container will benefit handlers by providing them with a container needed to ship fresh Florida limes to market.

Based on the above, the Administrator of the AMS has determined that this action will not have a significant economic impact on a substantial number of small entities.

After consideration of the information and recommendations submitted by the committee, and other available information, it is found that the rule as hereinafter set forth will tend to effectuate the declared policy of the Act.

Pursuant to 5 U.S.C. 553, it is also found and determined that it is impracticable, unnecessary and contrary to the public interest to give preliminary notice prior to putting this rule into effect, and that good cause exists for not postponing the effective date of this action until 30 days after publication in the **Federal Register** because: (1) The 1987–88 shipping season is in progress, and to maximize benefits to the industry this action should apply to as many shipments as possible; (2) this action is based upon the unanimous recommendation of the committee considered at public meetings; and (3) handlers are prepared to conduct their operations in accordance with this rule and do not require any additional time for preparation.

List of Subjects in 7 CFR Part 911

Marketing agreements and orders, Limes, Florida.

PART 911—LIMES GROWN IN FLORIDA

1. The authority for citation 7 CFR Part 911 continues to read as follows:

Authority: Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

2. Section 911.329 (7 CFR Part 911; 52 FR 1314, 4598) is amended by revising paragraph (a)(1) by deleting the words "On and after October 8, 1982,"; revising paragraph (a)(2) by deleting the words "On and after the effective date hereof"; adding a proviso paragraph to (a)(2)(v); redesignating paragraphs (a)(2)(viii) as (a)(2)(x) and (a)(2)(ix) as (a)(2)(viii); and adding a new paragraph (a)(2)(ix) to read as follows:

§ 911.329 Lime Regulation 27.

(a)(1) No handler shall between the production area and any point outside thereof any variety of limes, grown in the production area, in individual bags having a capacity of more than four pounds net weight of limes.

(2) No handler shall handle between the production area and any point outside thereof any variety of limes, grown in the production area, in containers having a capacity of more than 4 pounds of limes unless such limes are handled in containers meeting the following specifications and conform to all other applicable requirements of this section:

* * * * *

(v) * * *

Provided further, That until March 31, 1988, when this container is used as a master container for bagged limes, the minimum net weight of limes shall be 35 pounds, provided the container is marked "Master Container."

* * * * *

(ix) Containers with inside dimensions of 11 x 16¾ x 10 inches: *Provided,* That any such containers shall contain not less than 38 pounds nor more than 42 pounds net weight of limes.

* * * * *

3. Section 911.311 is amended by revising paragraph (a)(4) to read as follows:

§ 911.311 Lime Pack Regulation 9.

(a) * * *

(4) The provisions of paragraphs (a)(2) and (a)(3) of this section shall not apply to individual packages of limes not exceeding 4 pounds, net weight, that are with master containers except that if such packages are individual bags either such bags or the master containers thereof shall be marked or labeled in accordance with the requirements of paragraph (a)(2) of this section and master containers shall be marked or labeled in accordance with the requirements of paragraph (a)(3) of this section, and until March 31, 1988, § 911.329 (a)(2)(v).

* * * * *

Dated: December 31, 1987.

Robert C. Keeney,

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

[FR Doc. 88-220 Filed 1-6-88; 8:45 am]

BILLING CODE 3410-02-M

NUCLEAR REGULATORY COMMISSION

10 CFR Part 73

General Criteria for Security Personnel

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Nuclear Regulatory Commission (NRC) is amending its regulations regarding physical fitness qualifications for security personnel. The regulation continues to require annual medical examinations and annual physical fitness testing for guards, armed response personnel, and armed escorts, but the amendment deletes the scheduling requirement that the medical examination be conducted within the 30 days preceding the physical fitness test. The amendment is supported by Commission findings made in response to a petition for rulemaking (PRM-73-6), which was recently partially denied.

EFFECTIVE DATE: February 8, 1988.

FOR FURTHER INFORMATION CONTACT: Mr. William R. Lahs, Division of Regulatory Applications, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Telephone 301-492-3774.

SUPPLEMENTARY INFORMATION:

Background

The Nuclear Regulatory Commission received a petition for rulemaking (PRM-73-6) dated December 2, 1981, filed by Shaw, Pittman, Potts and Trowbridge on behalf of the Wisconsin Electric Power Company, the Public Service Electric and Gas Company, the Commonwealth Edison Company, the Yankee Atomic Electric Company, the Northern States Power Company, and the Sacramento Municipal Utility District. The petition requested changes in the qualifications for armed security personnel, set out in 10 CFR Part 73, Appendix B, entitled "General Criteria for Security Personnel." Although the petition was denied in part, as documented in the September 3, 1987 edition of the **Federal Register** (52 FR 33428), the Commission indicated that it intended to grant that part of the petition that requested deletion of an existing requirement that armed security personnel undergo a medical examination within the 30 days preceding their individual annual physical fitness test. This final rule completes Commission action on PRM-73-6.

Responses to Public Comments on the Petition for Rulemaking

The petition was published for comment in the **Federal Register** on February 16, 1982 (47 FR 6659). The NRC received 13 comment letters on PRM-73-6. The sources were as follows:

Congress—1
General Public—1
Nuclear Industry—11

The industry comments and the single "general public" comment supported the petition position that the link between the medical examination and the physical fitness test be deleted. These comments typically noted that the requirement for an annual medical examination within the 30 days preceding the physical fitness test is unrelated to the effectiveness of the security force and presents a scheduling nightmare. Rotating shifts, adverse weather conditions, and the availability of trainers/instructors to administer the physical fitness test complicate the scheduling problem. The Congressional commenter cautioned against doing away with security requirements based only on the claim that the regulations are cumbersome.

The changes in Appendix B being implemented through this amendment have taken into account the concerns of all commenters. The amendment leaves in place the requirement that all armed security personnel undergo both annual medical examinations and physical fitness testing. The existing requirements are intended to ensure that guard force personnel are physically able to perform their duties. The Commission also recognizes that to protect the well-being of the security force personnel, prudent practice would dictate that a medical examination be given at some appropriate time prior to physical testing. However, the Commission believes that the exact timing between the medical examination and the physical fitness is primarily a scheduling matter in which the licensee requires discretion for efficient management. The Commission agrees with the petitioners that there is no necessary relationship between this schedule interval and the level of protection being provided. The revised 10 CFR Part 73, Appendix B, paragraph I.C., retitled, "Medical examination and physical fitness qualifications," continues to require a physical fitness test to be preceded by a medical examination as a criteria for establishing employment suitability and qualification. Only the 30-day link between the medical examination and the physical testing has been deleted. In addition, 10 CFR Part 73, Appendix B, paragraph I.E., has been retitled "Physical and medical requalification," and has been modified to clearly specify that, at least every 12 months, guards, armed response personnel, armed escorts, and other armed security force members shall be required to meet the referenced physical requirements and shall be subject to a physical fitness test and a medical examination.

The provisions of this amendment may be adopted through appropriate modifications in the licensee's training and qualifications plan made under the authority of this rule.

Notice and public procedure (i.e., public comment) are unnecessary in view of the public comments already received on the precise issue raised in the petition to which this rulemaking is responding. Accordingly, this amendment is being promulgated as a final rule subject to codification.

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

Paperwork Reduction Act Statement

This final rule does not contain a new or amended information collection requirement subject to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*). Existing requirements were approved by the Office of Management and Budget approval number 3150–0002.

Regulatory Analysis

This final rule amends 10 CFR Part 73 by deleting a requirement which specifies a scheduling link between the medical examination and the physical fitness test to which all armed security personnel are subjected at least every 12 months. The amendment was initiated as a response to a petition for rulemaking (PRM–73–6) dated December 2, 1981, filed by Shaw, Pittman, Potts and Trowbridge on behalf of six utilities operating nuclear power reactors. The amendment is directed at relieving a scheduling problem which has no impact on the effectiveness of the security force. The requirement that, at least every 12 months, all armed security personnel be subjected to both a medical examination and a physical fitness test remains unchanged. Only the requirement that the medical examination precede the physical fitness test by 30 days or less is being deleted.

The amendment results in no impact on NRC resources and a cost savings to those licensees adversely impacted by the current requirement that all armed security personnel be subjected to an annual physical fitness test which must be preceded within 30 days by a medical examination.

There are no apparent conflicts or overlaps with other NRC regulations or policies nor with other agencies' regulations or policies. The amendment is intended to ensure effective security force performance without imposing an unnecessary burden on licensees.

Backfit Analysis

This final rule pertains to the training and qualifications plan associated with the operation of a nuclear power reactor. The objective of the modification is to eliminate a requirement which specifies a scheduling link between the medical examination and the physical fitness test to which all armed security personnel are subjected. The current requirement that both the medical examination and physical fitness test be administered at least every 12 months remains unchanged. As a result, the effectiveness of the security force is unaffected and no change is involved in the risk to the public or facility employees. No action by licensees is needed in order to comply with the rule. However, if the current link between the medical examination and physical fitness test presents an unnecessary scheduling problem, appropriate changes may be made to the licensee's training and qualifications plan under the authority of this rule.

The final rule involves no installation or continuing costs to the licensee, potentially relieves an unnecessary scheduling burden, and imposes no new resource burden on the NRC.

List of Subjects in 10 CFR Part 73

Hazardous materials-transportation, Incorporation by reference, Nuclear materials, Nuclear power plants and reactors, Penalty, Reporting and recordkeeping requirements, Security measures.

For the reasons set out in the supplementary information 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 amending Appendix B to 10 CFR Part 73 as follows.

PART 73—PHYSICAL PROTECTION OF PLANTS AND MATERIALS

1. The authority citation for 10 CFR 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, 88 Stat. 1242, as amended, 1245 (42 U.S.C. 5841, 5844).

Section 73.37(f) is 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)).

2. In Appendix B, the Table of Contents is amended by revising the introductory entries and the entries under Section I to read as follows:

Appendix B—General Criteria for Security Personnel

Table of Contents

* * * * *

3. In Appendix B, paragraphs I.C. and I.E. are revised to read as follows:

Appendix B—General Criteria for Security Personnel

* * * * *

Criteria

* * * * *

C. Medical examinations and physical fitness qualifications—Guards, armed response personnel, armed escorts and other armed security force members shall be given a medical examination including a determination and written certification by a licensed physician that there are no medical contraindications as disclosed by the medical examination to participation by the individual in physical fitness tests. Subsequent to this medical examination, guards, armed response personnel, armed escorts and other armed security force members shall demonstrate physical fitness for assigned security job duties by performing a practical physical exercise program within a specific time period. The exercise program performance objectives shall be described in the licensee training and qualifications plan, and shall consider job-related functions such as strenuous activity, physical exertion, levels of stress, and exposure to the elements as they pertain to each individual's assigned security job duties for both normal and emergency operations. The physical fitness qualification of each guard, armed response person, armed escort, and other security force member shall be documented and attested to by a licensee security supervisor.

* * * * *

E. Physical and medical requalification—at least every 12 months, central alarm station operators shall be required to meet the physical requirements of B.1.b. of this section and guards, armed response personnel, armed escorts and other armed security force members shall be required to meet the physical requirements of paragraphs B.1.b. (1) and (2) and shall be subject to medical examination and physical fitness qualification requirements of paragraph C of this section.

* * * * *

Dated at Bethesda, MD, this 24th day of December, 1987.

For the Nuclear Regulatory Commission.

Victor Stello, Jr.,

Executive Director for Operations.

[FR Doc. 88-240 Filed 1-6-88; 8:45 am]

BILLING CODE 7590-01-M

TENNESSEE VALLEY AUTHORITY

18 CFR Part 1301

Revisions to Freedom of Information Act (FOIA) Regulations

AGENCY: Tennessee Valley Authority (TVA).

ACTION: Final rule.

SUMMARY: This rule revises one exemption from disclosure under the FOIA set out in TVA's regulations in order to conform that exemption with changes made by the Freedom of Information Reform Act of 1986. This rule also redesignates the positions responsible for handling and determining initial requests and administrative appeals under the FOIA to reflect TVA organizational changes.

EFFECTIVE DATE: February 8, 1988.

FOR FURTHER INFORMATION CONTACT: Gilbert D. Francis, Jr., (615) 632-6000.

SUPPLEMENTARY INFORMATION: TVA published a proposed rule in the **Federal Register** on August 28, 1987 (52 FR 32573) on revisions to its regulations implementing the FOIA. No comments were received.

This rule is not a major rule for the purpose of Executive Order 12291. As required by the Regulatory Flexibility Act, it is hereby certified that this rule will not have a significant impact on small business entities.

List of Subjects in 18 CFR Part 1301

Administrative practice and procedure, Freedom of Information, Privacy, Sunshine Acts.

For the reasons set forth in the preamble, Title 18, Chapter XIII of the Code of Federal Regulations is amended as follows:

PART 1301—PROCEDURES

1. The authority citation for Part 1301 continues to read as follows:

Authority: 48 Stat. 58, as amended; 16 U.S.C. 831-831dd, unless otherwise noted.

2. Section 1301.1 is amended by revising paragraph (a)(7), the first sentence of paragraph (b) introductory text, the second sentence of paragraph (c)(1)(i), the first sentence of paragraph (c)(1)(ii), the third sentence of paragraph (c)(2)(ii), the second sentence of paragraph (c)(3)(i), the fourth sentence of paragraph (c)(3)(ii), and the third sentence of paragraph (e) as follows:

§ 1301.1 Records.

(a) * * *

(7) Records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information:

(i) Could reasonably be expected to interfere with enforcement proceedings,

(ii) Would deprive a person of a right to a fair trial or an impartial adjudication,

(iii) Could reasonably be expected to constitute an unwarranted invasion of personal privacy,

(iv) Could reasonably be expected to disclose the identity of a confidential source, including a State, local, or foreign agency or authority or any private institution which furnished information on a confidential basis, and, in the case of a record or information compiled by a criminal law enforcement authority in the course of a criminal investigation or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source,

(v) Would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law, or

(vi) Could reasonably be expected to endanger the life or physical safety of any individual;

* * * * *

(b) *Requests.* Requests to inspect and copy TVA records shall be directed to the Manager, Office of Governmental and Public Affairs, Tennessee Valley Authority, Knoxville, Tennessee 37902. * * *

* * * * *

(c) * * *

(1) * * *

(i) * * * Initial determinations shall be made by the Manager, Office of Governmental and Public Affairs, or the Director of Information. * * *

(ii) For purposes of this paragraph, a request is deemed to be received by TVA only when it is physically delivered to the Office of Governmental and Public Affairs and meets all the requirements of paragraph (b) of this section. * * *

(2) * * *

(ii) * * * Determinations of appeals under this section shall be made by the General Manager or the General Manager's designee. * * *

(3) * * *

(i) * * * Such extension may not exceed 10 working days, and a decision to make such extension shall be made by the Manager, Office of Governmental and Public Affairs, or the Director of Information.

(ii) * * * A decision to make an extension under this paragraph shall be made by the General Manager or the General Manager's designee.

* * * * *

(e) * * * A pricelist and order form for some of the most frequently asked for TVA publications and reports is contained in TVA Form 3077, which may be obtained by writing the Manager, Office of Governmental and Public Affairs, Tennessee Valley Authority, Knoxville, Tennessee 37902. * * *

W. F. Willis,

General Manager.

[FR Doc. 88-193 Filed 1-6-88; 8:45 am]

BILLING CODE 8120-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD5 87-065]

Drawbridge Operation Regulations; Mullica River, NJ

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: At the request of Burlington County Board of Chosen Freeholders, and with the concurrence of Atlantic County, the Coast Guard is changing the regulations governing the Lower Bank and Green Bank bridges, at mile 15.0 and 18.0, respectively, over the Mullica River at Lower Bank and Green Bank, New Jersey by requiring that advance notice of openings be given from 11 p.m. to 7 a.m., from 1 April through 30 November, and at specified time periods for each bridge during the winter months. This change is being made because of the relative infrequent requests for bridge openings at night during the boating season and the limited use of the waterway during the winter. This action should relieve the bridge owner of the burden of having a person constantly available to open the draw and should still provide for the reasonable needs of navigation.

EFFECTIVE DATE: These regulations become effective on February 8, 1988.

FOR FURTHER INFORMATION CONTACT: William C. Heming, Bridge Administrator, First Coast Guard District, (212) 668-7170.

SUPPLEMENTARY INFORMATION: On 1 October 1987, the Coast Guard published proposed rules (52 FR 36800) concerning this amendment. The Commander, Fifth Coast Guard District, also published the proposal as a Public Notice 5-650 dated 16 October 1987. In each notice, interested persons were given until 16 November 1987 to submit comments.

Drafting Information

The drafters of these regulations are Waverly W. Gregory, Jr., project manager, First Coast Guard District Bridge Branch, and CDR Robert J. Reining, project attorney, Fifth Coast Guard District Legal Staff.

Discussion of Comments

Three responses were received in response to the public notice. All three objected to the proposed regulations. One respondent was a recreational boater, who requested that both bridges be manned during the winter months so he could have free access and use of the waterway. Since the four hours advance notice during low usage periods permits relatively free access to the waterway, the Coast Guard believes that continuing the requirement that the bridges open on signal throughout the year for the convenience of one recreational boater imposes an unreasonable burden on the bridge owners. This is especially true when one considers the historical information regarding the use of the waterway and that the waterway freezes over during various periods of the winter. The other two objections related to the impact on a major year round yacht building facility located between the Lower Bank and Green Bank bridges. During the winter, the facility operates on a Monday to Friday basis, from 8 a.m. until 4:30 p.m., and during the rest of the year from 7 a.m. to 5:30 p.m. Monday to Thursday and 7 a.m. to noon on Friday. At present, the facility is building 13 boats per month. Each boat must transit the bridge approximately six times (three round trips for testing propulsion systems). Current expansion is increasing their production to 16 boats per month, with plans to further increase production to 20 boats per month. This would increase the number of openings to 120 per month. The Green Bank bridge is not used by this facility. In light of these two responses, the Coast Guard after consultation with Burlington County, has revised regulations for the Lower Bank bridge. They offered to staff the bridge between the hours of 8 a.m. and 4:30 p.m. from 1 December until 31 March.

Economic Assessment And Certification

These regulations are considered to be nonmajor under Executive Order 12291 on Federal Regulation, and nonsignificant under the Department of Transportation regulatory policies and procedures (44 FR 11034; February 26, 1979). The economic impact has been found to be so minimal that a full regulatory evaluation is unnecessary. Since this waterway is used primarily by recreational vessels and the needs of the commercial boat building facility will be accommodated by the Lower Bank bridge.

Since the economic impact of these regulations is expected to be minimal, the Coast Guard certifies that they will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 33 CFR Part 117

Bridges.

Regulations

In consideration of the foregoing, Part 117 of Title 33, Code of Federal Regulations, is amended as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

1. The authority citation for Part 117 continues to read as follows:

Authority: 33 U.S.C. 499; 49 CFR 1.46; 33 CFR 1.05-1(g).

2. Section 117.731a is added to read as follows:

§ 117.731a Mullica River.

The draws of the bridges listed in this section shall open on signal, except as follows:

(a) The draw of the Lower Bank bridge, mile 15.0, need not open unless at least four hours notice is given during the following periods:

(1) April 1 through November 30, from 11 p.m. to 7 a.m.

(2) December 1 through March 31, from 4:30 p.m. to 8 a.m.

(b) The draw of the Green Bank bridge, mile 18.0, need not open unless at least four hours notice is given during the following periods:

(1) April 1 through November 30, from 11 p.m. to 7 a.m.