not apply to a person who possesses a transient shipment (as defined in § 40.4(r)), an import shipment, or an export shipment of natural uranium in an amount exceeding 500 kilograms, unless the shipment is in the form of ore or ore residue.

5. A new § 40.23 is added to read as follows:

§ 40.23 General license for carriers of transient shipments of natural uranium other than in the form of ore or ore residue.

(a) A general license is hereby issued to any person to possess a transient shipment of natural uranium, other than in the form of ore or ore residue, in amounts exceeding 500 kilograms.

(b)(1) Persons generally licensed under paragraph (a) of this section, who plan to carry a transient shipment with scheduled stops at a United States port, shall notify the Division of Safeguards and Transportation, U.S. Nuclear Regulatory Commission, Washington, DC 20555. The notification must be in writing and must be received at least 10 days before transport of the shipment commences at the shipping facility.

(2) The notification must include the following information:

(i) Location of all scheduled stops in United States territory;

(ii) Arrival and departure times for all scheduled stops in United States territory;

(iii) The type of transport vehicle;

(iv) A physical description of the shipment;

(v) The numbers and types of containers;

(vi) The name and telephone number of the carrier's representatives at each stopover location in the United States territory;

(vii) A listing of the modes of shipments, transfer points, and routes to be used;

(viii) The estimated date and time that shipment will commence and that each nation (other than the United States) along the route is scheduled to be entered;

(ix) For shipment between countries that are not party to the Convention on the Physical Protection of Nuclear Material (i.e., not listed in Appendix F to Part 73 of this chapter), a certification that arrangements have been made to notify the Division of Safeguards and Transportation when the shipment is received at the destination facility.

(c) Persons generally licensed under this section making unscheduled stops at United States ports, immediately after the decision to make an unscheduled stop, shall provide to the Division of Safeguards and Transportation the information required under paragraph (b) of this section.

(d) A licensee who needs to amend a notification may do so by telephoning the Division of Safeguards and Transportation at 301-427-4033.

6. A new § 40.66 is added to read as follows:

§ 40.66 Requirements for advance notice of export shipments of natural uranium.

(a) Each licensee authorized to export natural uranium, other than in the form of ore or ore residue, in amounts exceeding 500 kilograms, shall notify the Division of Safeguards and Transportation, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

The notification must be in writing and must be received at least 10 days before transport of the shipment commences at the shipping facility.

(b) The notification must include the following information:

(1) The name(s), address(es), and telephone number(s) of the shipper, receiver, and carrier(s);

(2) A physical description of the shipment;

(3) A listing of the mode(s) of shipment, transfer points, and routes to be used;

(4) The estimated date and time that shipment will commence and that each nation (other than the United States) along the route is scheduled to be entered; and

(5) A certification that arrangements have been made to notify the Division of Safeguards and Transportation when the shipment is received at the receiving facility.

(c) A licensee who needs to amend a notification may do so by telephoning

the Division of Safeguards and Transportation at 301-427-4033.

7. A new § 40.67 is added to read as follows:

§ 40.67 Requirement for advance notice for importation of natural uranium from countries that are not party to the Convention on the Physical Protection of Nuclear Material.

(a) Each licensee authorized to import natural uranium, other than in the form of ore or ore residue, in amounts exceeding 500 kilograms, from countries not party to the Convention on the Physical Protection of Nuclear Material (see Appendix F of Part 73 of this chapter) shall notify the Division of Safeguards and Transportation, U.S. Nuclear Regulatory Commission, Washington, DC 20555. The notification must be in writing and must be received at least 10 days before transport of the shipment commences at the shipping facility.

(b) The notification must include the following information:

- (1) The name(s), address(es), and telephone number(s) of the shipper, receiver, and carrier(s);
- (2) A physical description of the shipment;
- (3) A listing of the mode(s) of shipment, transfer points, and routes to be used;
- (4) The estimated date and time that shipment will commence and that each nation along the route is scheduled to be entered.

(c) The licensee shall notify the Division of Safeguards and Transportation by telephone at 301-427-4033 when the shipment is received at the receiving facility.

(d) A licensee who needs to amend a notification may do so by telephoning the Division of Safeguards and Transportation at 301-427-4033.

PART 70—DOMESTIC LICENSING OF SPECIAL NUCLEAR MATERIAL

8. The authority citation for Part 70 is revised to read as follows:

Authority: Secs. 51, 53, 161, 182, 183, 68 Stat. 929, 930, 948, 953, 954, as amended, sec. 234, 83 Stat. 444, as amended (42 U.S.C. 2071, 2073, 2201, 2232, 2233, 2282); secs. 201, as amended, 202, 204, 206, 88 Stat. 1242, as amended, 1244, 1245, 1246 (42 U.S.C. 5841, 5842, 5845, 5846).

Section 70.7 also issued under Pub. L. 95-601, sec. 10, 92 Stat. 2951 (42 U.S.C. 5851). Section 70.21(g) also issued under sec. 122, 68 Stat. 939 (42 U.S.C. 2152). Section 70.31 also issued under sec. 57d, Pub. L. 93-377, 88 Stat. 475 (42 U.S.C. 2077). Sections 70.36 and 70.44 also issued under sec. 184, 68 Stat. 954, as amended (42 U.S.C. 2234). Section 70.61 also issued under secs. 186, 187, 68 Stat. 955 (42 U.S.C. 2236, 2237). Section 70.62 also issued

under sec. 108, 68 Stat. 939, as amended (42 U.S.C. 2138).

For the purposes of sec. 223, 68 Stat. 958, as amended (42 U.S.C. 2273); §§ 70.3, 70.19(c), 70.21(c), 70.22 (a), (b), (d)-(k), 70.24 (a) and (b), 70.32 (a) (3), (5), (6), (d) and (i), 70.36, 70.39 (b) and (c), 70.41(a), 70.42 (a) and (c), 70.56, 70.57 (b), (c), and (d), 70.58 (a)-(g)(3), and (h)-(j) are issued under sec. 161b, 68 Stat. 948, as amended (42 U.S.C. 2201(b)); §§ 70.7, 70.20a (a) and (d), 70.20b (c) and (e), 70.21(c), 70.24(b), 70.32 (a)(6), (c), (d), (e) and (g), 70.36, 70.51(c)-(g), 70.56, 70.57 (b) and (d) and 70.58 (a)-(g)(3) and (h)-(j) are issued under sec. 161i, 68 Stat. 949, as amended (42 U.S.C. 2201(i)); and §§ 70.5, 70.20b (d) and (e), 70.38, 70.51 (b) and (i), 70.52, 70.53, 70.54, 70.55, 70.58 (g)(4), (k), and (l), 70.59, and 70.60 (b) and (c) are issued under sec. 161o, 68 Stat. 950, as amended (42 U.S.C. 2201(o)).

9. Section 70.20b is revised to read as follows:

§ 70.20b General license for carriers of transient shipments of formula quantities of strategic special nuclear material, special nuclear material of moderate strategic significance, special nuclear material of low strategic significance, and irradiated reactor fuel.

(a) A general license is hereby issued to any person to possess transient shipments of the following kinds and quantities of special nuclear material:

(1) A formula quantity of special nuclear material of the types and quantities subject to the requirements of §§ 73.20, 73.25, 73.26, and 73.27 of this chapter.

(2) Special nuclear material of moderate and low strategic significance of the types and quantities subject to the requirements of § 73.67 of this chapter.

(3) Irradiated reactor fuel of the type and quantity subject to the requirements of § 73.37 of this chapter.

(b) Persons generally licensed under this section are exempt from the requirements of Parts 19 and 20 of this chapter and the requirements of this part, except §§ 70.32 (a) and (b), 70.52, 70.55, 70.61, 70.62, and 70.71.

(c) Persons generally licensed under this section to possess a transient shipment of special nuclear material of the kind and quantity specified in paragraph (a)(1) of this section shall provide physical protection for that shipment in accordance with or equivalent to §§ 73.20(a), 73.20(b), 73.25, and 73.71(b) of this chapter from the time a shipment enters a United States port until it exits that or another United States port.

(d) Persons generally licensed under this section to possess a transient shipment of special nuclear material of moderate or low strategic significance of the kind and quantity specified in paragraph (a)(2) of this section shall provide physical protection for that

shipment in accordance with or equivalent to § 73.67 of this chapter and shall comply with the requirements of § 73.71(b) of this chapter.

(e) Persons generally licensed under this section to possess a transient shipment of irradiated reactor fuel of the kind and quantity specified in paragraph (a)(3) of this section shall provide physical protection for that shipment in accordance with or equivalent to § 73.37 of this chapter and shall comply with the requirements of § 73.71(b) of this chapter.

(f)(1) Persons generally licensed under this section, who plan to carry transient shipments with scheduled stops at United States ports, shall notify in writing the Division of Safeguards and Transportation, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

(2) A person generally licensed under this section shall assure that:

(i) The notification will be received at least 10 days before transport of the shipment commences at the shipping facility;

(ii) The Division of Safeguards and Transportation has been notified by telephone at 301-427-4033, at least 10 days before transport of the shipment commences at the shipping facility, that an advance shipping notice has been sent by mail; and

(iii) The Division of Safeguards and Transportation will be notified by telephone at 301-427-4033 of any changes to the shipment itinerary.

(3) Persons who are generally licensed under paragraph (a)(1) of this section must include the information listed in paragraphs (f)(3)(i) through (ix) of this section. Persons who are generally licensed under § 70.20b(a)(2) and § 70.20b(a)(3) must include the information listed in paragraphs (f)(3) (i) through (viii) of this section.

(i) Location of all scheduled stops in United States territory;

(ii) Arrival and departure times for all scheduled stops in United States territory;

(iii) The type of transport vehicle;

(iv) A physical description of the shipment (elements, isotopes, and enrichments);

(v) The number and types of containers;

(vi) The name and telephone number of the carrier's representative at each stopover location in United States territory;

(vii) The estimated time and date that shipment will commence and that each country (other than the United States) along the route is scheduled to be entered;

(viii) For shipments between countries that are not party to the Convention on the Physical Protection of Nuclear Material, provide assurances, as far as is practicable, that this nuclear material will be protected during international transport at levels described in Annex I to that Convention (see Appendices E and F of Part 73 of this chapter); and

(ix) A physical protection plan for implementing the requirement of § 70.20b(c), which will include the use of armed personnel to protect the shipment during the time the shipment is in a United States port.

(g) Persons generally licensed under this section making unscheduled stops at United States ports, immediately after the decision to make an unscheduled stop, shall:

(1) Provide to the Division of Safeguards and Transportation, the information required under paragraph (f) of this section.

(2) In the case of persons generally licensed under paragraph (a)(1) of this section, arrange for local law enforcement authorities or trained and qualified private guards to protect the shipment during the stop.

(3) In the case of persons generally licensed under paragraph (a)(2) of this section, arrange for the shipment to be protected as required in § 73.67(e) of this chapter.

(4) In the case of persons generally licensed under paragraph (a)(3) of this section, arrange for the shipment to be protected as required in § 73.37(e) of this chapter.

(5) Implement these arrangements within a reasonable time after the arrival of the shipment at a United States port to remain in effect until the shipment exits that or another United States port.

PART 73—PHYSICAL PROTECTION OF PLANTS AND MATERIALS

10. The authority citation of Part 73 is revised to read as follows:

Authority: Secs. 53, 161, 68 Stat. 930, 948, as amended, sec. 147, 94 Stat. 780 (42 U.S.C. 2073, 2167, 2201); sec. 201, as amended, 204, 68 Stat. 1242, as amended, 1245 (42 U.S.C. 5841, 5844).

Section 73.37(f) also issued under sec. 301, Pub. L. 96-295, 94 Stat. 789 (42 U.S.C. 5841 note). Section 73.57 is issued under sec. 606, Pub. L. 99-399 and sec. 161i, 68 Stat. 949 (42 U.S.C. 2201(i)).

For the purposes of sec. 223, 68 Stat. 958, as amended (42 U.S.C. 2273); §§ 73.21, 73.37(g), and 73.55 are issued under sec. 161b, 68 Stat. 948, as amended (42 U.S.C. 2201(b)); §§ 73.20, 73.24, 73.25, 73.26, 73.27, 73.37, 73.40, 73.45, 73.46, 73.50, 73.55, and 73.67 are issued under

sec. 161i, 68 Stat. 949, as amended (42 U.S.C. 2201(i)); and §§ 73.20(c)(1), 73.24(b)(1), 73.26(b)(3), (h)(6), and (k)(4), 73.27(a) and (b), 73.37(f), 73.40(b) and (d), 73.46(g)(6) and (h)(2), 73.50(g)(2), (3)(iii)(B) and (h), 73.55(h)(2), and (4)(iii)(B), 73.70, 73.71, and 73.72 are issued under sec. 161o, 68 Stat. 950, as amended (42 U.S.C. 2201(o)).

11. In § 73.1, a new paragraph (b)(8) is added to read as follows:

§ 73.1 Purpose and scope.

* * * * *

(b) * * *

(8) This part prescribes requirements for advance notice of export and import shipments of special nuclear material, including irradiated reactor fuel.

12. Section 73.72 is revised to read as follows:

§ 73.72 Requirement for advance notice of shipment of formula quantities of strategic special nuclear material, special nuclear material of moderate strategic significance, or irradiated reactor fuel.

(a) A licensee, other than one specified in paragraph (b) of this section, who, in a single shipment, plans to deliver to a carrier for transport, to take delivery at the point where a shipment is delivered to a carrier for transport, to import, to export, or to transport a formula quantity of strategic special nuclear material, special nuclear material of moderate strategic significance, or irradiated reactor fuel required to be protected in accordance with § 73.37, shall:

(1) Notify in writing the Division of Safeguards and Transportation, U.S. Nuclear Regulatory Commission, Washington, DC 20555;

(2) Assure that the notification will be received at least 10 days before transport of the shipment commences at the shipping facility;

(3) Include the following information in the notification:

(i) The name(s), address(es), and telephone number(s) of the shipper, receiver, and carrier(s);

(ii) A physical description of the shipment;

(A) For a shipment other than irradiated fuel, the elements, isotopes, enrichment, and quantity;

(B) For a shipment of irradiated fuel, the physical form, quantity, type of reactor, and original enrichment;

(iii) A listing of the mode(s) of shipment, transfer point(s), and route(s) to be used;

(iv) The estimated time and date that shipment will commence and that each country along the route is scheduled to be entered; and

(v) The estimated time and date of arrival of the shipment at the destination;

(4) Notify the Division of Safeguards and Transportation by telephone at 301-427-4033 at least 10 days before transport of the shipment commences at the shipping facility that an advance notice has been sent; and

(5) Notify the Division of Safeguards and Transportation by telephone at 301-427-4033 of any changes to the shipment itinerary.

(b) A licensee who makes a road shipment or transfer with one-way transit times of one hour or less in duration between installations of the licensee is exempt from the requirements of this section for that shipment or transfer.

13. Section 73.73 is added to read as follows:

§ 73.73 Requirement for advance notice and protection of export shipments of special nuclear material of low strategic significance.

(a) A licensee authorized to export special nuclear material of low strategic significance shall:

(1) Notify in writing the Division of Safeguards and Transportation, U.S. Nuclear Regulatory Commission, Washington, DC 20555;

(2) Assure that the notification will be received at least 10 days before transport of the shipment commences at the shipper's facility;

(3) Include the following information in the notification:

(i) The name(s), address(es), and telephone number(s) of the shipper, receiver, and carrier(s);

(ii) A physical description of the shipment (the elements, isotopes, form, etc.);

(iii) A listing of the mode(s) of shipment, transfer points, and routes to be used;

(iv) The estimated time and date that shipment will commence and that each country along the route is scheduled to be entered; and

(v) The estimated time and date of arrival of the shipment at the destination;

(4) Assure that during transport outside the United States, the shipment will be protected in accordance with Annex I to the Convention on the Physical Protection of Nuclear Material (see Appendix E of this part).

(b) A licensee who needs to amend a written advance notification required by paragraph (a) of this section may do so by telephoning the Division of Safeguards and Transportation at 301-427-4033.

14. Section 73.74 is added to read as follows:

§ 73.74 Requirement for advance notice and protection of import shipments of nuclear material from countries that are not party to the Convention on the Physical Protection of Nuclear Material.

(a) A licensee authorized to import special nuclear material of low strategic significance from a country not a party to the Convention on the Physical Protection of Nuclear Material (i.e., not listed in Appendix F of this part) shall:

(1) Notify in writing the Division of Safeguards and Transportation, U.S. Nuclear Regulatory Commission, Washington, DC 20555;

(2) Assure that the notification will be received at least 10 days before transport of the shipment commences at the shipper's facility; and

(3) Include the following information in the notification:

(i) The name(s), address(es) and telephone number(s) of the shipper, receiver, and carrier(s);

(ii) A physical description of the shipment (the isotopes, enrichment, quantity, etc.);

(iii) A listing of mode(s) of shipment, transfer points, and routes to be used;

(iv) The estimated time and date that shipment will commence and that each country along the route is scheduled to be entered; and

(v) The estimated time and date of arrival of the shipment at the destination.

(b) A licensee who needs to amend a written advance notification required by paragraph (a) of this section may do so by telephoning the Division of Safeguards and Transportation at 301-427-4033.

(c) A licensee authorized to import from a country not a party to the Convention on the Physical Protection of Nuclear Material (i.e., not listed in Appendix F of this part) a formula quantity of special nuclear material, special nuclear material of moderate strategic significance, special nuclear material of low strategic significance, or irradiated reactor fuel shall assure that during transport outside the United States the shipment will be protected in accordance with Annex I to the Convention on the Physical Protection of Nuclear Material (see Appendix E of this part).

15. A new Appendix E is added to read as follows.

Appendix E—Levels of Physical Protection To Be Applied in International Transport of Nuclear Material¹

(Verbatim from Annex I to the Convention on the Physical Protection of Nuclear Material)

(a) Levels of physical protection for nuclear material during storage incidental to international nuclear transport include:

(1) For Category III materials, storage within an area to which access is controlled;

(2) For Category II materials, storage within an area under constant surveillance by guards or electronic devices, surrounded by a physical barrier with a limited number of points of entry under appropriate control or any area with an equivalent level of physical protection;

(3) For Category I material, storage within a protected area as defined for Category II, to which, in addition, access is restricted to persons whose trustworthiness has been determined, and which is under surveillance by guards who are in close communication with appropriate response forces. Specific measures taken in this context should have as their objective the detection and prevention of any assault, unauthorized access, or unauthorized removal of material.

(b) Levels of physical protection for nuclear material during international transport include:

(1) For Category II and III materials, transportation shall take place under special precautions including prior arrangements among sender, receiver, and carrier, and prior agreement between natural or legal persons subject to the jurisdiction and regulation of exporting and importing States, specifying time, place and procedures for transferring transport responsibility;

(2) For Category I materials, transportation shall take place under special precautions identified for transportation of Category II and III materials, and in addition, under constant surveillance by escorts and under conditions which assure close communication with appropriate response forces;

(3) For natural uranium other than in the form of ore or ore residue, transportation protection for quantities exceeding 500 kilograms U shall include advance notification of shipment specifying mode of transport, expected time of arrival and [shall provide for] confirmation of receipt of shipment.

16. Appendix F is revised to read as follows:

¹ See Appendix C to Part 110 of this chapter from the physical description of the categories of nuclear material as set forth in Annex I to the Convention. For the purposes of this part, the following categories of nuclear material are synonymous:

Category I is a formula quantity of strategic special nuclear material;

Category II is special nuclear material of moderate strategic significance or irradiated fuel; and

Category III is special nuclear material of low strategic significance.

APPENDIX F—NATIONS THAT ARE PARTIES TO THE CONVENTION ON THE PHYSICAL PROTECTION OF NUCLEAR MATERIAL¹

Nation	Date of deposit of instrument of ratification with the IAEA
Brazil	Oct. 17, 1985.
Bulgaria	May 2, 1984.
Canada	Mar. 21, 1986.
Czechoslovakia	Apr. 23, 1982.
German Democratic Republic (E. Germany)	Feb. 5, 1981.
Guatemala	Apr. 23, 1985.
Hungary	May 4, 1984.
Indonesia	Nov. 5, 1986.
Korea, Republic of	Apr. 7, 1982.
Liechtenstein	Nov. 25, 1986.
Mongolia	May 28, 1986.
Norway	Aug. 15, 1985.
Paraguay	Feb. 6, 1985.
Philippines	Sept. 22, 1981.
Poland	Oct. 5, 1983.
Sweden	Aug. 1, 1980.
Switzerland	Jan. 9, 1987.
Turkey	Feb. 27, 1985.
Yugoslavia	May 14, 1986.
Union of Soviet Socialist Republic	May 25, 1983.
United States of America	Dec. 13, 1982.

¹ An update list of party nations will appear annually in the Department of State's publication, *Treaties in Force*. Appendix F will be amended as required to maintain its currency.

PART 110—EXPORT AND IMPORT OF NUCLEAR FACILITIES AND MATERIALS

17. The authority citation for Part 110 is revised to read as follows:

Authority: Secs. 51, 53, 54, 57, 62, 63, 64, 65, 81, 82, 103, 109, 111, 126, 127, 128, 129, 161, 181, 182, 187, 189, 68 Stat. 929, 930, 931, 932, 933, 936, 937, 948, 953, 954, 955, 956, Pub. L. 88-489, 78 Stat. 603-605; Pub. L. 91-560, 84 Stat. 1472; 70 Stat. 1071, Pub. L. 85-256, 71 Stat. 579; Pub. L. 87-615, 76 Stat. 409; Pub. L. 93-377, 88 Stat. 473, 475, Pub. L. 95-242, 92 Stat. 125, 126, 131-

139, 141 (42 U.S.C. 2071, 2073, 2074, 2077, 2092-2095, 2111, 2112, 2133, 2134, 2139, 2139a, 2141, 2154-2158, 2201, 2231-2233, 2237, 2239); Sec. 201, Pub. L. 93-438, 88 Stat. 1242, as amended by Pub. L. 94-79, 89 Stat. 413, 414 (42 U.S.C. 5841).

Sec. 110.13 also issued under sec. 122, Pub. L. 83-703, 68 Stat. 939 (42 U.S.C. 2152). Sec. 110.50(b)(4) also issued under sec. 123, Pub. L. 95-242, 92 Stat. 142-145 (42 U.S.C. 2153). Sec. 110.51 also issued under sec. 184, Pub. L. 83-703, 63 Stat. 954; Pub. L. 88-489, 78 Stat. 607 (42 U.S.C. 2234). Sec. 110.52 also issued under sec. 186, Pub. L. 83-703, 68 Stat. 955 (42 U.S.C. 2236). Sec. 110.80-110.113 also issued under 5 U.S.C. 552, 554. Sec. 110.130-110.135 also issued under 5 U.S.C. 553.

18. In § 110.50 paragraph (b)(4) is revised to read as follows:

§ 110.50 Terms.

* * * * *

(b) * * *

(4) A licensee authorized to export or import nuclear material is responsible for compliance with applicable requirements of Parts 40, 70, and 73 of this chapter, unless a domestic licensee of the Commission has assumed that responsibility and the Commission has been so notified.

* * * * *

Dated at Bethesda, Maryland, this 11th day of March, 1987.

For the Nuclear Regulatory Commission,
Victor Stello, Jr.,

Executive Director for Operations.

[FR Doc. 87-6462 Filed 3-25-87; 8:45 am]

BILLING CODE 7590-01-M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[Docket C-3208]

J.C. Penney Co., Inc.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Consent order.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order prohibits, among other things, a New York City-based retailer from bringing any debt-collection cases in judicial districts other than those in which a customer lives or signed the disputed sales contract. Further, respondent is required to either transfer to a closer court, or dismiss entirely, all pending cases brought in "distant forums."

DATE: Complaint and Order issued Feb. 20, 1987*.

FOR FURTHER INFORMATION CONTACT: FTC/S-4429, Rachelle V. Browne, Washington, DC 20580. (202) 326-3229.

SUPPLEMENTARY INFORMATION: On Friday, December 5, 1986, there was published in the *Federal Register*, 51 FR 43932, a proposed consent agreement with analysis in the Matter of J.C. Penney Company, Inc., a corporation, for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of order.

No comments having been received, the Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered its order to cease and desist as set forth in the proposed consent agreement, in disposition of this proceeding.

The prohibited trade practices and/or corrective actions, as codified under 16 CFR Part 13, are as follows: Subpart—Corrective Actions and/or Requirements: S 13.533 Corrective Actions and/or Requirements; 13.533-45 Maintain records.

List of Subjects in 16 CFR Part 13

Debt collection, Retailers, Trade practices.

Authority: Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45.

Emily H. Rock,

Secretary.

[FR Doc. 87-6528 Filed 3-25-87; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

25 CFR Part 249

Off-Reservation Treaty Fishing; Fraser River Convention Sockeye and Pink Salmon Fishery

December 9, 1986.

ACTION: Final rule; removal.

SUMMARY: The Bureau of Indian Affairs is removing Subpart B of 25 CFR Part 249, Subchapter B, Fraser River Convention Sockeye and Pink Salmon Fishery. The United States and Canada signed a new treaty on January 28, 1985 which terminated both the 1930 Convention and the International Pacific

Salmon Fisheries Commission (IPSFC). For this reason, the regulations at 25 CFR Part 249, Subpart B are no longer needed.

EFFECTIVE DATE: This action takes effect March 26, 1987.

FOR FURTHER INFORMATION CONTACT: Richard R. Lemaire, Bureau of Indian Office of Trust Responsibilities, 1951 Constitution Avenue, NW., D.C. 20245, 202-343-4089.

SUPPLEMENTARY INFORMATION: Until 1985, fishing in the United States' waters for sockeye and pink salmon spawned in the Fraser River had been governed for many years under the terms of the Convention between the United States and Canada for the Protection, Preservation, and Extension of the Sockeye and Pink Fisheries of the Fraser River System, signed at Washington on the 26th day of May 1930, as amended by the protocol to include pink salmon, signed at Ottawa on December 28, 1956.

Responsibility for establishing the annual regulations governing that fishery rested with the bilateral International Pacific Salmon Fisheries Commission (IPSFC). However, because of the reluctance of the IPSFC to establish regulations that would divide the United States' harvest evenly between Indian and non-Indian fisheries in the Puget Sound area, the State Department had, for several years, approved the IPSFC regulations only as applied to non-treaty fisheries. The treaty Indian fishery has been regulated instead by regulations promulgated by the Department of the Interior in 25 CFR Part 249, Subpart B. These regulations were designed to permit an equal sharing of the U.S. share of the Fraser River sockeye and pink runs while assuring that enough fish remained to meet escapement goals and satisfy treaty obligations to Canada.

On January 28, 1985, however, the United States and Canada signed a new Treaty Between the Government of the United States of America and the Government of Canada Concerning Pacific Salmon. Paragraph 3 of Article XV of the new treaty terminated both the 1930 Convention and the IPSFC. Under Article VI of the new treaty, the United States agreed to apply approved Fraser Panel regulations to all U.S. fisheries on Fraser pink and sockeye salmon stocks.

Article XI of that treaty provided that the treaty would not be interpreted or applied so as to affect or modify the obligations of the United States under the Indian treaties. The Pacific Salmon Treaty Act, 16 U.S.C. 3631 *et seq.*, provides that a representative of the

*Copies of the Complaint and the Decision and Order are available from the Commission's Public Reference Branch, H-130, 6th St. and Pennsylvania Ave., NW., Washington, DC 20580.