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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1260

RIN 0581–AA76

[No. LS–92–007]

Beef Promotion and Research; Reapportionment

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This final rule will adjust representation on the Cattlemen's Beef Promotion and Research Board (Board), established under the Beef Promotion and Research Act (ACT) of 1985, to reflect changes in cattle inventories and cattle and beef imports which have occurred since the Board was reapportioned in 1990. Such adjustments are required by the Beef Promotion and Research Order (Order) and will result in a decline in Board membership from 111 to 107, effective with the Secretary's 1993 appointments. Georgia, Missouri, South Dakota, and Texas each will lose one Board member while Kentucky will gain one member. Another Board position will be lost in the current mid-Atlantic unit. Since this unit does not have sufficient cattle inventory to qualify for a position on the Board, the unit will be divided, and Maryland and the District of Columbia will be combined with West Virginia to form a new mid-Atlantic unit. The States of Delaware, New Jersey, Connecticut, and Rhode Island will join with Massachusetts, Vermont, New Hampshire, and Maine to form a new Northeast unit.

EFFECTIVE DATE: This rule will become effective on April 8, 1993.

ADDRESSES: Ralph L. Tapp, Chief; Marketing Programs Branch; Livestock and Seed Division; Agricultural Marketing Service, USDA, Room 2624–S; P.O. Box 96456; Washington, DC 20090–6456.

FOR FURTHER INFORMATION CONTACT: Ralph L. Tapp, Chief, Marketing Programs Branch, at 202/720–1115.

SUPPLEMENTARY INFORMATION: This final rule has been reviewed under Executive Order No. 12291 and Departmental Regulations 1512–1 and has been designated as a "nonmajor" rule under the criteria contained therein.

This final rule has been reviewed under Executive Order 12778, Civil Justice Reform. It is not intended to have retroactive effect. Section 11 of the Act provides that nothing in the Act may be construed to preempt or supersede any other program relating to beef promotion organized and operated under the laws of the United States or any State. There are no administrative proceedings which must be exhausted prior to any judicial challenge to the provisions of this rule.

This action was also reviewed under the Regulatory Flexibility Act (RFA) (5 U.S.C. 601, et seq.). The Administrator of the Agricultural Marketing Service has determined that this final action will not have a significant impact on a substantial number of small entities as defined by the RFA since it only adjusts representation on the Board to reflect changes in domestic cattle inventory and imports.

The Board was initially appointed August 4, 1986, pursuant to the provisions of the Act (7 U.S.C. 2901, et seq.) and the Order issued thereunder (7 CFR 1260.101, et seq.). Domestic representation on the Board is based on cattle inventory numbers, and importer representation is based on the conversion of the volume of imported cattle, beef, or beef products into live animal equivalencies.

Section 1260.141(b) of the Order provides that the Board shall be composed of cattle producers and importers appointed by the Secretary from nominations submitted by certified producer organizations. A producer may only be nominated to represent the unit in which that producer is a resident.

Section 1260.141(c) of the Order provides that, at least every 3 years, and not more than every 2 years, the Board shall review the geographic distribution of cattle inventories throughout the United States and the volume of imported cattle, beef, and beef products and, if warranted, reapportion units and/or modify the number of Board members from units in order to best reflect the geographic distribution of cattle production volume in the United States and the volume of cattle, beef, or beef products imported into the United States.

Section 1260.141(d) of the Order authorizes the Board to recommend to the Secretary modifications in the number of cattle per unit necessary for representation on the Board.

Section 1260.141(e)(1) provides that each geographic unit or State that includes a total cattle inventory equal to or greater than 500,000 head of cattle shall be entitled to one representative on the Board. Section 1260.141(e)(2) provides that States which do not have total cattle inventories equal to or greater than 500,000 head shall be grouped, to the extent practicable, into geographically contiguous units, each of which have a combined total inventory of not less than 500,000 head. Such grouped units are entitled to at least one representative on the Board. Each unit which has an additional one million head of cattle within a unit qualifies for additional representation on the Board as provided in § 1260.141(e)(4). As provided in § 1260.141(e)(3), importers are represented by a single unit with the number of Board members based upon a conversion of the total volume of imported cattle, beef, or beef products into live animal equivalencies.

The initial Board appointed in 1986 was composed of 113 members. Reapportionment in 1990, utilizing a 3-year average of cattle inventory numbers and import data, reduced the Board to 111 members.

The current Board representation by States or units has been based on an average of the January 1, 1987, 1988, and 1989 inventory of cattle in the various States as reported by the National Agricultural Statistics Service of the USDA. Importer representation has been based on a combined total average of the 1986, 1987, and 1988 live cattle imports as published by the Foreign Agricultural Service of USDA and the average of the 1986, 1987, and 1988 live animal equivalents for imported beef products.

Recommendations concerning Board reapportionment were approved by the Board at its June 26–29, 1992 meeting. In considering reapportionment, the

Board reviewed cattle inventories as well as cattle, beef, and beef product import data for the period January 1, 1989, to January 1, 1992. The Board recommended that a 3-year average of cattle inventories and import numbers should be continued. The Board determined that an average of the January 1, 1990, 1991, and 1992 USDA cattle inventory numbers would best reflect a representative number of cattle in each State or unit since the 1990 reapportionment.

The Board reviewed the March 1992 Foreign Agricultural Service circular, "U.S. Trade and Prospects, Dairy, Livestock, and Poultry," to determine proper importer representation. The Board recommended the use of a combined total of the average of the 1989, 1990, and 1991 cattle import data and the average of the 1989, 1990, and 1991 live animal equivalents for imported beef products. The method used to calculate the total number of live cattle equivalents was the same as that used in the previous reapportionment of the Board. The recommendation for importer representation is based on the most recent 3-year average of data available to the Board at its June 26–29, 1992, meeting to be consistent with the procedures used for domestic representation.

One October 19, 1992, the Agricultural Marketing Service (AMS) published in the **Federal Register** (57 FR 47576) a proposed rule providing for the adjustment in Board membership based on data reviewed by the Board. The proposed rule was published with a request for comments to be submitted to the Department by November 18, 1992.

The Department of Agriculture received nine written comments concerning the proposed rule for Board reapportionment. The commenters included industry organizations, individuals, and the Board. The Board comment registered support for the reapportionment plan as published.

Eight comments were received from organizations and individuals in two States which would lose representation under the proposal. Each of these commenters offered suggestions designed to retain the current representation for their particular State. Some commenters indicated that drought during 1989 and 1990 impacted the number of cattle in their State and suggested that if the USDA January 1 inventory number for 1993 were incorporated, the results would not only be more current but more representative of the cattle inventory in the State. The recommendation called for the use of 1991, 1992, and 1993 data rather than 1990, 1991, and 1992 data as specified in the proposed rule.

Commenters from another State pointed out that USDA's estimated number of cattle in their State was subject to substantial statistical error. Commenters further indicated that the number of cattle required to retain the current Board membership in that State was within the standard error encompassed in the estimating procedures.

Another commenter indicated that the cattle inventory data published by an industry organization was high enough to permit the retention of the current Board representation. Commenters also indicated that livestock analysts' estimates of future inventory levels were large enough to merit retention of current Board representation. In summary, it was suggested that due to the various factors enumerated above, it would be logical to permit this State to retain its current Board membership because the USDA 3-year average of cattle inventories in the State was only slightly below the level required by the Order for that number of members.

The Act and Order specify that a cattle inventory of 500,000 head is required for initial Board representation with an additional member authorized for each additional million head of cattle within the State or unit.

The USDA numbers are derived through statistical sampling procedures and are widely used and accepted. The numbers are objectively derived and are fair and equitable between States with valid statistical sampling procedures used across all States. Further the USDA numbers have served as the basis for the original Board representation and for the 1990 reapportionment of the Board. In addition, utilizing the 3-year average of inventory numbers provides an improved measure of equity versus a single year inventory and tends to mitigate the impact of drought and other year-to-year fluctuations in the cattle inventory numbers.

The Order provides for the Board to review Board representation every 2 to 3 years. The Board has determined that it will review representation every 3 years. Following the Board's inception in 1986, the first review was in 1989. At that time, in the interest of equity, the 3-year average of USDA January 1 numbers was established by the Board as the basis for future representation. The January 1, 1987, 1988, and 1989 numbers—the latest available at the time of the Board's action in July 1989—were used. Similarly, the Board's review in June of 1992 reaffirmed the Board's desire to utilize the most recent 3-year average of January 1 cattle inventory numbers available at the time of Board action. Thus, the January 1, 1990, 1991, and 1992 USDA inventory data are the basis for the current reapportionment.

The Board's decisions form the basis for the reapportionment. To incorporate 1993 data in the analysis at this point would potentially result in a variety of new reapportionment considerations without the opportunity for Board input or time to provide opportunity for public comment prior to initiation of the 1993 nomination and appointment process. For example, this would deny the Board the opportunity to act on situations such as the need to realign the mid-Atlantic region which the Board considered in mid-1992.

Therefore, it has been determined that the suggestions to retain current Board membership in the two States cannot be adopted for the reasons outlined above.

Thus, the reapportionment of the Board in this final rule is unchanged from the proposed rule. It reduces the number of representatives on the Board from 111 to 107. Four States—Georgia, Missouri, South Dakota, and Texas—lose one member each; and one State, Kentucky, gains one member. The importer unit would not be affected. However, the current mid-Atlantic unit loses its member. Since the unit does not have sufficient cattle inventory to qualify for a position on the Board, this unit will be divided with Maryland and the District of Columbia joining with West Virginia to form a new mid-Atlantic unit while the States of Delaware, New Jersey, Connecticut, and Rhode Island join with Massachusetts, Vermont, New Hampshire, and Maine to form a new Northeast unit. The States and units affected by the reapportionment plan and the current and revised member representation per unit are as follows. (Units are listed with the revised State makeup. Current mid-Atlantic States are denoted by (*) and current Northeast States are denoted by (#). West Virginia is the only State not currently in a unit which will become part of a unit.)

States	Current representation	Revised representation
1. Georgia	2	1
2. Kentucky	2	3
3. Missouri	5	4
4. South Dakota	4	3
5. Texas	14	13
6. Mid-Atlantic	1	1
*Maryland		
*District of Columbia		
West Virginia	1	
7. Northeast	1	1

States	Current representation	Revised representation
*Delaware		
*Connecticut		
#Maine		
#Massachusetts		
#New Hampshire		
*New Jersey		
*Rhode Island		
#Vermont		

New Board representation for the entire 41 units is shown in the revised §1260.141(a) contained herein. The new Board reapportionment will become effective with 1993 nominations and appointments.

This action makes final the provisions of the proposed rule published at 57 FR 47576 on October 19, 1992.

List of Subjects in 7 CFR Part 1260

Administrative practice and procedure, Advertising, Agricultural research, Imports, Marketing agreement, Meat and meat products, Reporting and recordkeeping requirements.

For reasons set forth in the preamble, 7 CFR part 1260 is amended as follows:

PART 1260—BEEF PROMOTION AND RESEARCH

1. The authority citation for 7 CFR part 1260 continues to read as follows:

Authority: 7 U.S.C. 2901 et seq.

2. Section 1260.141 is amended by revising paragraph (a) to read as follows:

§1260.141 Membership of Board.

(a) For Board nominations and appointments beginning with those in 1993, the United States shall be divided into 40 geographical units and one unit representing importers, and the number of Board members from each unit shall be as follows:

CATTLE AND CALVES [1]

State/unit	(1,000 head)	Directors
1. Alabama	1,783	2
2. Arizona	857	1
3. Arkansas	1,700	2
4. California	4,633	5
5. Colorado	2,867	3
6. Florida	1,922	2
7. Georgia	1,430	1
8. Idaho	1,720	2
9. Illinois	1,977	2
10. Indiana	1,252	1
11. Iowa	4,550	5
12. Kansas	5,683	6
13. Kentucky	2,500	3
14. Louisiana	1,023	1
15. Michigan	1,208	1
16. Minnesota	2,720	3
17. Mississippi	1,337	1
18. Missouri	4,450	4
19. Montana	2,383	2
20. Nebraska	5,867	6
21. Nevada	560	1
22. New Mexico	1,367	1
23. New York	1,550	2
24. North Carolina	950	1
25. North Dakota	1,750	2
26. Ohio	1,610	2
27. Oklahoma	5,433	5
28. Oregon	1,433	1
29. Pennsylvania	1,850	2
30. South Carolina	590	1
31. South Dakota	3,443	3
32. Tennessee	2,280	2
33. Texas	13,367	13
34. Utah	797	1
35. Virginia	1,727	2
36. Wisconsin	4,113	4
37. Wyoming	1,243	1
38. Northwest		2
Washington	1,373	
Alaska	8.2	
Hawaii	206	
Total	1,588	
39. Northeast		1
Delaware	30	
Connecticut	74	
Maine	116	
Massachusetts	70	
New Hampshire	46	
New Jersey	70	
Rhode Island	7	
Vermont	284	
Total	697	
40. Mid-Atlantic		1
Maryland	317	
District of Columbia	0	
West Virginia	518	
Total	835	
41. Importer	6,389	6

[1] 1990, 1991, and 1992 average.

Dated: March 3, 1993.

Kenneth C. Clayton,

Acting Assistant Secretary, Marketing and Inspection Services.

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NUCLEAR REGULATORY COMMISSION

10 CFR Part 110

RIN 3150—AD64

Export and Import of Nuclear Equipment and Material; Clarifying Amendments

AGENCY: Nuclear Regulatory Commission

ACTION: Final rule.

SUMMARY: The Nuclear Regulatory Commission (NRC) is amending its regulations pertaining to the export and import of nuclear equipment and material. The revisions clarify the Commission's licensing requirements governing the export and import of nuclear equipment and material. The final rule makes NRC's regulations consistent with the physical security guidelines in IAEA INFCIRC/225, and conforms NRC's regulations for export and import to the Solar, Wind, Water, and Geothermal Power Production Incentives Act of 1990, and U. S. Government foreign relations commitments and changing circumstances.

EFFECTIVE DATE: March 9, 1993. The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of March 9, 1993.

FOR FURTHER INFORMATION CONTACT: Elaine O. Hemby, Office of International Programs, Nuclear Regulatory Commission, Washington, DC 20555, telephone (301) 504–2341, or Joanna M. Becker, Office of the General Counsel, Nuclear Regulatory Commission, Washington, DC 20555, telephone (301) 504–1740.

SUPPLEMENTARY INFORMATION:

Introduction

The NRC is amending its regulations for the export and import of nuclear equipment and material in 10 CFR part 110. Some sections are restructured and simplified to clarify the NRC's export and import licensing regulations. Some sections are amended to bring them into conformance with U.S. Government foreign relations commitments and changing circumstances, to make necessary editorial changes, and to provide additional information to aid exporters and importers. The following summary of the changes, presented in the order in which they appear, include the reasons for the changes.

Section 110.1 is clarified and expanded to provide the exporter with a better understanding of the scope of part 110 and the jurisdictional lines between the NRC and the Department of Commerce. To correct inconsistent references, the first sentence in §110.1(a) is amended by adding the words "and §110.9" after "§110.8", as the sections that set out the nuclear equipment and material whose export is regulated by NRC, and by changing the reference "§110.9" to "§110.9a", as the section that sets out the regulations for the import of nuclear equipment and

material. Paragraph (b)(1) is amended by changing "65" to "64" to correct an erroneous reference to the Atomic Energy Act.

In § 110.1, paragraph (b)(3) is redesignated as paragraph (b)(4) and amended by adding the sentence "A uranium enrichment facility is not a production facility." In § 110.2, the definition of "production facility" is revised by adding ", other than a uranium enrichment facility," after the words "the separation of isotopes". In § 110.9a, which covers nuclear equipment and material under NRC import licensing authority, paragraph (e), "Uranium enrichment facilities", is removed. Thus, the import of a uranium enrichment facility into the United States will not require an NRC license. This conforms NRC's import licensing regulations under part 110 to the "Solar, Wind, Waste, and Geothermal Power Production Incentives Act of 1990", Public Law 101–575, signed by the President on November 15, 1990. Section 5 of that law amends the Atomic Energy Act to remove a uranium enrichment facility from the definition of a "production facility" for the purposes of chapter 10, "Atomic Energy Licenses," and chapter 16, "Judicial Review and Administrative Procedure" of the Act, except with respect to the export of a uranium enrichment facility.

Footnote 1 in paragraph 110.1(b)(2) is removed and incorporated in the text as paragraph (b)(3).

In § 110.2, definitions of "nuclear referral list" and "individual shipment" are added. Also, the definition of "export" is revised to clarify its meaning. After consultation with the Executive Branch, the NRC concluded that it would be appropriate to modify the definition of a utilization facility by changing the term "control rods" to "complete reactor control rod system" as one of the major components constituting a utilization facility. The purpose of the change is to reflect more clearly the requirements of the Atomic Energy Act. Exports of individual control rods are more appropriately treated as exports of nuclear components under section 109b of the Atomic Energy Act of 1954, as amended, rather than exports of utilization facilities. Editorial changes also are made in the "utilization facility" definition. The reference to the Topaz II reactor system in the definition of a utilization facility is deleted because it is no longer necessary, as is the reference to the definition of utilization facility in § 110.5.

Section 110.4 is clarified and updated to reflect organizational changes within the NRC and current addressees for NRC contacts. Section 110.6 is updated to reflect the current addressee for the Department of Energy contact. Section 110.7, covering information collection requirements, is amended to include § 110.20 because the section contains an information collection requirement.

The list of nuclear equipment under the NRC export licensing authority in § 110.8 is restructured for clarity. For technical clarity, plants for the separation of the isotopes of lithium and lithium processing equipment are removed from paragraph (b), which covers plants for the separation of the isotopes of source material or special nuclear material, because the two technologies are different. A new paragraph is added to cover plants for the separation of the isotopes of lithium and lithium processing equipment. A new paragraph also is added to alert an exporter that some nuclear-related commodities are under the licensing authority of the Department of Commerce.

Subpart C, regarding general licenses, and subpart D, regarding specific licenses, have been combined for clarification and to emphasize the distinction between general and specific licenses. The introductory titles of subparts C and D are incorporated. A new § 110.19 is added to explain the distinction between general and specific licenses. Section 110.20 is clarified and restructured, and the section headings for §§ 110.21–110.27, covering general licenses, are revised for clarification. Section 110.25, concerning the export of graphite under general license, is amended to alert the exporter that some exports of graphite are under the licensing authority of the Department of Commerce. Section 110.26(a) is amended to permit a person to export under general license nuclear reactor components in semifabricated form to any country listed in § 110.26(a) for the purpose of undergoing final fabrication or repair for subsequent return to the United States for use in United States reactors. For simplification, footnote 2 in § 110.26(a) is removed and the countries listed in footnote 2 are added to the countries listed in § 110.26(a). Portugal, which is now a EURATOM member, is added to the list of countries in § 110.26(a). Section 110.27(c) is amended to direct the exporter to the definition of the term "formula quantities of strategic special nuclear material."

The list of embargoed destinations in § 110.28 is amended to indicate that Kampuchea is now known as Cambodia and to add Iran, Iraq and Libya. Iran, Iraq and Libya are removed from the restricted destination list in § 110.29. Albania, Bahrain, Kuwait, Malawi, Mozambique, Qatar, Saudi Arabia, South Africa, Tanzania, Zambia, and Zimbabwe are deleted from the list of restricted destinations in § 110.29 because these countries are adherents to the Non-Proliferation Treaty (NPT). A new footnote is added to § 110.29 to indicate that Argentina and Brazil will be removed from the restricted destination list following implementation of the Argentina/Brazil/IAEA full scope safeguards agreement.

Because subparts C and D are combined under a revised subpart C, the heading of subpart D is removed, and the headings of subparts E, F, G, H, I, J, K, and L are redesignated.

In § 110.30, the section heading is revised for clarity and a new paragraph is added to indicate that a fee is assessed under 10 CFR part 170 for filing an application with the NRC for a specific license for export or import. The fee was added to 10 CFR part 170 in an earlier rulemaking (56 FR 31472; July 10, 1991). The July 10, 1991 final rule implements the Omnibus Budget Reconciliation Act of 1990 (Pub. L. 101-508), which was signed into law on November 5, 1990. The Act mandates that the NRC recover approximately 100 percent of its budget authority in Fiscal Year 1991 (FY91) and the next four years (FY1992–1995) by assessing fees for licensing services requested by applicants and through annual fees on licenses. There is no annual fee for a general or specific export or import license. In § 110.31, the section heading is changed for clarification.

The NRC has reviewed its processing of nuclear export license applications under the Atomic Energy Act of 1954, as amended, and has determined that certain classes of export license applications do not raise issues which require review by the Commissioners. Therefore, paragraphs 110.40(b)(3) and (b)(4) are amended to delegate additional authority to the NRC staff to act upon certain classes of applications without prior consultation with the Commissioners. Under the amended paragraphs, the Commissioners will no longer review a license application for an export to Canada involving heavy water or for the export to EURATOM or Japan of source material or low-enriched uranium for enrichment up to 5 percent in the isotope uranium-235. The Executive Branch has also determined that these classes of export license applications do not raise issues which require review by the Executive Branch. Therefore, paragraphs 110.41(a)(3) and (a)(5) are amended to indicate that the NRC staff will act upon these classes of applications without prior consultation

with the Executive Branch. Section 110.40(a), which states that the Commission will start the review of a license application immediately after receipt, is amended to add a phrase "pursuant to the regulations in this part" indicating that the required license application fee must be received before review of the application begins.

In § 110.42(a), footnote 3 is redesignated as footnote 2 and is revised to clarify those items under the licensing jurisdiction of the NRC, including the reference to "control rods" which is changed to "complete reactor control rod system", as one of the major components constituting a utilization facility.

Section 110.43 concerning physical security standards is amended for clarification and simplification and to incorporate the update and recommendations contained in the IAEA document INFCIRC/225/Rev.2, December 1989.

In § 110.50, the name of the NRC contact referenced in paragraph (b)(3) is updated to reflect organizational changes.

In § 110.70, the NRC contact and address, concerning obtaining periodic lists of applications received, are updated in paragraph (c).

In Appendix A, paragraph (3) is amended by changing the words "reactor control rods" to "complete reactor control rod system" and by adding the phrase ", including the neutron absorbing part and the support or suspension structures therefor;" after the words "reaction rate in a nuclear reactor". This is being done to be consistent with the revised definition of "utilization facility".

Corrections are made to Appendix B, which covers gas centrifuge enrichment plant components under NRC's export licensing authority, and Appendix D, which covers reprocessing plant components under NRC's export licensing authority.

Appendix E is redesignated as appendix G, and a new appendix E is added for clarification of the coverage of specially designed or prepared equipment for use in a plant for the production of heavy water, deuterium, and deuterium compounds, which are subject to NRC's licensing regulations under 10 CFR 110.8. This action will conform NRC's licensing regulations to the export control guidelines of the international Nuclear Exporters Group (the Zangger Committee), in which the United States participates. The list in appendix E is intended to clarify administration of export controls over those items.

A new appendix F is added that lists the byproduct materials under the licensing jurisdiction of the NRC. This is being done to assist exporters, importers, and customs officials in determining whether a particular isotope is under the licensing authority of the NRC.

Because this rulemaking involves a foreign affairs function of the United States, the prior notice and comment provisions of the Administrative Procedure Act do not apply, pursuant to 5 U.S.C. 553(a)(1), and good cause exists to make the amendments effective upon publication in the Federal Register, pursuant to 5 U.S.C. 553(d) of that Act.

Environmental Impact: Categorical Exclusion

The NRC has determined that this final rule is the type of action described as a categorical exclusion under 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 3150–0036 and 3150–0027.

Regulatory Analysis

The Commission has considered alternatives to as well as the costs and benefits of the final rule. There is no alternative to amending the regulations for the export and import of nuclear equipment and materials. The final rule would not result in any increase or cost to the public and is intended to clarify the current regulations to assist exporters, importers, and customs officials and to encourage the expanded use of general licences. The foregoing constitutes the regulatory analysis for this final rule.

Regulatory Flexibility Certification

As required by the Regulatory Flexibility Act (5 U.S.C. 605(b)), the Commission certifies that this final rule does not have a significant economic impact on a substantial number of small entities. The effect of the final rule will be to clarify Part 110 to encourage expanded use of general licenses and to provide greater understanding of other provisions. This action will assist licensees and applicants in understanding and complying with the licensing procedures in Part 110 without increasing the economic impact on licensees and applicants.

Backfit Analysis

The NRC has determined that the backfit rule, 10 CFR 50.109, does not apply to this final rule because 10 CFR Part 110 applies only to export and import of nuclear facilities, materials, and equipment. Therefore, a backfit analysis is not required for this final rule.

List of Subjects in 10 CFR Part 110

Administrative practice and procedure, Classified information, Criminal penalty, Export, Import, Incorporation by reference, Intergovernmental relations, Nuclear materials, Nuclear power plants and reactors, Reporting and recordkeeping requirements, Scientific equipment.

For the reasons set out in the preamble and under the authority of the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and 5 U.S.C. 552 and 553, the NRC has adopted the following amendments to 10 CFR Part 110.

PART 110—EXPORT AND IMPORT OF NUCLEAR EQUIPMENT AND MATERIAL

1. The authority citation for part 110 is revised to read:

Authority: Secs. 51, 53, 54, 57, 63, 64, 65, 81, 82, 103, 104, 109, 111, 126, 127, 128, 129, 161, 181, 182, 183, 187, 189, 68 Stat. 929, 930, 931, 932, 933, 936, 937, 948, 953, 954, 955, 956, as amended (42 U.S.C. 2071, 2073, 2074, 2077, 2092–2095, 2111, 2112, 2133, 2134, 2139, 2139a, 2141, 2154–2158, 2201, 2231–2233, 2237, 2239); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841); sec. 5, Pub. L. 101–575, 104 Stat. 2835 (42 U.S.C. 2243).

Sections 110.1(b)(2) and 110.1(b)(3) also issued under Pub. L. 96–92, 93 Stat. 710 (22 U.S.C. 2403). Section 110.11 also issued under sec. 122, 68 Stat. 939 (42 U.S.C. 2152) and secs. 54c and 57d., 88 Stat. 473, 475, (42 U.S.C. 2074). Section 110.27 also issued under sec. 309(a), Pub. L. 99–440. Section 110.50(b)(3) also issued under sec. 123, 92 Stat. 142 (42 U.S.C. 2153). Section 110.51 also issued under sec. 184, 68 Stat. 954, as amended (42 U.S.C. 2234). Section 110.52 also issued under sec. 186, 68 Stat. 955 (42 U.S.C. 2236). Sections 110.80–110.113 also issued under 5 U.S.C. 552, 554. Sections 110.130–110.135 also issued under 5 U.S.C. 553.

2. In § 110.1, paragraphs (a), (b)(1), (2), and (3) are revised and paragraph (b)(4) is added to read as follows:

§ 110.1 Purpose and scope.

(a) The regulations in this part prescribe licensing, enforcement, and rulemaking procedures and criteria,

under the Atomic Energy Act, for the export of nuclear equipment and material, as set out in § 110.8 and § 110.9, and the import of nuclear equipment and material, as set out in § 110.9a. This part also gives notice to all persons who knowingly provide to any licensee, contractor, or subcontractor, components, equipment, materials, or other goods or services, that relate to a licensee's activities subject to this part, that they may be individually subject to NRC enforcement action for violation of § 110.7b.

(b) * * *

(1) The Departments of Defense and Energy for activities authorized by sections 54, 64, 82, and 91 of the Atomic Energy Act, except when the Department of Energy seeks an export license under section 111 of the Atomic Energy Act;

(2) Persons who export uranium depleted in the isotope 235 and incorporated in defense articles or commodities solely to take advantage of high density or pyrophoric characteristics. These persons are subject to the controls of the Department of State and the Department of Commerce under the Arms Export Control Act and the Export Administration Act, as authorized by section 110 of the International Security and Development Cooperation Act of 1980;

(3) Persons who export nuclear referral list commodities subject to the licensing authority of the Department of Commerce pursuant to 15 CFR part 799, such as bulk zirconium, plants for the conversion of uranium hexafluoride, rotor and bellows equipment, maraging steel, nuclear reactor related equipment, including process control systems and simulators; and

(4) Persons who import deuterium, nuclear grade graphite, or nuclear equipment other than production or utilization facilities. A uranium enrichment facility is not a production facility.

3. In § 110.2, definitions for *Individual shipment* and *Nuclear referral list* are added, and the definitions for *Export*, *Production facility*, and *Utilization facility* are revised to read as follows:

§ 110.2 Definitions.

* * * * *

Export means to physically transfer nuclear equipment or material to a person or an international organization in a foreign country, except DOE distributions as authorized in Section 111 of the Atomic Energy Act or Section 110 of the International Security and Development Cooperation Act of 1980.

* * * * *

Individual shipment means a shipment consisting of one lot of freight tendered to a carrier by one consignor at one place at one time for delivery to one consignee on one bill of lading. This lot may consist of:

(1) Only one item or

(2) A number of containers all listed on the same set of shipping documents. This one lot of freight or "distinct" shipment can be transported on the same carrier with other distinct shipments containing the same items as long as each shipment is covered by separate sets of shipping documents.

* * * * *

Nuclear Referral List (NRL) means the nuclear-related, dual-use commodities on the Commerce Control List that are subject to the nuclear non-proliferation export licensing controls of the Department of Commerce. They are contained in Supplement No. 1 to 15 CFR part 799 of the Department of Commerce's Export Administration Regulations and are designated by the symbol (NP) as the reason for control.

* * * * *

Production facility means any nuclear reactor or plant specially designed or used to produce special nuclear material through the irradiation of source material or special nuclear material, the chemical reprocessing of irradiated source or special nuclear material, or the separation of isotopes, other than a uranium enrichment facility.

* * * * *

Utilization facility means:

(1) Any nuclear reactor, other than one that is a production facility and

(2) Any of the following major components of a nuclear reactor:

(i) Reactor pressure vessel (designed to contain the core of a nuclear reactor);

(ii) Reactor primary coolant pump;

(iii) "On-line" reactor fuel charging and discharging machine; and

(iv) Complete reactor control rod system.

(3) A utilization facility does not include the steam turbine generator portion of a nuclear power plant.

4. Section 110.4 is revised to read as follows:

§ 110.4 Communications.

Except where otherwise specified in this part, all communications and reports concerning the regulations in this part should be addressed to the Assistant Director for Exports, Security, and Safety Cooperation, Office of International Programs, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone (301) 504–2344. Communications and reports may be delivered in person at the Commission's offices at 11555 Rockville Pike, Rockville, Maryland 20852 or at 2120 L Street NW. (Lower Level), Washington, DC 20037.

§ 110.5 [Amended]

5. In § 110.5, remove the words "and the definition of utilization facility in § 110.2 of this part".

§ 110.6 [Amended]

6. In § 110.6, paragraph (b), the phrase "Office of International Nuclear and Non-Proliferation Policy" is revised to read "Office of Arms Control and Nonproliferation Technology Support".

§ 110.7 [Amended]

7. In § 110.7 second sentence, add "110.20," between "§§ " and "110.26".

8. Section 110.8 is revised to read as follows:

§ 110.8 List of nuclear facilities and equipment under NRC export licensing authority.

(a) Nuclear reactors and specially designed or prepared equipment and components for nuclear reactors. (See appendix A to this part).

(b) Plants for the separation of the isotopes of uranium (source material or special nuclear material) including gas centrifuge plants, gaseous diffusion plants, jet nozzle plants, vortex plants, laser isotope separation plants, chemical separation plants, and specially designed or prepared assemblies and components for these plants. (See appendix B to this part for gas centrifuge equipment and appendix C to this part for gaseous diffusion equipment).

(c) Plants for the separation of the isotopes of lithium and specially designed or prepared assemblies and components for these plants.

(d) Plants for the reprocessing of irradiated nuclear reactor fuel elements and specially designed or prepared assemblies and components for these plants. (See appendix D to this part).

(e) Plants for the fabrication of nuclear reactor fuel elements and specially designed or prepared assemblies and components for these plants.

(f) Plants for the production, separation, or purification of heavy water, deuterium, and deuterium compounds and specially designed or prepared assemblies and components for these plants. (See appendix E to this part).

(g) Other nuclear-related commodities are under the export licensing authority of the Department of Commerce. (See 15 CFR part 799).

§ 110.9a [Amended]

9. In § 110.9a, remove paragraph (e) "Uranium enrichment facilities."

§ 110.10 [Amended]

10. In § 110.10 paragraph (b), the reference to Subpart "L" is revised to read Subpart "K of this part".

11. The heading of Subpart C is revised to read as follows:

Subpart C—Licenses

12. A new § 110.19 is added to subpart C to read as follows:

§ 110.19 Types of licenses.

Licenses for the export and import of nuclear equipment and material in this part consist of two types: General and Specific. A general license is effective without the filing of an application with the Commission or the issuance of licensing documents to a particular person. A specific license is issued to a named person upon application filed pursuant to the regulations in this part.

13. In § 110.20, the section heading and paragraphs (a), (b), and (e) are revised and a new paragraph (f) is added to read as follows:

§ 110.20 General license information.

(a) A person may use an NRC general license as the authority to export or import nuclear equipment or material if the equipment or material to be exported or imported is covered by the NRC general licenses described in §§ 110.21–110.29. If an export is not covered by these sections, a person must file an application with the Commission for a specific NRC license in accordance with §§ 110.30–110.31.

(b) In response to a petition or on its own initiative, the Commission may issue a general license for export or import if it determines that any exports or imports made under the general license will not be inimical to the common defense and security or constitute an unreasonable risk to the public health and safety and otherwise meet applicable statutory requirements. A general license is issued as a regulation after a rulemaking proceeding under subpart K of this part. Issuance of a general license is coordinated with the Executive Branch.

* * * * *

(e) A person who uses an NRC general license as the authority to export or import may cite on the shipping documents the section of this part which authorizes the described export or import under general license, as a means of expediting U.S. Customs Service's processing of the shipment.

(f) As specified in §§ 110.21 through 110.26, 110.28, and 110.29, only certain countries are eligible recipients of equipment or material under NRC general licenses to export. The Commission will closely monitor these countries and may at any time remove a country from a general license in response to significant adverse developments in the country involved. A key factor in this regard is the nonproliferation credentials of the importing country.

14. In § 110.21, the section heading is revised to read as follows:

§ 110.21 General license for the export of special nuclear material.

15. In § 110.22, the section heading is revised to read as follows:

§ 110.22 General license for the export of source material.

16. In § 110.23, the section heading is revised to read as follows:

§ 110.23 General license for the export of byproduct material.

17. In § 110.24, the section heading is revised to read as follows:

§ 110.24 General license for the export of deuterium.

18. In § 110.25, the section heading and paragraph (b) are revised to read as follows:

§ 110.25 General license for the export of nuclear grade graphite.

* * * * *

(b) Unless licensed by the Department of Commerce, a general license is issued to any person to export nuclear grade graphite in fabricated, nonnuclear-related commercial products to any country not listed in § 110.28, except that graphite electrodes weighing more than 1 kilogram per electrode may not be exported to any country listed in § 110.29 under this general license. (Fabricated products are products in final manufactured form except for detailed machining and other final steps necessary for the intended end use of the product.)

19. In § 110.26, the section heading and paragraph (a) are revised to read as follows:

§ 110.26 General license for the export of nuclear reactor components.

(a) A general license is issued to any person to export to the following countries any nuclear reactor component described in paragraphs (5) through (9) of appendix A to this part if—

(1) The component will be used in a light or heavy water-moderated power or research reactor in those countries, or

(2) The component is in semifabricated form and will be undergoing final fabrication or repair in those countries for subsequent return to the United States for use in a nuclear power or research reactor in the United States:

Belgium	Luxembourg
Canada	Netherlands
Denmark	Philippines
France	Portugal
Germany	South Korea
Greece	Spain
Indonesia	Sweden
Ireland	Switzerland
Italy	Taiwan
Japan	United Kingdom

* * * * *

20. In § 110.27, the section heading and paragraph (c) are revised to read as follows:

§ 110.27 General license for imports.

* * * * *

(c) A person importing formula quantities of strategic special nuclear material (as defined in § 73.2 of this chapter) under this general license shall provide advance notification of the imports as specified in § 73.27 and § 73.72 of this chapter.

21. Section 110.28 is revised to read as follows:

§ 110.28 Embargoed destinations.

Cambodia, Cuba, Iran, Iraq, Libya, North Korea, Vietnam.

22. Section 110.29 is revised to read as follows:

§ 110.29 Restricted destinations.

Afghanistan	India
Algeria	Israel
Andorra	Mauritania
Angola	Niger
Argentina [1]	Oman
Brazil [1]	Pakistan
Burma (Myanmar)	St. Kitts
Chile	Syria
Comoros	United Arab Emirates
Djibouti	Vanuatu
Guyana	Yemen Arab Republic

23. Section 110.30 to subpart D is redesignated as § 110.30 to subpart C and revised to read as follows:

§ 110.30 Application for a specific license.

(a) A person shall file an application for a specific license to export or import with the Assistant Director for Exports, Security, and Safety Cooperation, Office of International Programs, U.S. Nuclear Regulatory Commission, Washington, DC 20555. The application may be delivered to the Commission's offices at 11555 Rockville Pike, Rockville, Maryland 20852 or at 2120 L Street, NW. (Lower Level), Washington, DC 20037.

[1] Argentina and Brazil will be removed from the list of restricted destinations following implementation of the Argentina/Brazil/IAEA full-scope safeguards agreement.

(b) An application for a specific license to export or import must be accompanied by the appropriate fee in accordance with the fee schedule in § 170.21 and § 170.31 of this chapter. A license application will not be processed unless the specified fee is received.

(c) A license application should be filed on NRC Form 7, except that an import license application and a production or utilization facility export license application should be filed by letter.

(d) Each person shall provide in the license application, as appropriate, the information specified in § 110.31. The Commission also may require the submission of additional information if necessary to complete its review.

(e) An application may cover multiple shipments and destinations.

(f) The applicant shall withdraw an application when it is no longer needed. The Commission's official files retain all documents related to a withdrawn application.

24. Section 110.31 to subpart D is redesignated as § 110.31 to subpart C and the section heading is revised to read as follows:

§ 110.31 Information Required in an Application for a Specific License.

Subpart D—[Removed]

25. Subpart D is removed.

Subparts E, F, G, H, I, J, K, and L—[Redesignated]

26. Subparts E, F, G, H, I, J, K, and L are redesignated as subparts D, E, F, G, H, I, J, and K respectively.

27. In § 110.40, paragraphs (a), (b)(3), and (b)(4) are revised to read as follows:

§ 110.40 Commission review.

(a) Immediately after receipt of a license application filed under the regulations in this part, the Commission will initiate its licensing review and, to the maximum extent feasible, will expeditiously process the application concurrently with review by the Executive Branch.

(b) * * *

(3) 1,000 kilograms or more of nuclear grade graphite or deuterium oxide (heavy water), other than exports of heavy water to Canada.

(4) An export involving assistance to end uses related to isotope separation, chemical reprocessing, heavy water production, advanced reactors, or the fabrication of nuclear fuel containing plutonium, except for exports of source material or low-enriched uranium to EURATOM or Japan for enrichment up to 5 percent in the isotope uranium-235, and those categories of exports which the Commission has approved in advance as constituting permitted incidental assistance.

* * * * *

28. In § 110.41, the introductory text of paragraph (a) and paragraphs (a)(3) and (a)(5) are revised to read as follows:

§ 110.41 Executive Branch review.

(a) An application for a license to export the following will be promptly forwarded to the Executive Branch for review:

* * * * *

(3) Nuclear grade graphite, more than 100 curies of tritium, and deuterium oxide (heavy water), other than exports of heavy water to Canada.

* * * * *

(5) An export involving assistance to end uses related to isotope separation, chemical reprocessing, heavy water production, advanced reactors, or the fabrication of nuclear fuel containing plutonium, except for exports of source material or low-enriched uranium to EURATOM and Japan for enrichment up to 5 percent in the isotope uranium-235, and those categories of exports approved in advance by the Executive Branch as constituting permitted incidental assistance.

* * * * *

29. In § 110.42, footnote 3 is redesignated as footnote 2 and the text of the footnote is revised to read as follows:

§ 110.42 Export licensing criteria.

* * * * *

[2] Exports of nuclear reactors, reactor pressure vessels, reactor primary coolant pumps, "on-line" reactor fuel charging and discharging machines, and complete reactor control rod systems, as specified in paragraphs (1) through (4) of appendix A to this part, are subject to the export licensing criteria in § 110.42(a). Exports of nuclear reactor components, as specified in paragraphs (5) through (9) of appendix A to this part, when exported separately from the items described in paragraphs (1) through (4) of appendix A, are subject to the export licensing criteria in § 110.42(b).

30. Section 110.43 is revised to read as follows:

§ 110.43 Physical security standards.

(a) Physical security measures in recipient countries must provide protection at least comparable to the recommendations in the current version of IAEA publication INFCIRC/225/Rev.2, December 1989, "The Physical Protection of Nuclear Material," and is incorporated by reference in this part. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Notice of any changes made to the material incorporated by reference will be published in the **Federal Register**. Copies of INFCIRC/225/Rev.2 may be obtained from the Assistant Director for Exports, Security, and Safety Cooperation, Office of International Programs, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and are available for inspection at the NRC library, 7920 Norfolk Avenue, Bethesda, Maryland 20814. A copy is on file at the library of the Office of the Federal Register, 800 N. Capitol Street, NW., suite 700, Washington, DC.

(b) Commission determinations on the adequacy of physical security measures are based on—

(1) Receipt of written assurances from recipient countries that physical security measures providing protection at least comparable to the recommendations set forth in INFCIRC/225/Rev.2 will be maintained; and

(2) Information obtained through country visits, information exchanges, or other sources. Determinations are made on a country-wide basis and are subject to continuing review. Appendix G to this part describes the different categories of nuclear material to which physical security measures are applied.

§ 110.50 [Amended]

31. In § 110.50(b)(3), "Assistant Director for International Security" which appears in the first, second, and third sentences is revised to read "Assistant Director for Exports, Security, and Safety Cooperation".

§ 110.70 [Amended]

32. In § 110.70 paragraph (c), "Assistant Director for International Security, Office of Government and Public Affairs," is revised to read "the Public Document Room,".

Appendix A to Part 110 [Amended]

33. In appendix A to part 110, paragraph (3) is revised to read as follows:

Appendix A to Part 110—Illustrative List of Nuclear Reactor Equipment Under NRC Export Licensing Authority

* * * * *

(3) Complete reactor control rod system, i.e., rods specially designed or prepared for the control of the reaction rate in a nuclear reactor, including the neutron absorbing part and the support or suspension structures therefor;

* * * * *

Appendix B to Part 110 [Amended]

34. In the title of appendix B to part 110, the word "Illustrative" is added before the word "List". In section 1, in sentence four of paragraph 1.2(a), the number "1.6.1" is revised to read "1.6:1" and in sentence five, the phrase "or a remanence of 98.5 percent or more," is added after the phrase "0.15 Henry/meter (120,000 in CGS units) or more,". In section 2, paragraph (a)1, "100 Kg/m² (15 lb/in.²)" is revised to read "100 kN/m² (15 psi) and at a rate of 1 kg/h or more." and in paragraph (a)2 "3 Kg/m²" is revised to read "3 kN/m²".

Appendix D to Part 110 [Amended]

35. In appendix D to part 110, in sentence one of paragraph (3), "contractors" is revised to read "contactors".

36. Appendix E to part 110 is redesignated as appendix G to part 110 and a new appendix E to part 110 is added to read as follows:

Appendix E to Part 110—Illustrative List of Equipment and Components Under NRC Export Licensing Authority for Use in a Plant for the Production of Heavy Water, Deuterium and Deuterium Compounds

Note: Heavy water can be produced by a variety of processes. However, two processes have proven to be commercially viable: the water-hydrogen sulphide exchange process (GS process) and the ammonia-hydrogen exchange process.

A. The water-hydrogen sulphide exchange process (GS process) is based upon the exchange of hydrogen and deuterium between water and hydrogen sulphide within a series of towers which are operated with the top section cold and the bottom section hot. Water flows down the towers while the hydrogen sulphide gas circulates from the bottom to the top of the towers. A series of perforated trays are used to promote mixing between the gas and the water. Deuterium migrates to the water at low temperatures and to the hydrogen sulphide at high temperatures. Gas or water, enriched in deuterium, is removed from the first stage towers at the junction of the hot and cold sections and the process is repeated in subsequent stage towers. The product of the last stage, water enriched up to 30 percent in deuterium, is sent to a distillation unit to produce reactor grade heavy water; i.e., 99.75 percent deuterium oxide.

B. The ammonia-hydrogen exchange process can extract deuterium from synthesis gas through contact with liquid ammonia in the presence of a catalyst. The systhesis gas is fed into exchange towers and then to an ammonia converter. Inside the towers the gas flows from the bottom to the top while the liquid ammonia flows from the top to the bottom. The deuterium is stripped from the hydrogen in the systhesis gas and concentrated in the ammonia. The ammonia then flows into an ammonia cracker at the bottom of the tower while the gas flows into an ammonia converter at the top. Further enrichment takes place in subsequent stages and reactor-grade heavy water is produced through final distillation. The synthesis gas feed can be provided by an ammonia plant that can be constructed in association with a heavy water ammonia-hydrogen exchange plant. The ammonia-hydrogen exchange process can also use ordinary water as a feed source of deuterium.

C.1. Much of the key equipment for heavy water production plants using either the water-hydrogen sulphide exchange process (GS process) or the ammonia-hydrogen exchange process are common to several segments of the chemical and petroleum industries; particularly in small plants using the GS process. However, few items are available "off-the-shelf." Both processes require the handling of large quantities of flammable, corrosive and toxic fluids at elevated pressures. Thus, in establishing the design and operating standards for plants and equipment using these processes, careful attention to materials selection and specifications is required to ensure long service life with high safety and reliability factors. The choice is primarily a function of economics and need. Most equipment, therefore, is prepared to customer requirements.

In both processes, equipment which individually is not especially designed or prepared for heavy water production can be assembled into especially designed or prepared systems for producing heavy water. Examples of such systems are the catalyst production system used in the ammonia-hydrogen exchange process and the water distillation systems used for the final concentration of heavy water to reactor-grade in either process.

C.2. Equipment especially designed or prepared for the production of heavy water utilizing either the water-hydrogen sulphide exchange process or the ammonia-hydrogen exchange process:

(i) Water-hydrogen Sulphide Exchange Towers

Exchange towers fabricated from carbon steel (such as ASTM A516) with diameters of 6 m (20 ft) to 9 m (30 ft), capable of operating at pressures greater than or equal to 2 MPa (300 psi) and with a corrosion allowance of 6mm or greater.

(ii) Blowers and Compressors

Single stage, low head (i.e., 0.2 MPa or 30 psi) centrifugal blowers or compressors for hydrogen-sulphide gas circulation (i.e., gas containing more than 70 percent H_2S). The blowers or compressors have a throughput capacity greater than or equal to 56 m³/second (120,000 SCFM) while operating at pressures greater than or equal to 1.8 MPa (260 psi) suction and have seals designed for wet H_2S service.

(iii) Ammonia-Hydrogen Exchange Towers

Ammonia-hydrogen exchange towers greater than or equal to 35 m (114.3 ft) in height with diameters of 1.5 m (4.9 ft) to 2.5 m (8.2 ft) capable of operating at pressures greater than 15 MPa (2225 psi). The towers have at least one flanged, axial opening of the same diameter as the cylindrical part through which the tower internals can be inserted or withdrawn.

(iv) Tower Internals and Stage Pumps Used in the Ammonia-hydrogen Exchange Process.

Tower internals include especially designed stage contactors which promote intimate gas/liquid contact. Stage pumps include especially designed submersible pumps for circulation of liquid ammonia within a contacting stage internal to the stage towers.

(v) Ammonia Crackers Utilizing the Ammonia-hydrogen Exchange Process.

Ammonia crackers with operating pressures greater than or equal to 3 MPa (450 psi).

(vi) Infrared Absorption Analyzers

Infrared absorption analyzers capable of "on-line" hydrogen/deuterium ratio analysis where deuterium concentrations are equal to or greater than 90 percent.

(vii) Catalytic Burners Used in the Ammonia-hydrogen Exchange Process.

Catalytic burners for the conversion of enriched deuterium gas into heavy water.

37. A new appendix F to part 110 is added to read as follows:

Appendix F to Part 110—Illustrative List of Byproduct Materials Under NRC Export/Import Licensing Authority

Actinium 225 (Ac 225)
Actinium 227 (Ac 227)
Actinium 228 (Ac 228)
Americium 241 (Am 241)

Americium 242m (Am 242m)
Americium 242 (Am 242)
Americium 243 (Am 243)
Antimony 124 (Sb 124)
Antimony 125 (Sb 125)
Antimony 126 (Sb 126)
Arsenic 73 (As 73)
Arsenic 74 (As 74)
Arsenic 76 (As 76)
Arsenic 77 (As 77)
Barium 131 (Ba 131)
Barium 133 (Ba 133)
Barium 140 (Ba 140)
Bismuth 207 (Bi 207)
Bismuth 210 (Bi 210)
Bromine 82 (Br 82)
Cadmium 109 (Cd 109)
Cadmium 113 (Cd 113)
Cadmium 115m (Cd 115m)
Cadmium 115 (Cd 115)
Calcium 45 (Ca 45)
Calcium 47 (Ca 47)
Californium 248 (Cf 248)
Californium 249 (Cf 249)
Californium 250 (Cf 250)
Californium 251 (Cf 251)
Californium 252 (Cf 252)
Carbon 14 (C 14)
Cerium 141 (Ce 141)
Cerium 143 (Ce 143)
Cerium 144 (Ce 144)
Cesium 131 (Cs 131)
Cesium 134m (Cs 134m)
Cesium 134 (Cs 134)
Cesium 135 (Cs 135)
Cesium 136 (Cs 136)
Cesium 137 (Cs 137)
Chlorine 36 (Cl 36)
Chlorine 38 (Cl 38)
Chromium 51 (Cr 51)
Cobalt 58m (Co 58m)
Cobalt 58 (Co 58)
Cobalt 60 (Co 60)
Copper 64 (Cu 64)
Curium 242 (Cm 242)
Curium 243 (Cm 243)
Curium 244 (Cm 244)
Curium 245 (Cm 245)
Curium 247 (Cm 247)
Dysprosium 165 (Dy 165)
Dysprosium 166 (Dy 166)
Erbium 169 (Er 169)
Erbium 171 (Er 171)
Europium 152 (Eu 152)
Europium 152 9.2 h (Eu 152 9.2 h)
Europium 152 13 yr (Eu 152 13 yr)
Europium 154 (Eu 154)
Europium 155 (Eu 155)
Fluorine 18 (F 18)
Gadolinium 153 (Gd 153)
Gadolinium 159 (Gd 159)
Gallium 72 (Ga 72)
Germanium 68 (Ge 68)
Germanium 71 (Ge 71)
Gold 198 (Au 198)
Gold 199 (Au 199)
Hafnium 172 (Hf 172)
Hafnium 181 (Hf 181)
Holmium 166m (Ho 166m)
Holmium 166 (Ho 166)
Hydrogen 3 (H 3)
Indium 113m (In 113m)
Indium 114m (In 114m)
Indium 115m (In 115m)
Indium 115 (In 115)
Iodine 125 (I 125)
Iodine 126 (I 126)
Iodine 129 (I 129)
Iodine 131 (I 131)
Iodine 132 (I 132)
Iodine 133 (I 133)
Iodine 134 (I 134)
Iodine 135 (I 135)
Iridium 192 (Ir 192)
Iridium 194 (Ir 194)
Iron 55 (Fe 55)
Iron 59 (Fe 59)
Krypton 85 (Kr 85)
Krypton 87 (Kr 87)
Lanthanum 140 (La 140)
Lead 210 (Pb 210)
Lutetium 177 (Lu 177)
Manganese 52 (Mn 52)
Manganese 54 (Mn 54)
Manganese 56 (Mn 56)
Mercury 197m (Hg 197m)
Mercury 197 (Hg 197)
Mercury 203 (Hg 203)
Molybdenum 99 (Mo 99)
Neodymium 147 (Nd 147)
Neodymium 149 (Nd 149)
Neptunium 237 (Np 237)
Nickel 59 (Ni 59)
Nickel 63 (Ni 63)
Nickel 65 (Ni 65)
Niobium 93m (Nb 93m)
Niobium 94 (Nb 94)
Niobium 95 (Nb 95)
Niobium 97 (Nb 97)
Osmium 185 (Os 185)
Osmium 191m (Os 191m)
Osmium 191 (Os 191)
Osmium 193 (Os 193)
Palladium 103 (Pd 103)
Palladium 109 (Pd 109)
Phosphorus 32 (P 32)
Phosphorus 33 (P 33)
Platinum 191 (Pt 191)
Platinum 193m (Pt 193m)
Platinum 193 (Pt 193)
Platinum 197m (Pt 197m)
Platinum 197 (Pt 197)
Polonium 208 (Po 208)
Polonium 209 (Po 209)
Polonium 210 (Po 210)
Potassium 42 (K 42)
Praseodymium 142 (Pr 142)
Praseodymium 143 (Pr 143)
Promethium 145 (Pm 145)
Promethium 147 (Pm 147)
Promethium 149 (Pm 149)
Radium 223 (Ra 223)
Rhenium 186 (Re 186)
Rhenium 188 (Re 188)
Rhodium 103m (Rh 103m)
Rhodium 105 (Rh 105)
Rubidium 86 (Rb 86)
Rubidium 87 (Rb 87)
Ruthenium 97 (Ru 97)
Ruthenium 103 (Ru 103)
Ruthenium 105 (Ru 105)
Ruthenium 106 (Ru 106)
Samarium 151 (Sm 151)
Samarium 153 (Sm 153)
Scandium 46 (Sc 46)
Scandium 47 (Sc 47)
Scandium 48 (Sc 48)
Selenium 75 (Se 75)
Silicon 31 (Si 31)
Silver 105 (Ag 105)
Silver 110m (Ag 110m)
Silver 111 (Ag 111)
Sodium 22 (Na 22)
Sodium 24 (Na 24)
Strontium 85 (Sr 85)
Strontium 89 (Sr 89)
Strontium 90 (Sr 90)
Strontium 91 (Sr 91)
Strontium 92 (Sr 92)
Sulphur 35 (S 35)
Tantalum 182 (Ta 182)
Technetium 96 (Tc 96)
Technetium 97m (Tc 97m)
Technetium 97 (Tc 97)
Technetium 99m (Tc 99m)
Technetium 99 (Tc 99)
Tellurium 125m (Te 125m)
Tellurium 127m (Te 127m)
Tellurium 127 (Te 127)
Tellurium 129m (Te 129m)
Tellurium 129 (Te 129)
Tellurium 131m (Te 131m)
Tellurium 132 (Te 132)
Terbium 160 (Tb 160)
Thallium 200 (Tl 200)
Thallium 201 (Tl 201)
Thallium 202 (Tl 202)
Thallium 204 (Tl 204)
Thulium 170 (Tm 170)
Thulium 171 (Tm 171)
Tin 113 (Sn 113)
Tin 123 (Sn 123)
Tin 125 (Sn 125)
Tin 126 (Sn 126)
Titanium 44 (Ti 44)
Tritium (H3)
Tungsten 181 (W 181)
Tungsten 185 (W 85)
Tungsten 187 (W 187)
Vanadium 48 (V 48)
Xenon 131m (Xe 131m)
Xenon 133 (Xe 133)
Xenon 135 (Xe 135)
Ytterbium 175 (Yb 175)
Yttrium 90 (Y 90)
Yttrium 91 (Y 91)
Yttrium 92 (Y 92)
Yttrium 93 (Y 93)
Zinc 65 (Zn 65)
Zinc 69m (Zn 69m)
Zinc 69 (Zn 69)
Zirconium 93 (Zr 93)
Zirconium 95 (Zr 95)
Zirconium 97 (Zr 97)

Dated in Rockville, Maryland, this 22nd day of February, 1993.

For the Nuclear Regulatory Commission.

James M. Taylor,

Executive Director for Operations.

[FR Doc. 93–5066 Filed 3–8–93; 8:45 am]

BILLING CODE 7590–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 91–ANE–62]

Amendment to Control Zone; Limestone, ME

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This action amends the Limestone, Maine (ME) Control Zone. This action is prompted by a re-evaluation of the United States Standards for Terminal Instrument Procedures (TERPS) as applied to the airspace surrounding Northern Maine Regional Airport, Presque Isle, ME; Caribou Municipal Airport, Caribou, ME; and Loring Air Force Base, Limestone, ME. This action will keep the description of the Limestone, ME Control Zone operationally current.

EFFECTIVE DATE: May 27, 1993.

FOR FURTHER INFORMATION CONTACT: Charles M. Taylor, Airspace Specialist, System Management Branch, ANE–530, Federal Aviation Administration, 12 New England Executive Park, Burlington, MA 01803–5299; telephone (617) 270–2428; fax (617) 272–0395.

SUPPLEMENTARY INFORMATION:

History

On April 7, 1992, the FAA proposed to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) to amend the Limestone, Maine (ME) Control Zone. (57 FR 11700). Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. The FAA received no comments to the proposed rule. Except for the following minor changes, this amendment is the same as the proposed rule. The longitude and latitude coordinates used in the proposed rule were based on North American Datum 27. These coordinates have been updated to North American Datum 83. In addition, since the FAA issued the proposed rule, the Limestone, ME Control Zone was modified by the Terminal Airspace Reconfiguration rule (57 FR 38962), which converted the lateral unit of measurement from statute to nautical miles and redesignated the area intended to contain aircraft operations under instrument flight rules (IFR). Lastly, this final rule contains editorial changes from the proposed rule that do not change the scope or intent of the rule. Control Zone areas are published in section 71.171 of FAA Order 7400.7A dated November 2, 1992, and effective November 27, 1992, which is incorporated by reference in 14 CFR 71.1. The Limestone, ME control zone will be amended subsequently in the Order.

The Rule

This amendment to part 71 of the Federal Aviation Regulations is prompted by a re-evaluation of the requirements of the United States Standards for Terminal Instrument Procedures (TERPS) as applied to the airspace surrounding Northern Maine Regional Airport at Presque Isle, ME; Caribou Municipal Airport, Caribou, ME; and Loring Air Force Base, Limestone, ME. This action is intended to contain aircraft operating under instrument flight rules (IFR) within controlled airspace while transitioning between the terminal and en route environments.

The FAA has determined that this regulation involves only an established body of technical regulations for which frequent and routine amendments are necessary to keep these regulations operationally current. It, therefore—(1)

is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation as the anticipated economic cost will be so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, the FAA certifies that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Aviation safety, Control zones, Incorporation by reference.

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71—[AMENDED]

1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. app. 1348(a), 1354(a), 1510; Executive Order 10854, 24 FR 9565, 3 CFR, 1959–1963, Comp., p. 389; 49 U.S.C. 106(g); 14 CFR 11.69.

§71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.7A, Compilation of Regulations, dated November 2, 1992, and effective November 27, 1992, is amended as follows:

Section 71.171 Designation of Control Zones

* * * * *

ANE ME CZ Limestone, ME

Loring Air Force Base, Limestone, ME
(lat. 46°57'01"N, long. 67°53'10"W)
Loring TACAN
(lat. 46°55'30"N, long. 67°52'34"W)

That airspace extending upward from the surface to and including 3,200 MSL within a 5.5-mile radius of the center of Loring Air Force Base, excluding the airspace outside of the United States; and that airspace extending upward from the surface within 2 miles of each side of the Loring TACAN 168° radial extending from the 5.5-mile radius area to 5.6 miles south of the Loring TACAN.

* * * * *

Issued in Burlington, Massachusetts, on February 25, 1993.

Francis J. Johns,

Manager, Air Traffic Division, New England Region.

[FR Doc. 93–5370 Filed 3–8–93; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

24 CFR Part 236

[Docket No. R–93–1385; FR–2450–F–05]

RIN 2502–AE34

Prepayment of a HUD-Insured Mortgage by an Owner of Low Income Housing; Technical Amendment

AGENCY: Office of the Secretary, HUD.

ACTION: Final rule; technical amendment.

SUMMARY: The purpose of this technical amendment is to clarify 24 CFR 236.60, that pertains to excess rental charges. It has been recently discovered that an incorrect regulatory amendment instruction caused § 236.60 to be erroneously codified in title 24 of the Code of Federal Regulations. This technical amendment should prevent further confusion with that section.

EFFECTIVE DATE: October 22, 1990.

FOR FURTHER INFORMATION CONTACT: Kevin J. East, Office of Multifamily Housing Management, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, DC 20410. Telephone (202) 708–2300. TDD Number (202) 708–4594. (These are not toll-free numbers.)

SUPPLEMENTARY INFORMATION: On September 21, 1990 (55 FR 38944), the Department published in the **Federal Register**, a final rule that set forth HUD's procedures governing the prepayment of a multifamily mortgage by an owner (mortgagor) of eligible low income housing, in cases where, but for the provisions of the Housing and Community Development Act of 1987 (the "1987 Act"), Public Law 100–242, enacted February 5, 1988, the owner would be free to prepay its mortgage without HUD's approval or would, within one year, become eligible to prepay without HUD's approval. That final rule contained multiple amendments to title 24 of the Code of Federal Regulations, and included a revision to § 236.60.

The amendatory instruction for § 236.60 of the September 21, 1990 published final rule stated that, "Section 236.60 is revised to read as follows:". It should have stated that, "Section 236.60 is being amended by revising the beginning of the sentence, to read as follows:". Therefore, to avoid further confusion, this technical amendment will revise and restate § 236.60 in its entirety.

List of Subjects in 24 CFR Part 236

Grant programs—housing and community development, Low and moderate income housing, Mortgage insurance, Rent subsidies, Reporting and recordkeeping requirements.

Accordingly, part 236 of title 24 of the Code of Federal Regulations is amended as follows:

1. The authority citation for part 236 continues to read as follows:

Authority: 12 U.S.C. 1715b and 1715z–1; 42 U.S.C. 3535(d).

2. Section 236.60 is revised to read as follows:

§ 236.60 Excess rental charges.

Except as agreed to by the Commissioner pursuant to a plan of action approved under part 248 of this chapter or in connection with an adjustment of contract rents under section 8(c)(10) of the United States Housing Act of 1937, the mortgagor shall agree to pay monthly to the Secretary the total of all rental charges collected in excess of the Basic Rent in accordance with instructions prescribed by the Secretary.

Dated: March 3, 1993.

Grady J. Norris,

Assistant General Counsel for Regulations.

[FR Doc. 93–5340 Filed 3–8–93; 8:45 am]

BILLING CODE 4210–32–M

DEPARTMENT OF DEFENSE

Department of the Air Force

32 CFR Part 988

Weather Modification

AGENCY: Department of the Air Force, Department of Defense.

ACTION: Final rule.

SUMMARY: The Department of the Air Force is amending title 32, chapter VII of the CFR by removing part 988, Weather Modification. This rule is removed because it has limited applicability to the general public. This action is the result of departmental review. The intended effect is to ensure that only regulations which substantially affect the public are maintained in the Air Force portion of the Code of Federal Regulations.

EFFECTIVE DATE: April 8, 1993.

FOR FURTHER INFORMATION CONTACT: Ms. Patsy J. Conner, Air Force Federal Register Liaison Officer, SAF/AAIA, 1610 Air Force Pentagon, Washington, DC 20330–1610, telephone (703) 614–3431.