order would decrease if Malone became regulated by the Georgia milk order.

The Malone plant's sales area extends throughout the South. The plant does not have a substantial proportion of its sales volume associated with any particular Federal order market. It does have greater sales in the Nashville, Memphis, Alabama-West Florida, and Georgia markets than in other markets. The market where it has a plurality of its sales can easily shift from month to month.

A "lock-in" provision was adopted for the Nashville market to better effect a uniform minimum order price to producers for all the distributing plants located in the Nashville marketing area.

The reason the lock-in provisions may result in the plant shifting to the Georgia pool is that it excludes a plant that would have a higher Class I price if regulated by another order. The Georgia order Class I price is one-cent higher than the Nashville order Class I price at Nashville. It is this provision rather than the market of a plurality of its sales which could result in the plant shifting to the Georgia pool. Suspension of this price comparison provision will continue to effect the intent of the "lock-in" provision of the Nashville order.

Malone, in order to decrease its route disposition in the Georgia marketing area below that in the Nashville, Tennessee market, has arranged with another distributing plant to receive packaged fluid milk at the other handler's plant for distribution in the Georgia marketing area. This distribution is not considered "route disposition" from the Malone plant. This arrangement (plant transfers) is very costly to Malone. The suspension would obviate this wasteful marketing practice.

Accordingly, it is appropriate to suspend the aforesaid provisions.

It is hereby found and determined that thirty days' notice of the effective date hereof is impractical, unnecessary and contrary to the public interest in that:

(a) The suspension is necessary to reflect current marketing conditions and to assure orderly marketing conditions in the marketing area in that this action should obviate the need for Malone & Hyde, Inc. to engage in inefficient movements of packaged milk in order to keep its plant regulated under the Nashville, Tennessee order.

(b) This suspension does not require of persons affected substantial or extensive preparation prior to the effective date; and

(c) Notice of proposed rulemaking was given interested parties and they were afforded opportunity to file written data, views or arguments concerning this suspension. Several comments were received.

Therefore, good cause exists for making this order effective less than 30 days from date of publication in **Federal Register**.

List of Subjects in 7 CFR Part 1098

Milk marketing orders.

It is therefore ordered, that the following provisions of the order (7 CFR part 1098) are hereby suspended for an indefinite period.

PART 1098—MILK IN THE NASHVILLE, TENNESSEE MARKETING AREA

1. The authority citation for 7 CFR part 1098 continues to read as follows:

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

§ 1098.7 [Suspended in part]

2. In § 1098.7(d)(2)(iii), the words "so long as this order's Class I price applicable at such plant location is not less than the other order's Class I price applicable at this same location" are suspended.

Dated: August 24, 1992.

John E. Frydenlund,

Deputy Assistant Secretary, Marketing and Inspection Services.

[FR Doc. 92-20887 Filed 8-28-92; 8:45 am]

BILLING CODE 3410-02-M

Animal and Plant Health Inspection Service

9 CFR Part 91

[Docket No. 91-134-2]

Ports Designated for Exportation of Animals; Boston, MA

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: We are amending the "Inspection and Handling of Livestock for Exportation" regulations by adding Boston, Massachusetts, to the list of ports designated as ports of embarkation, and by adding Logan International Airport as an export inspection facility, for miniature swine only, for the Boston port. This change will add a port through which miniature swine may be exported. For the exportation of miniature swine, Logan International Airport meets the requirements of the regulations for inclusion in the list of export inspection facilities.

EFFECTIVE DATE: September 30, 1992.

FOR FURTHER INFORMATION CONTACT: Dr. Andrea M. Morgan, Senior Staff Veterinarian, Import-Export Animals Staff, VS, APHIS, USDA, room 764, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, (301) 436-8383.

SUPPLEMENTARY INFORMATION:

Background

The regulations in 9 CFR part 91, "Inspection and Handling of Livestock for Exportation" (referred to below as the regulations), prescribe conditions for exporting animals from the United States. Section 91.14 lists ports designated as ports of embarkation.

In a document published in the **Federal Register** on May 7, 1992 (57 FR 19555–19556, Docket No. 91-134), we proposed to amend § 91.14 by adding Boston, Massachusetts, to the list of ports designated as ports of embarkation and by adding Logan International Airport as an export inspection facility, for miniature swine only, for the Boston port. We also proposed to add a definition for miniature swine in § 91.1.

Comments on the proposed rule were required to be received on or before July 6, 1992. We did not receive any comments before the close of the comment period. Therefore, based on the rationale set forth in the proposal, we are adopting the provisions of the proposal as a final rule without change.

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.

Prior to the effective date of this document, there were no ports designated as ports of embarkation in Massachusetts. Livestock exporters in Massachusetts transported animals to John F. Kennedy Airport in New York to be exported. Of the approximately 50 exporters of miniature swine in Massachusetts, most would be considered small entities. This rule will give exporters of miniature swine in Massachusetts the option of using a closer export facility. Since the cost of transporting the miniature swine to John F. Kennedy Airport is a small portion of the overall cost of exporting them, allowing use of Logan International Airport in Massachusetts will have minimal economic effect on the exporters. Further, since this action involves one type of animal, it is unlikely to have any significant effect on any entity involved in handling or transporting livestock.

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.

Paperwork Reduction Act

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

Executive Order 12372

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 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.)

Executive Order 12778

This rule has been reviewed under Executive Order 12778, Civil Justice Reform. This rule: (1) Preempts all State and local laws and regulations that are inconsistent with this rule; (2) has no retroactive effect; and (3) does not require administrative proceedings before parties may file suit in court challenging its provisions.

List of Subjects in 9 CFR Part 91

Animal diseases, Animal welfare, Exports, Livestock, Reporting and recordkeeping requirements, Transportation.

Accordingly, 9 CFR part 91 is amended as follows:

PART 91—INSPECTION AND HANDLING OF LIVESTOCK FOR EXPORTATION

1. The authority citation for part 91 continues to read as follows:

Authority: 21 U.S.C. 105, 112, 113, 114a, 120, 121, 134b, 134f, 612, 613, 614, 618, 46 U.S.C. 466a, 466b, 49 U.S.C. 1509(d); 7 CFR 2.17, 2.51, and 371.2(d)

2. In § 91.1 a definition for "miniature swine" is added in alphabetical order to read as follows:

§ 91.1 Definitions.

* * * * *

Miniature swine. Swine bred and raised as pets or for laboratory testing purposes that do not weigh more than 100 pounds at maturity.

* * * * *

3. In § 91.14, paragraph (a) is amended by redesignating paragraphs (a)(7) through (a)(16) as paragraphs (a)(8) through (a)(17), respectively, and by adding a new paragraph (a)(7) to read as follows:

§ 91.14 Ports of embarkation and export inspection facilities.

(a) * * *

(7) *Massachusetts.* (i) Boston—airport only.

(A) Logan International Airport (miniature swine only), East Boston, Massachusetts 02128, (617) 565–4649.

* * * * *

Done in Washington, DC, this 26th day of August 1992.

Robert Melland,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 92–20891 Filed 8–28–92; 8:45 am]

BILLING CODE 3410–34–M

NUCLEAR REGULATORY COMMISSION

10 CFR Parts 20 and 50

RIN 3150–AE30

Reducing the Regulatory Burden on Nuclear Licensees

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Nuclear Regulatory Commission (NRC) is amending its regulations to reduce the regulatory burden on nuclear licensees. This action reflects an initiative undertaken by the Commission in response to a Presidential memorandum requesting that selected Federal agencies review and modify regulations that would eliminate any unnecessary burden of governmental regulation and ensure that the regulated community is not subject to duplicative or inconsistent regulation. In that spirit, the NRC's Committee to Review Generic Requirements (CRGR) identified eight areas where regulations could be revised to reduce the regulatory burden on licensees without in any way reducing the protection for the public health and safety or the common defense and security. The final amendments address unnecessary regulatory requirements related to the frequency of reporting information, analysis of emergency core cooling systems for operating power reactors, and clarification and update of regulations affecting certain material licensees.

EFFECTIVE DATE: October 1, 1992.

FOR FURTHER INFORMATION CONTACT: Mr. C.W. Nilsen, telephone (301) 492–3834 or Mr. Joseph J. Mate, telephone (301) 492–3795, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

SUPPLEMENTARY INFORMATION:

Background

On January 28, 1992, the President of the United States signed a memorandum addressed to selected Federal Agency Heads who are concerned with energy production and protection of the environment. The memorandum requested the addressees work together to streamline the regulatory process and ensure that the regulatory community is not subject to duplicative or inconsistent regulation.

On the same day, the President signed a second memorandum entitled "Reducing the Burden of Government Regulation." This memorandum, which was sent to all Federal agencies, set aside a 90-day period to review and evaluate existing regulations and programs and to identify and accelerate action on initiatives that will eliminate any unnecessary regulatory burden. At the end of the review period, agencies were to submit a written report indicating the regulatory changes recommended or made during the review period and the potential savings as a result of the changes.

In response to the Presidential memoranda, the Commission decided that it would be consistent with its policy to monitor the impact of complying with NRC regulations by its licensees to instruct its Committee to Review Generic Requirements (CRGR) to review existing NRC regulations to determine whether regulatory burdens can be reduced without in any way reducing the protection for the public health and safety and the common defense and security. In accomplishing their review, the CRGR drew upon previous studies and solicited comments from the public, other Federal agencies, and the Commission's staff. A **Federal Register** Notice was published on February 24, 1992 (57 FR 6299) seeking public comment in connection with the review, and a second **Federal Register** Notice on March 23, 1992 (57 FR 9985) discussed likely or possible candidates for action, based on CRGR's preliminary evaluation of comments. An associated public meeting was held on March 27, 1992, in Bethesda, Maryland.

After completing their special review, the CRGR recommended revising the regulations in eight areas. The proposed revisions met the criteria for reducing the burden without in any way reducing the protection for public health and safety and common defense and security.

The Chairman of the NRC sent a report to the President of the United States on April 27, 1992, which summarized NRC's activities concerning the President's directive and advised the President that NRC would pursue the CRGR's recommendations expeditiously within the framework of the procedures and practices for rulemaking.

On June 1, 1992, in response to a memorandum from the President of the United States, dated April 29, 1992, the Commission directed the staff to strive to publish the proposed rule changes in the eight areas identified by the CRGR in the **Federal Register** for comment as soon as possible, but not later than June 15, 1992, with a view to issuing the final rules in the **Federal Register** no later than August 27, 1992. On June 18, 1992 (57 FR 27187), the NRC published the proposed rulemaking in the **Federal Register** for comment. The comment period expired on July 20, 1992.

Summary and Analysis of Public Comments

Thirty comment letters were received on the proposed rule and are available for public inspection, and copying for a fee, at the Commission's Public Document Room located at 2120 L street, NW. (Lower Level), Washington, DC. The comments on the proposed rule came from a variety of sources. These included private citizens, publicly-held corporations, citizens' groups, the armed forces, industry representatives, electric power companies or their representatives, and legal firms. Eleven significant points were raised by the commenters. Of the 30 comment letters received, 28 letters were favorable and 2 letters were partially opposed to the regulation changes. The comments and their resolutions are discussed below.

1. *Comment.* One commenter suggested that the Commission not only amend § 20.1906(b) concerning contamination monitoring, but also issue a statement that those licensees still operating under the old part 20 not be required to monitor packages for contamination that meet the conditions of § 20.1906(b).

Response. The NRC does not believe that the suggested change by the commenter is necessary because the amendment of § 20.1906(b) will make the subject contamination monitoring requirements of the new part 20 essentially the same as those contained in the existing part 20 (§ 20.205(b)(1)(iii) and (c)(1)).

2. *Comment.* One commenter opposed the rule on the basis that sealed sources routinely leak and, therefore, should not be excluded from monitoring.

The commenter cited an example where a driver and a truck were contaminated because of a failure to conduct a proper radiation sweep.

Response. The final rule does not exempt licensees from monitoring or surveying any packages with evidence of degradation of package integrity, including evidence of potential contamination. Likewise, this revision does not relax the preshipment requirements for monitoring of packages contained in 10 CFR part 71. The NRC does not have any evidence that supports the commenter's assertion that sealed sources routinely leak and, thus, the NRC believes that the requirements in place are sufficient to detect potential abnormal situations. No amount of regulation can, a priori, preclude all incidents involving leaking sources. However, these incidents can be dealt with through followup inspection and enforcement under the present regulatory scheme.

3. *Comment.* Several commenters addressed in general terms the need for the NRC to continue its efforts to reduce any unnecessary regulatory burden on licensees through amendments to 10 CFR chapter I.

Response. The NRC will continue its efforts to identify additional amendments that will provide for a reduction in regulatory burden while still assuring adequate protection of the public health and safety.

4. *Comment.* One commenter questioned the basis for exempting from external monitoring for radiation levels only nuclear material that was either in the form of a gas or in a special form since the external radiation levels are dependent upon radionuclides, quantity, shielding, and distance between radioactive material and the point of interest rather than material form.

Response. The NRC agrees with the commenter that the requirement to survey, upon receipt, the radiation levels on the package exterior should be based on the potential radiation hazard. Therefore, the requirement specified in 10 CFR 20.1906(b)(2) that monitoring of radiation levels be performed on labeled packages is being revised to delete the exemption that the radioactive material be in the form of a gas or in special form as defined in 10 CFR 71.4.

5. *Comment.* One commenter questioned whether the monitoring requirements were applicable for packages that show evidence of damage.

Response. The wording of 10 CFR 20.1906(b)(3) has been revised to indicate more clearly that packages with evidence of damage are to be monitored for both radioactive contamination and for radiation levels.

6. *Comment.* Several commenters requested that the proposed wording to 10 CFR 50.71(e)(4) concerning FSAR updates be revised to decouple the FSAR updates from the refueling cycle and that the 24-month requirement for updates is an unnecessary restriction.

Response. The proposed changes were not accepted. The majority of facility design changes reflected in an updated FSAR are effected during the refueling outage. The use of the refueling cycle interval provides for a current plant status document that is coordinated with plant changes. The wording of § 50.71(e)(4) is not restrictive to plants that will eventually increase their refueling cycle to 24 months.

7. *Comment.* Three electric utilities requested that the proposed wording in 10 CFR 50.36(a)(2) concerning radiological effluent reporting be revised to specify a particular date. One commenter suggested: "The report must be submitted as specified in § 50.4 prior to March 31 of each year."

Response. The wording of 10 CFR 50.36(a)(2) gives the licensee maximum flexibility for scheduling submission of radiological effluent reports with the only restriction being that the interval between reports must not exceed 12 months. The reporting requirements remain as proposed.

8. *Comment.* Two commenters suggested that the amendments indicate that the changes in reporting requirements of the new regulations take precedence over the existing license technical specifications or license conditions where there may be a conflict.

Response. The proposed amendments are generic and licensees may request administrative amendments to any conflicting license condition or technical specification as needed.

9. *Comment.* Two commenters suggested that NRC reconsider the need for licensees to submit 10 CFR 50.36a(2) effluent release reports and 10 CFR 50.59 reports concerning annual design changes. The commenters noted the requirement for these reports was issued before the Final Safety Analysis Reports were required to be updated periodically and before resident inspectors were assigned to all reactor sites. The

commenters also observed that these reports are now available on site for review by inspectors at any time and that most design changes are reflected in the FSARs. Further, the commenters did not believe that these reports are routinely reviewed by the NRC staff. The commenters believed that if the requirements to submit such a report were eliminated, there would be no impact on safety, the required evaluations could continue to be performed, and the reports would continue to be available for review. The commenters believed that the deletion of these requirements would contribute to significant increased savings by licensees.

Response. The consequence of eliminating the requirements for these reports requires significant additional assessment. Thus, the proposed revisions have not been modified in order not to delay the benefit of burden reduction. Although this proposal will not be addressed in the current rulemaking, these suggested revisions will be evaluated as part of an ongoing NRC effort.

10. *Comment.* One commenter questioned whether the changes in reporting frequency of facility changes under 10 CFR 50.59, FSAR updates, and radiological effluent reports would impair the ability of the NRC to review the information in a timely manner.

Response. The resident inspector program along with regional regulatory programs provide timely and in some cases day-by-day review of facility operations. The changes being made will not impair NRC's ability to review the information.

11. *Comment.* One commenter (Yankee Atomic Electric Co.) stated that the FSAR update changes discussed in Action Item 1 in the proposed rule and in Action Item 7 of this document emanated from a petition for rulemaking that they submitted to the NRC on February 9, 1990 (PRM 50–55). The notice of receipt for this petition was published in the **Federal Register** on May 3, 1990 (55 FR 18608). The petitioner originally requested that nuclear power plant licensees be allowed to file FSAR reports at periods greater than annually. They suggested that § 50.71(e)(4) be revised to read as follows: "Subsequent revisions shall be filed no later than 6 months after completion of each planned refueling outage for a licensee's facility. If two or more facilities share a common FSAR, the licensees shall designate the refueling outage schedule on one of the multiple facilities to establish the schedule for revisions of the common FSAR. The FSAR revisions shall reflect all changes up to a maximum of 6 months prior to the date of filing."

During the comment period on this proposed rule, Yankee Atomic Electric Co. stated that the period between successive FSAR updates should not be limited to 24 months as proposed. Their rationale was that the restriction of 24 months was unnecessary.

Response. Upon receipt of the Yankee Atomic Electric Co. comment letter of July 20, 1992, the NRC again reviewed the petition (PRM 50–55) submitted by Yankee Atomic Electric Co. and the comments submitted in response to the Notice of Receipt. Based on this review, the NRC believes that the current action being taken to reduce the burden on nuclear licensees is substantially similar to the relief requested in the petition. The 24-month interval for successive FSAR updates is addressed in comment number 6 above. It should be noted that the petition did not contain a specific reference to a number of months regarding successive FSAR updates. With respect to the petitioner's concern about multiple facilities sharing a common FSAR, licensees will have maximum flexibility for scheduling updates on a case-by-case basis. This final rule does not address multiple facilities.

This final rule is considered by the NRC to grant the petition submitted by the Yankee Atomic Electric Co. This final rule constitutes final NRC action on the petition.

Discussion

The Nuclear Regulatory Commission is amending 10 CFR parts 20 and 50 to implement the eight proposed actions identified below and also identified in the report on "Special Review of Existing NRC Regulations" that was completed by the CRGR and that was attached to Chairman Selin's letter to the White House dated April 27, 1992. These actions will not reduce the protection of the public health and safety or the common defense and security. Each of the eight actions is discussed below.

1. Posting of Rooms Occupied by Diagnostic Nuclear Medicine Patients (10 CFR 20.1903(b))

The revision reduces the posting requirements for rooms in hospitals occupied by patients administered radioactive materials who might otherwise be released from confinement under the provisions of 10 CFR 35.75.

The estimated savings to licensees is $300,000 for elimination of the need for posting.

2. Contamination Monitoring of Packages (10 CFR 20.1906(b))

This action clarifies the regulations and reduces the monitoring burden for packages containing radioactive material in the form of a gas or in a special form as defined in 10 CFR 71.4.

The estimated savings to licensees is $10.1 million.

3. Frequency of Radiological Effluent Reports (10 CFR 50.36a)

This action reduces the requirements for the submission of reports concerning the quantity of principal nuclides released to unrestricted areas in liquid and gaseous effluents from semiannually to annually.

The estimated savings for this action, assuming an average remaining plant life of 26 years, is $16,800,000 for licensees and $360,000 for the NRC.

4. Use of Fuel with Zirconium-Based (Other than Zircaloy) Cladding (10 CFR 50.44, 50.46, and Appendix K to Part 50)

This action revises the acceptance criteria in 10 CFR 50.44 and 50.46, relating to evaluations of emergency core cooling systems and combustible gas control applicable to zircaloy clad fuel to include ZIRLO clad fuel. This revision to include ZIRLO as an acceptable zirconium based cladding material along with zircaloy will reduce the licensee burden but will not reduce the protection of the public health or safety. The NRC will address, through an appropriate separate rulemaking, the use of other similar zirconium based cladding materials when all of the necessary safety evaluations for those materials have been completed.

The estimated savings for eliminating the need to process recurring exemptions to the regulations to licensees is $2 million and the savings to the NRC is $50,000. This estimate is based on six plants per year requesting the use of ZIRLO clad fuel over the next 8 years.

5. Receipt Back of Processed Low Level Waste (10 CFR 50.54)

This action is addressed in a separate rulemaking. For additional information, see the proposed rule entitled "Receipt of Byproduct and Special Nuclear Material" published in the **Federal Register** on April 24, 1992 (57 FR 15034).

6. Annual Design Change Reports (10 CFR 50.59)

This action revises the requirements for the annual submission of reports for facility changes under § 50.59 (Changes, tests, and experiments) to conform with the proposed change for updating the

FSAR (see Item 7). This action does not affect the substance of the evaluation or the documentation required for § 50.59 type changes. It only affects the interval for submission of the information to the NRC. Instead of submitting the information annually, the information can be submitted on a refueling cycle basis, provided the interval between successive reports does not exceed 24 months.

The estimated savings for this action, assuming an average remaining plant life of 26 years, is $1,500,000 for licensees and $400,000 for the NRC.

7. Frequency of Final Safety Analysis Report (FSAR) Updates (10 CFR 50.71)

This action provides licensees with an option from the current requirements for the annual updating of the Final Safety Analysis Report (FSAR). In lieu of an annual submission, licensees may choose to provide the required information once per each refueling outage. Updates to the FSAR can be submitted 6 months after each refueling outage, provided the interval between successive updates to the FSAR does not exceed 24 months. This action does not affect the substance of FSAR updates.

The estimated savings for this action, assuming an average remaining plant life of 26 years, is $11,100,000 for licensees and $910,000 for the NRC.

8. Elimination of Unnecessary Event Reports (10 CFR 50.72 and 50.73)

This action is addressed in a separate rulemaking. For additional information, see the proposed rule entitled "Minor Modifications to Nuclear Power Reactor Event Reporting Requirements" published in the **Federal Register** on June 26, 1992 (57 FR 28642).

Environmental Impact: Categorical Exclusion

The NRC determined that the final regulation is the type of action described in categorical exclusions 10 CFR 51.22(c)(2) and (3). Therefore, neither an environmental impact statement nor an environmental assessment has been prepared for this final regulation.

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, 3150–0014 and 3150–0011.

The reduction of the public reporting burden for this collection of information is estimated to average 208 hours per response for operating power reactors and 1 hour per response for certain materials licensees, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden reduction or any other aspect of this decrease in the collection of information including suggestions on this reduced burden to the Information and Records Management Branch (MNBB–7714), U.S. Nuclear Regulatory Commission, Washington, DC 20555; and to the Desk Officer, Office of Information and Regulatory Affairs, NEOB–3019 (3150–0011, 3150–0014), Office of Management and Budget, Washington, DC 20503.

Regulatory Analysis

The NRC is amending its regulations to reduce the regulatory burden on nuclear licensees. This action reflects an initiative on the part of the NRC and responds to the spirit of President Bush's memoranda of January 28, 1992, which requested that selected Federal agencies review and modify regulations that will reduce unnecessary burden of governmental regulation and ensure that the regulated community is not subject to duplicative or inconsistent regulation. The NRC has identified eight rulemaking actions that would eliminate duplicative or inconsistent regulatory requirements. Six of the actions are included in this package. Two of the eight actions are being processed as separate rulemakings and are not discussed here. The eight actions are as follows:

1. Posting of Rooms Occupied by Diagnostic Nuclear Medicine Patients—to include exceptions for posting requirements for rooms in hospitals for patients administered radiopharmaceuticals for diagnostic tests (10 CFR 20.1903(b)).
2. Contamination Monitoring of Packages—to eliminate certain provisions for contamination monitoring of packages containing certain types of radioactive material (10 CFR 20.1906(b)).
3. Frequency of Radiological Effluent Reports—to change the frequency of reports on power reactor radiological effluents from twice per year to once per year (10 CFR 50.36a).
4. Use of Fuel with Zirconium-Based Cladding—to eliminate the need to obtain exemptions in order to use certain fuel cladding material not presently addressed in the regulations (10 CFR 50.44, 10 CFR 50.46 and 10 CFR part 50, appendix K).
5. Receipt Back of Processed Low Level Waste—separate rulemaking (10 CFR 50.54).
6. Annual Design Change Reports—to change the frequency of reporting changes at power reactors from once per year to once per refueling cycle (10 CFR 50.59(b)).
7. Frequency of Final Safety Analysis Report Updates—to change the frequency of safety analysis report updates from once per year to once per refueling cycle (10 CFR 50.71).
8. Elimination of unnecessary event reports—separate rulemaking (10 CFR 50.72 and 50.73).

Each of these actions considers the elimination or relaxation of regulatory requirements currently imposed on NRC licensees. Action Items 1 and 2 would affect material licensees while Action Items 3 through 8 would affect power reactor licensees. For each regulatory action, the NRC has evaluated the health and safety implications and the cost impacts relative to a status quo alternative. The NRC finds that each would result in a reduction in burden without reducing protection of the public health and safety. The public health and safety determination appears in a document entitled "Report on Special Review of Existing NRC Regulations by the Committee to Review Generic Requirements" issued on April 13, 1992. Additionally, an analysis of the safety implications of Action Item 4 is available in a U.S. NRC letter to Westinghouse Corporation dated July 1, 1991, entitled "Acceptance For Referencing of Topical Report WCAP–12610 "Vantage+Fuel Assembly Reference Core Report" (TAC NO. 77258)."

The cost savings to both the licensee population and the NRC appear below. Dollar impacts are expressed on a 1992 present worth basis in 1992 dollars. The basis for these cost estimates is available in a report entitled "Analyses of Potential Cost Savings for Selected NRC Reforms" dated June 10, 1992.

TOTAL DISCOUNTED [1] COST SAVINGS ASSOCIATED WITH PROPOSED REGULATORY REVISIONS

[In millions of 1992 dollars]

Regulatory revision	Licensees	NRC
Item 1	0.3	[2] −0.100
Item 2	10.1	[2] −0.100
Item 3	16.8	0.360
Item 4	2.0	0.050
Item 5	[3] N/A	[3] N/A
Item 6	1.5	0.400
Item 7	11.1	0.910
Item 8	[3] N/A	[3] N/A

[1] Assumes an annual real discount rate of 5%
[2] Negative cost savings represent a cost expenditure.
[3] Not applicable—separate rulemaking.

The NRC concludes that each of these proposed regulatory revisions is justified due to the net cost savings that will accrue without reducing public health and safety.

Regulatory Flexibility Certification

As required by the Regulatory Flexibility Act, 5 U.S.C. 605(b), the Commission certifies that, this rule will not have a significant adverse economic impact on a substantial number of small entities. The NRC has adopted size standards that classify a small entity as a small business or organization, one whose gross annual receipts do not exceed $3.5 million, or as a small governmental jurisdiction whose supporting population is 50,000 or less. The first two issues involve the relaxation of requirements which will affect approximately 5,000 material licensees. Although many of these licensees may be small entities, there should be no adverse impact on these small licensees because the regulations are being relaxed. The remaining six issues affect 112 power reactor licensees. The companies that own these plants do not fall within the scope of the definition of "small entities" set forth in the Regulatory Flexibility Act or the NRC Size Standards.

Backfit Analysis

The NRC has determined that the backfit rule, 10 CFR 50.109, does not apply to this final rule and, therefore, that a backfit analysis is not required because these amendments do not involve any provisions that would impose backfits as defined in 10 CFR 50.109(a)(1).

List of Subjects

10 CFR Part 20

Byproduct material, Criminal penalty, Licensed material, Nuclear materials, Nuclear power plants and reactors, Occupational safety and health, Packaging and containers, Radiation protection, Reporting and recordkeeping requirements, Source material, Special nuclear material, Waste treatment and disposal.

10 CFR Part 50

Antitrust, Classified information, Criminal penalty, Fire protection, Incorporation by reference, Intergovernmental relations, Nuclear power plants and reactors, Radiation protection, Reactor siting criteria, Reporting and recordkeeping requirements.

For 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 20 and 50.

PART 20—STANDARDS FOR PROTECTION AGAINST RADIATION

1. The authority citation for part 20 continues to read as follows:

Authority: Secs. 53, 63, 65, 81, 103, 104, 161, 182, 186, 68 Stat. 930, 933, 935, 936, 937, 948, 953, 955, as amended (42 U.S.C. 2073, 2093, 2095, 2111, 2133, 2134, 2201, 2232, 2236), secs. 201, as amended, 202, 206, 88 Stat. 1242, as amended, 1244, 1246, (42 U.S.C. 5841, 5842, 5846).

Section 20.408 also issued under secs. 135, 141, Pub. L. 97–425, 96 Stat. 2232, 2241, (42 U.S.C. 10155, 10161).

For the purposes of sec. 233, 68 Stat. 958, as amended (42 U.S.C. 2273); §§ 20.101, 20.102, 20.103(a), (b), and (f), 20.104 (a) and (b), 20.105 (b), 20.106 (a), 20.201, 20.202 (a), 20.205, 20.207, 20.301, 20.303, 20.304, and 20.305, 20.1102, 20.1201–20.1204, 20.1206, 20.1207, 20.1208, 20.1301, 20.1302, 20.1501, 20.1502, 20.1601 (a) and (d), 20.1602, 20.1603, 20.1701, 20.1704, 20.1801, 20.1802, 20.1901(a), 20.1902, 20.1904, 20.1906, 20.2001, 20.2002, 20.2003, 20.2004, 20.2005(b) and (c), 20.2006, 20.2101–20.2110, 20.2201–20.2206, and 20.2301 are issued under sec. 161(b), 68 Stat. 948 as amended (42 U.S.C. 2201(b)); § 20.2106(d) is issued under the Privacy Act of 1974, Pub. L. 93–579, 5 U.S.C. 552a; and §§ 20.102, 20.103(e), 20.401–20.407, 20.408(b), 20.409, 20.1102(a)(2) and (4), 20.1204(c), 20.1206 (g) and (h), 20.1904(c)(4), 20.1905 (c) and (d), 20.2005(c), 20.2006(b)–(d), 20.2101–20.2103, 20.2104(b)–(d), 20.2105–20.2108, and 20.2201–20.2207 are issued under sec. 161o, 68 Stat. 950, as amended (42 U.S.C. 2001(o)).

2. Section 20.1903 is amended by revising paragraph (b) to read as follows:

§ 20.1903 Exceptions to posting requirements.

* * * * *

(b) Rooms or other areas in hospitals that are occupied by patients are not required to be posted with caution signs pursuant to § 20.1902 provided that the patient could be released from confinement pursuant to § 35.75 of this chapter.

* * * * *

3. Section 20.1906 is amended by revising paragraph (b) to read as follows:

§ 20.1906 Procedures for receiving and opening packages.

* * * * *

(b) Each licensee shall—

(1) Monitor the external surfaces of a labeled [3a] package for radioactive contamination unless the package contains only radioactive material in the form of a gas or in special form as defined in 10 CFR 71.4;

(2) Monitor the external surfaces of a labeled [3a] package for radiation levels unless the package contains quantities of radioactive material that are less than or equal to the Type A quantity, as defined in § 71.4 and appendix A to part 71 of this chapter; and

(3) Monitor all packages known to contain radioactive material for radioactive contamination and radiation levels if there is evidence of degradation of package integrity, such as packages that are crushed, wet, or damaged.

* * * * *

[3a] Labeled with a Radioactive White I, Yellow II, or Yellow III label as specified in U.S. Department of Transportation regulations, 49 CFR 172.403 and 172.436–440.

PART 50—DOMESTIC LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

4. The authority citation for part 50 continues to read as follows:

Authority: Secs. 102, 103, 104, 105, 161, 182, 183, 186, 189, 68 Stat. 936, 937, 938, 948, 953, 954, 955, 956, as amended, sec. 234, 83 Stat. 1244, as amended (42 U.S.C. 2132, 2133, 2134, 2135, 2201, 2232, 2233, 2236, 2239, 2282); secs. 201, as amended, 202, 206, 88 Stat. 1242, as amended, 1244, 1246 (42 U.S.C. 5841, 5842, 5846).

Section 50.7 also issued under Pub. L. 95–601, sec. 10, 92 Stat. 2951 (42 U.S.C. 5851). Section 50.10 also issued under secs. 101, 185, 68 Stat. 936, 955, as amended (42 U.S.C. 2131, 2235); sec. 102, Pub. L. 91–190, 83 Stat. 853 (42 U.S.C. 4332). Sections 50.13, 50.54(dd), and 50.103 also issued under sec. 108, 68 Stat. 939, as amended (42 U.S.C. 2138). Sections 50.23, 50.35, 50.55, and 50.56 also issued under sec. 185, 68 Stat. 955 (42 U.S.C. 2235). Sections 50.33a, 50.55a and appendix Q also issued under sec. 102, Pub. L. 91–190, 83 Stat. 853 (42 U.S.C. 4332). Sections 50.34 and 50.54 also issued under sec. 204, 88 Stat. 1245 (42 U.S.C. 5844). Sections 50.58, 50.91, and 50.92 also issued under Pub. L. 97–415, 96 Stat. 2073 (42 U.S.C. 2239). Section 50.78 also issued under sec. 122, 68 Stat. 939 (42 U.S.C. 2152). Sections 50.80–50.81 also issued under sec. 184, 68 Stat. 954, as amended (42 U.S.C. 2234). Appendix F 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); §§ 50.5, 50.46(a) and (b), and 50.54(c) are issued under sec. 161b, 68 Stat. 948, as amended (42 U.S.C. 2201(b)); §§ 50.5, 50.7(a), 50.10(a)–(c), 50.34(a) and (e), 50.44(a)–(c), 50.46(a) and (b), 50.47(b), 50.48(a), (c), (d), and (e), 50.49(a), 50.54(a), (i), (i)(l), (l)–(n), (p), (q), (t), (v), and (y), 50.55(f), 50.55a(a), (c)–(e), (g), and (h), 50.59(c), 50.60(a), 50.62(b), 50.64(b), 50.65, and 50.80(a) and (b) are issued under sec. 161i, 68 Stat. 949, as amended (42 U.S.C. 2201(i)); and §§ 50.9, 50.49(d), (h) and (j), 50.54(w), (z), (bb), (cc), and (dd), 50.55(e), 50.59(b), 50.61(b), 50.62(b), 50.70(a), 50.71(a)–(c) and (e), 50.72(a), 50.73(a) and (b), 50.74, 50.78, and 50.90 are issued under sec. 161o, 68 Stat. 950 as amended (42 U.S.C. 2201(o)).

5. Section 50.36a is amended by revising paragraph (a)(2) to read as follows:

§ 50.36a Technical specifications on effluents from nuclear power reactors.

(a) * * *

(2) Each licensee shall submit a report to the Commission annually that specifies the quantity of each of the principal radionuclides released to unrestricted areas in liquid and in gaseous effluents during the previous 12 months of operation, including any other information as may be required by the Commission to estimate maximum potential annual radiation doses to the public resulting from effluent releases. The report must be submitted as specified in § 50.4, and the time between submission of the reports must be no longer than 12 months. If quantities of radioactive materials released during the reporting period are significantly above design objectives, the report must cover this specifically. On the basis of these reports and any additional information the Commission may obtain from the licensee or others, the Commission may require the licensee to take action as the Commission deems appropriate.

* * * * *

6. Section 50.44 is amended by revising the introductory text of paragraphs (a), (b), and paragraph (c)(1) to read as follows:

§ 50.44 Standards for combustible gas control system in light-water-cooled power reactors.

(a) Each boiling or pressurized light-water nuclear power reactor fueled with oxide pellets within cylindrical zircaloy or ZIRLO cladding, must, as provided in paragraphs (b) through (d) of this section, include means for control of hydrogen gas that may be generated, following a postulated loss-of-coolant accident (LOCA), by—

* * * * *

(b) Each boiling or pressurized light-water nuclear power reactor fueled with oxide pellets within cylindrical zircaloy or ZIRLO cladding must be provided with the capability for—

* * * * *

(c)(1) For each boiling or pressurized light-water nuclear power reactor fueled with oxide pellets within cylindrical zircaloy or ZIRLO cladding, it must be shown that during the time period following a postulated LOCA, but prior to effective operation of the combustible gas control system, either:

* * * * *

7. Section 50.46 is amended by revising paragraph (a)(1)(i) to read as follows:

§ 50.46 Acceptance criteria for emergency core cooling systems for light water nuclear power reactors.

(a)(1)(i) Each boiling and pressurized light-water nuclear power reactor fueled with uranium oxide pellets within cylindrical zircaloy or ZIRLO cladding must be provided with an emergency core cooling system (ECCS) that must be designed so that its calculated cooling performance following postulated loss-of-coolant accidents conforms to the criteria set forth in paragraph (b) of this section. ECCS cooling performance must be calculated in accordance with an acceptable evaluation model and must be calculated for a number of postulated loss-of-coolant accidents of different sizes, locations, and other properties sufficient to provide assurance that the most severe postulated loss-of-coolant accidents are calculated. Except as provided in paragraph (a)(1)(ii) of this section, the evaluation model must include sufficient supporting justification to show that the analytical technique realistically describes the behavior of the reactor system during a loss-of-coolant accident. Comparisons to applicable experimental data must be made and uncertainties in the analysis method and inputs must be identified and assessed so that the uncertainty in the calculated results can be estimated. This uncertainty must be accounted for, so that, when the calculated ECCS cooling performance is compared to the criteria set forth in paragraph (b) of this section, there is a high level of probability that the criteria would not be exceeded. Appendix K, Part II, Required Documentation, sets forth the documentation requirements for each evaluation model.

* * * * *

8. Section 50.59 is amended by revising paragraph (b)(2) to read as follows:

§ 50.59 Changes, tests and experiments.

* * * * *

(b) * * *

(2) The licensee shall submit, as specified in § 50.4, a report containing a brief description of any changes, tests, and experiments, including a summary of the safety evaluation of each. The report may be submitted annually or along with the FSAR updates as required by § 50.71(e), or at such shorter intervals as may be specified in the license.

* * * * *

9. Section 50.71 is amended by revising paragraph (e)(4) to read as follows:

§ 50.71 Maintenance of records, making of reports.

* * * * *

(e) * * *

(4) Subsequent revisions must be filed annually or 6 months after each refueling outage provided the interval between successive updates to the FSAR does not exceed 24 months. The revisions must reflect all changes up to a maximum of 6 months prior to the date of filing.

* * * * *

Dated at Rockville, Maryland, this 19th day of August 1992.

For the Nuclear Regulatory Commission.

James H. Sniezek,

Acting Executive Director for Operations.

[FR Doc. 92-20855 Filed 8-28-92; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 202

[Release Nos. 33-6952; 34-31071; 35-25612; 39-2289; IC-18905; IA-1325; File No. S7-26-84]

Temporary Lockbox Rule

AGENCY: Securities and Exchange Commission.

ACTION: Extension of temporary rule.

SUMMARY: The Commission is extending for one year the effectiveness of a temporary rule, adopted in June, 1984, which permits filing fees to be remitted to a U.S. Treasury designated lockbox depository located in Pittsburgh, Pennsylvania. Use of the lockbox is currently voluntary except for those entities filing on the Commission's Electronic Data Gathering, Analysis and Retrieval (EDGAR) system. This action will permit registrants to continue to use the lockbox pending adoption of a permanent rule.

EFFECTIVE DATE: September 1, 1992 through September 1, 1993.

FOR FURTHER INFORMATION CONTACT: Wilson Butler, (202) 272-7210, Director, Office of Filings, Information and Consumer Services, Securities and Exchange Commission, 450 Fifth Street NW., Washington, DC 20549.

SUPPLEMENTARY INFORMATION: In Securities Act Release No. 6540, dated June 27, 1984 (49 FR 27306), the Commission adopted a temporary amendment to rule 3a, 17 CFR 202.3a, to