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DEPARTMENT OF AGRICULTURE

Office of the Secretary

7 CFR Part 2

Amendment of Delegations of Authority

AGENCY: Office of the Secretary, USDA.

ACTION: Final rule.

SUMMARY: This final rule amends the delegations of authority from the Secretary of Agriculture and General Officers of the Department. It clarifies the authority of the Assistant Secretary for Economics to make long-range, worldwide, economic analyses of supply, demand, and trade in farm products and the financial and monetary aspects of agricultural affairs. This change will result in an improved process for developing long-range estimates and provide more consistent and reliable baseline data for agencies with responsibilities requiring the use of such projections. In addition, it removes the authority of the Assistant Secretary for Economics to conduct a feasibility study for the monitoring of foreign direct investment in U.S. real estate. Further, it authorizes the Assistant Secretary for Economics to coordinate energy programs under the Defense Production Act of 1950 and Federal Civil Defense Act of 1950. Last, it makes minor editorial changes.

EFFECTIVE DATE: June 13, 1988.

FOR FURTHER INFORMATION CONTACT: Laura B. Snow, Chief, Management Analysis Branch, Administrative Services Division, Economics Management Staff, USDA, Room 4310, South Building, 12th and Independence Avenue, SW., Washington, DC 20250. Telephone (202) 447-7590.

SUPPLEMENTARY INFORMATION: This final rule clarifies the authority of the Assistant Secretary for Economics and

the Administrator, Economic Research Service (ERS), to make long-range, worldwide, agricultural economic analyses. This authority has been interpreted as falling within the scope of the Assistant Secretary's existing delegation at 7 CFR 2.27(a)(3) and the ERS Administrator's delegation at 7 CFR 2.84(a)(2). However, due to administrative oversight, the long-range nature of these analyses has never been explicitly stated under the delegations of authority to the Assistant Secretary for Economics and ERS Administrator, although it has been referenced as belonging to the Assistant Secretary for Economics under the authorities of the Under Secretary for International Affairs and Commodity Programs at 7 CFR 2.21(d)(3). This final rule amends the redesignated delegation at 7 CFR 2.27(a)(2) and the delegation at 7 CFR 2.84(a)(2) to include long-range analyses.

In accord with the Assistant Secretary for Economics' authority for long-range economic research and analyses, this final rule delegates authority from the Secretary of Agriculture to the Assistant Secretary for Economics to establish interagency committees to coordinate the development of a set of analytical assumptions and long-range agricultural-sector projections. The Assistant Secretary for Economics has redelegated this authority to the Chairman, World Agricultural Outlook Board. This change will result in an improved process for developing long-range estimates and provide more consistent and reliable baseline data for agencies with responsibilities requiring the use of such projections.

In addition, this final rule removes the existing delegation to the Assistant Secretary for Economics at 7 CFR 2.27(a)(12) and the ERS Administrator at 7 CFR 2.84(a)(6) to conduct a study of the feasibility of establishing a system to monitor foreign direct investment in U.S. real estate. This study was completed in October 1979 and published under the title, "Monitoring Foreign Ownership of U.S. Real Estate: A Report to Congress." No further requirement exists under the authority of the International Investment Survey Act of 1976 (22 U.S.C. 3101 et seq.).

Further, this final rule amends the authority of the Assistant Secretary for Economics at 7 CFR 2.27(c) to include the coordination of energy programs among the functions and responsibilities

assigned under the Defense Production Act of 1950 and the Federal Civil Defense Act of 1950. This change conforms to the responsibilities assigned by Departmental Regulation 1800-1, "Department Emergency Preparedness Responsibilities" (September 14, 1983). The Assistant Secretary for Economics has redelegated authority for coordination of energy programs to the Director, Office of Energy, in new 7 CFR 2.88(a)(5).

Last, this final rule makes minor editorial changes to correct typographical errors, improve readability, and remove a reference to the Program and Budget Review Board at 7 CFR 2.27(e). The latter Board no longer exists.

This rule relates to internal agency management. Therefore, pursuant to 5 U.S.C. 553, notice of proposed rulemaking and opportunity for comment are not required and this rule may be made effective in less than 30 days after publication in the *Federal Register*. Further, since this rule relates to internal agency management, it is exempt from the provisions of Executive Order 12291. Also, this action is not a rule as defined by Pub. L. 96-354, the Regulatory Flexibility Act, and thus is exempt from the provisions of that Act.

List of Subjects in 7 CFR Part 2

Authority delegations (Government agencies)

PART 2—DELEGATIONS OF AUTHORITY BY THE SECRETARY OF AGRICULTURE AND GENERAL OFFICERS OF THE DEPARTMENT

Accordingly, Part 2, Subtitle A, Title 7, Code of Federal Regulations, is amended as set forth below.

1. The authority citation for Part 2 continues to read as follows:

Authority: 5 U.S.C. 301 and Reorganization Plan No. 2 of 1953. Subpart C—Delegations of Authority to the Deputy Secretary, the Under Secretary for International Affairs and Commodity Programs, the Under Secretary for Small Community and Rural Development, and Assistant Secretaries

§ 2.27 [Amended]

2. Section 2.27 is amended by removing paragraph (a)(12); by redesignating paragraphs (a)(2) and (a)(3) as (a)(1) and (a)(2), respectively; by redesignating paragraphs (a)(5) through (a)(11) as (a)(3) through (a)(9);

and by redesignating paragraphs (a)(13) through (a)(17) as (a)(10) through (a)(14).

3. Section 2.27 is further amended by removing the word "economics" in redesignated paragraph (a)(11) and inserting in its place the word "economic"; by removing the word "and" in its first appearance in the 11th line of paragraph (c) and by adding "; and the coordination of energy programs" before the period at the end of paragraph (c); by removing the word "Intra-agency" in paragraph (d)(2)(i) and inserting in its place the word "intra-agency"; by removing the word "Coordinating" in paragraph (d)(3) and inserting in its place the word "Coordination"; by removing the words "for consideration by the Program and Budget Review Board" in paragraph (e)(1); by removing the word "assumption" in paragraph (f)(4) and inserting in its place the word "assumptions"; by removing the word "compounds" in paragraph (g)(3)(iv) and inserting in its place the word "components"; and by revising the heading to paragraph (a), revising redesignated paragraph (a)(2), and adding a new paragraph (h) to read as follows:

§ 2.27 Delegations of authority to the Assistant Secretary for Economics.

(a) *Related to economic research and statistical reporting.* * * *

(2) Conduct economic and social science research and analyses relating to (i) food and agriculture situation and outlook; (ii) the production, marketing, and distribution of food and fiber products (excluding forest and forest products), including studies of the performance of the food and agricultural sector of the economy in meeting needs and wants of consumers; (iii) basic and long-range, worldwide, economic analyses and research on supply, demand, and trade in food and fiber products and the effects on the U.S. food and agriculture system, including general economic analyses of the international financial and monetary aspects of agricultural affairs; (iv) natural resources, including studies of the use and management of land and water resources, the quality of these resources, resource institutions, and watershed and river basin development problems; and (v) rural people and communities, as authorized by Title II of the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621-1627), and the Act of June 29, 1935, as amended (7 U.S.C. 427).

(h) *Related to long-range commodity and agricultural-sector projections.*

Establish committees of the agencies of the Department to coordinate the development of a set of analytical assumptions and long-range agricultural-sector projections (2 years and beyond) based on commodity projections consistent with these assumptions and coordinated through the Interagency Commodity Estimates Committees.

Subpart K—Delegations of Authority by the Assistant Secretary for Economics

4. Section 2.84 is amended by removing paragraph (a)(6) and redesignating paragraphs (a)(7) through (a)(11) as (a)(6) through (a)(10).

5. Section 2.84 is further amended by removing the date "1945" in paragraph (a)(1) and inserting in its place the date "1946"; by removing the word "a" in the fourth line of paragraph (a)(4) and inserting in its place the word "any"; by removing the word "economics" in redesignated paragraph (a)(6) introductory text and inserting in its place the word "economic"; by removing the citation "7 U.S.C. 3201" in redesignated paragraph (a)(6)(iii) and inserting in its place the citation "7 U.S.C. 3291"; and by revising paragraph (a)(2) to read as follows:

§ 2.84 Administrator, Economic Research Service.

(a) *Delegations.* * * *

(2) Conduct economic and social science research and analyses relating to (i) food and agriculture situation and outlook; (ii) the production, marketing, and distribution of food and fiber products (excluding forest and forest products), including studies of the performance of the food and agricultural sector of the economy in meeting needs and wants of consumers; (iii) basic and long-range, worldwide, economic analyses and research on supply, demand, and trade in food and fiber products and the effects on the U.S. food and agriculture system, including general economic analyses of the international financial and monetary aspects of agricultural affairs; (iv) natural resources, including studies of the use and management of land and water resources, the quality of these resources, resource institutions, and watershed and river basin development problems; and (v) rural people and communities, as authorized by Title II of the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621-1627), and the Act of June 29, 1935, as amended (7 U.S.C. 427).

6. Section 2.86 is amended by removing the citation "§ 2.27 (a), (d), (e), and (f)" in the introductory text of paragraph (a) and inserting in its place the citation "§ 2.27 (a), (d), (e), (f), and (h)"; by removing the word "enonomy" in paragraph (a)(3)(iii) and inserting in its place the word "economy"; by removing the word "assumption" in paragraph (a)(3)(iv) and inserting in its place the word "assumptions"; by redesignating the subparagraphs (a), (b), and (c) in paragraph (a)(4)(ii) as (A), (B), and (C); by removing the word "Coordinating" in paragraph (a)(4)(iii) and inserting in its place the word "Coordination"; and by adding a new paragraph (a)(5) to read as follows:

§ 2.86 Chairman, World Agricultural Outlook Board.

(a) *Delegations.* * * *

(5) *Related to long-range commodity and agricultural-sector projections.* Establish committees of the agencies of the Department to coordinate the development of a set of analytical assumptions and long-range agricultural-sector projections (2 years and beyond) based on commodity projections consistent with these assumptions and coordinated through the Interagency Commodity Estimates Committees.

7. Section 2.88 is amended by removing the citation "§ 2.27(g)" in the introductory text of paragraph (a) and inserting in its place the citation "§ 2.27 (c) and (g)"; and by adding a new paragraph (a)(5) to read as follows:

§ 2.88 Director, Office of Energy.

(a) *Delegations.* * * *

(5) Administer responsibilities and functions assigned under the Defense Production Act of 1950, as amended (50 U.S.C. App. 2061 et seq.), and the Federal Civil Defense Act of 1950, as amended (50 U.S.C. App. 2251 et seq.), concerning coordination of energy programs.

§ 2.89 [Amended]

8. Section 2.89 is amended by removing the citation "§ 2.27(a)(11)" in the introductory text of paragraph (a) and inserting in its place the citation "§ 2.27(a)(9)".

For Subpart C:

Richard E. Lyng,
Secretary of Agriculture.

Dated: June 7, 1988.

For Subpart K:

Ewan M. Wilson,

Assistant Secretary for Economics.

Dated: May 17, 1988.

[FR Doc. 88-13163 Filed 6-10-88; 8:45 am]

BILLING CODE 3410-01-M

Animal and Plant Health Inspection Service

9 CFR Part 78

[Docket No. 88-067]

Validated Brucellosis-Free States

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Affirmation of interim rule.

SUMMARY: We are affirming without change an interim rule that amended the brucellosis regulations governing the interstate movement of swine to include Oregon in the list of validated brucellosis-free states.

EFFECTIVE DATE: July 13, 1988.

FOR FURTHER INFORMATION CONTACT:

Dr. Mitchell A. Essey, Senior Staff Veterinarian, Program Planning Staff, VS, APHIS, USDA, Room 844, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301-436-5961.

SUPPLEMENTARY INFORMATION:

Background

Brucellosis is a contagious disease affecting animals and man, caused by bacteria of the genus *Brucella*.

The brucellosis regulations in 9 CFR Part 78 (referred to below as the regulations) prescribe conditions for the interstate movement of cattle, bison, and swine. States, areas, herds, and individual animals are classified according to their brucellosis status. Interstate movement requirements for animals are based upon the disease status of the herd, area, or state from which the animal originates.

In an interim rule published in the Federal Register and effective February 16, 1988 (53 FR 4381-4382, Docket Number 87-158), we amended § 78.43 of the regulations, which lists validated brucellosis-free states, to include Oregon. Comments on the interim rule were required to be postmarked or received on or before April 18, 1988. We did not receive any comments. The facts presented in the interim rule still provide a basis for the rule. Executive Order 12291 and Regulatory Flexibility Act.

We are issuing this rule in conformance with Executive Order 12291, and we have determined that it is not a "major rule." Based on information

compiled by the Department, we have determined that this rule will have an effect on the economy of less than \$100 million; 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 cause a significant adverse effect 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.

This action allows breeding swine to move interstate from Oregon without being tested for brucellosis. The groups affected by this action are herd owners in Oregon. We expect the economic effect to be minimal; however, of the estimated 900 breeding swine herd owners in Oregon, very few, 30 or less, will ship swine interstate for breeding purposes.

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 10.025 and is subject to Executive Order 12372, which requires intergovernmental consultation with state and local officials. (See 7 CFR Part 3015, Subpart V.)

Paperwork Reduction Act

This rule contains no information collection or recordkeeping requirements under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.).

List of Subjects in 9 CFR Part 78

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

PART 78—BRUCELLOSIS

Accordingly, we are adopting as a final rule, without change, the interim rule that amended 9 CFR Part 78 and that was published at 53 FR 4381-4382 on February 16, 1988.

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 in Washington, DC, this 8th day of June 1988.

James W. Glosser,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 88-13224 Filed 6-10-88; 8:45 am]

BILLING CODE 3410-34-M

NUCLEAR REGULATORY COMMISSION

10 CFR Parts 11 and 25

Access Authorization Fee Schedule for Licensee Personnel

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Nuclear Regulatory Commission (NRC) is amending its regulations to revise the fee schedule charged for background investigations of licensee personnel who require access to National Security Information and/or Restricted Data and access to or control over Special Nuclear Material. The amendments comply with current regulations in Parts 11 and 25 which provide that NRC will publish fee adjustments concurrent with notification of any changes in the rate charged the NRC by the Office of Personnel Management (OPM) for conducting the investigations. The amendments also inform licensees that they have the option, for an additional cost, of having their applications processed in an expedited manner.

EFFECTIVE DATE: June 13, 1988.

FOR FURTHER INFORMATION CONTACT:

Duane G. Kidd, Chief, Facilities Security and Operational Support Branch, Division of Security, Office of Administration and Resources Management, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone (301) 492-4124.

SUPPLEMENTARY INFORMATION: The OPM conducts access authorization background investigations for the NRC and sets the rate charged for these investigations. On April 1, 1988, OPM increased the rate that it charges the NRC for conducting access authorization background investigations. Since the fees that NRC charges its licensees for material access authorizations and personnel security clearances are dependent on the rates charged by OPM for conducting the background investigations, the fee schedules in NRC regulations must be amended to reflect OPM's rate increase. OPM has increased the rate in charges for background investigations by \$150,

or approximately 8 percent. NRC is passing this additional cost to the licensees. The amendments also inform licensees that they have the option, for an additional cost, of having their applications processed in an expedited manner. These changes comply with current regulations in Parts 11 and 25 which provide the NRC will publish fee adjustments concurrent with notification of any changes in the rate charged the NRC by the OPM for conducting the investigations.

Because these are amendments dealing with agency practice and procedure, the notice and comment provisions of the Administrative Procedure Act do not apply pursuant to 5 U.S.C. 553(b)(1)(A). The amendments are effective upon publication in the **Federal Register**. Good cause exists to dispense with the usual 30-day delay in effective date because the amendments are of a minor and administrative nature dealing with a routine adjustment in access authorization fees.

Environmental Impact: Categorical Exclusion

The NRC had determined that this regulation is the type of action described as a categorical exclusion in 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 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 numbers 3150-0046 and 3150-0062.

Regulatory Analysis

The Commission has prepared a regulatory analysis on this final rule. The analysis examines the costs and benefits of the alternatives considered. 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 Duane G. Kidd, Division of Security, Office of Administration and Resources Management, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone: (301) 492-4124.

Regulatory Flexibility Certification

As required by the Regulatory Flexibility Act of 1980, 5 U.S.C. 605(b), the Commission certifies that this rule will not have a significant economic impact on a substantial number of small entities. Each NRC licensee or other

organization which may require access to classified information or Special Nuclear Material in connection with a license or application for a license will be affected by this final rule. Less than 14 entities are currently required to meet the requirements of 10 CFR Parts 11 and 25. Because none of these has been determined to be small as defined by the Regulatory Flexibility Act of 1980, the Commission finds that this rule will not have significant economic impact upon a substantial number of small entities.

List of Subjects

10 CFR Part 11

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

10 CFR Part 25

Classified information, Investigations, Penalty, Reporting and recordkeeping requirements, Security measures.

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. 552 and 553, the NRC is adopting the following amendments to 10 CFR Parts 11 and 25.

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

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

Authority: Sec. 161, 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, 85 Stat. 290 (31 U.S.C. 483a).

2. Section 11.15(e) is revised to read as follows:

§ 11.15 Application for special nuclear material access authorization.

(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.....	\$2,127
ii. NRC-U requiring full field investigation (expedited processing).....	\$2,645
iii. NRC-U based on certification of comparable full field background investigation.....	10
iv. NRC-U or R renewal.....	15

v. NRC-R.....	15
vi. NRC-R based on certification of comparable investigation.....	20

¹ If the NRC determines, based on its review of available data, that a full field investigation is necessary, a fee of \$2,127 will be assessed prior to the conduct of the investigation.

² If the NRC determines, based on its review of available data, that a National Agency Check Investigation is necessary, a fee of \$15.00 will be assessed prior to the conduct of the investigation; however, if a full field investigation is deemed necessary by the NRC based on its review of available data, a fee of \$2,127 will be assessed prior to the conduct of the investigation.

PART 25—ACCESS AUTHORIZATION FOR LICENSEE PERSONNEL

3. The authority citation for Part 25 continues to read as follows:

Authority: Secs. 145, 161, 68 Stat. 942, 948, as amended (42 U.S.C. 2165, 2201); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841); E.O. 10865, as amended, 3 CFR 1959-1963 COMP., p. 398 (50 U.S.C. 401, note); E.O. 12356, 47 FR 14874, April 6, 1982.

Appendix A also issued under 96 Stat. (31 U.S.C. 9071).

For the purposes of sec. 223, 68 Stat. 958, as amended (42 U.S.C. 2273); §§ 25.13, 25.17(a), 25.33 (b) and (c) are issued under 1611, 68 Stat. 949, as amended (42 U.S.C. 2201(i)); and §§ 25.13 and 25.33(b) are issued under sec. 1610, 68 Stat. 950, as amended (42 U.S.C. 2201(o)).

4. Appendix A is revised to read as follows:

Appendix A—Fees for NRC Access Authorization

Category	Fee
Initial "L" Access Authorization.....	\$15
Reinstatement of "L" Access Authorization.....	\$15
Extension or Transfer of "L" Access Authorization.....	\$15
Initial "Q" Access Authorization.....	\$2,127
Initial "Q" Access Authorization (expedited processing).....	\$2,645
Reinstatement of "Q" Access Authorization.....	\$2,127
Reinstatement of "Q" Access Authorization (expedited processing).....	\$2,645
Extension or Transfer of "Q".....	\$2,127
Extension or Transfer of "Q" (expedited processing).....	\$2,645

¹ If the NRC determines, based on its review of available data, that a full field investigation is necessary, a fee of \$2,127 will be assessed prior to the conduct of the investigation.

² Full fee will only be charged if investigation is required.

Dated at Rockville, Maryland, this 1st day of June, 1988.

For the Nuclear Regulatory Commission.

Victor Stello, Jr.,

Executive Director for Operations.

[FR Doc. 88-13238 Filed 6-10-88; 8:45 am]

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