

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action will not have a significant economic impact on a substantial number of small entities.

Executive Order 12372

This program/activity is listed in the Catalog of Federal Domestic Assistance under 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 final rule has been reviewed under Executive Order 12778, Civil Justice Reform. This rule is intended to have preemptive effect with respect to any State or local laws, regulations, or policies that conflict with its provisions or that would otherwise impede its full implementation. This rule is not intended to have retroactive effect. There are no administrative procedures that must be exhausted prior to any judicial challenge to the provisions of this rule or the application of its provisions.

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.*).

List of Subjects in 7 CFR Part 354

Exports, Government employees, Imports, Plant diseases and pests, Quarantine, Reporting and recordkeeping requirements, Travel and transportation expenses.

Accordingly, 7 CFR part 354 is amended as follows:

PART 354—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS; AND USER FEES

1. The authority citation for part 354 continues to read as follows:

Authority: 7 U.S.C. 2260; 21 U.S.C. 136 and 136a; 49 U.S.C. 1741; 7 CFR 2.17, 2.51, and 371.2(c).

2. Section 354.2 is amended by adding in the table, in alphabetical order, under Indiana, the following entry to read as follows:

§ 354.2 Administrative instructions prescribing commuted traveltime.

* * * * *

COMMUTED TRAVELTIME ALLOWANCES [In hours]

Location covered	Served from	Metropolitan area		
		Within	Out-side	
[Add]				
*	*	*	*	*
Indiana:				
Burns Harbor (including Gary).	Frankfort ..			5
*	*	*	*	*

Done in Washington, DC, this 7th day of July 1994.

Lonnie J. King,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 94-16968 Filed 7-12-94; 8:45 am]

BILLING CODE 3410-34-P

Federal Crop Insurance Corporation

7 CFR Part 406

Nursery Crop Regulations

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Final rule.

SUMMARY: The Federal Crop Insurance Corporation (FCIC) hereby amends the Nursery Crop Insurance regulations, effective for the 1995 and succeeding crop years, by making a change in the policy to clarify the method of determining loss.

The Nursery policy contains the term "said damaged crop" which has been interpreted, in some forums, to refer to specific damaged portion of the crop instead of the unit as was the intent.

EFFECTIVE DATE: This regulation is effective on June 30, 1994.

FOR FURTHER INFORMATION CONTACT: Mari L. Dunleavy, Federal Crop Insurance Corporation, 14th Street and Independence Avenue SW., Washington, DC 20250, telephone (202) 254-8314.

SUPPLEMENTARY INFORMATION: This action has been reviewed under USDA procedures established by Executive Order 12866 and Department Regulation 1512-1. This action does not constitute a review as to the need, currency, clarity, and effectiveness of this regulation under those procedures. The sunset review date established for these regulations is March 31, 1999.

This rule has been determined to be "not significant" for purposes of

Executive Order 12866 and, therefore, has not been reviewed by the Office of Management and Budget (OMB).

This action will not have a significant economic effect on a substantial number of small entities. This action does not increase the paperwork burden on the reinsured company because the reinsured company must already provide the additional information required by this regulation to the state in which it is licensed. Therefore, this action is determined to be exempt from the provisions of the Regulatory Flexibility Act and no Regulatory Flexibility Analysis was prepared.

This program is listed in the Catalog of Federal Domestic Assistance under No. 10.450.

This program is not subject to the provisions of Executive Order 12372 which requires intergovernmental consultation with state and local officials. See the Notice related to 7 CFR part 3015, subpart V, published at 48 FR 29115, June 24, 1983.

This action is not expected to have any significant impact on the quality of the human environment, health, and safety. Therefore, neither an Environmental Assessment nor an Environmental Impact Statement is needed.

The Office of the General Counsel has determined that these regulations meet the applicable standards provided in subsections 2(a) and 2(b)(2) of Executive Order 12778. The provisions of this rule are not retroactive and will preempt state and local laws to the extent such state and local laws are inconsistent herewith. The administrative appeal provisions located at 7 CFR 400.169 must be exhausted before judicial action may be brought.

It has been determined under section 6(a) of Executive Order 12612, Federalism, that this rule does not have sufficient federalism implications to warrant the preparation of a Federal Assessment. The policies and procedures contained in this rule will not have substantial direct effects on states or their political subdivisions, or on the distribution of power and responsibilities among the various levels of government.

On April 25, 1994, the FCIC published a proposed rule at 59 FR 19661 proposing to amend the nursery policy to clarify the method of determining loss. Comments were requested for 30 days after the publication of said rule, in which time no comments were received. Therefore, the FCIC hereby adopts the proposed rule published at 59 FR 19661 as final without changes.

The date by which all changes in this policy must be final is June 30. All present insureds under the policy and all applicants have been specifically advised of the changes herein. Additionally, changes have been placed in the agents' office prior to the contract change date. Good cause is thereby found to make this rule final in less than 30 days.

List of Subjects in 7 CFR Part 406

Crop insurance, Nursery.

Accordingly, pursuant to the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), the Federal Crop Insurance Corporation amends the Nursery Crop Insurance Regulations (7 CFR part 406) effective for the 1995 crop year as follows:

1. The authority citation for 7 CFR part 406 continues to read as follows:

Authority: 7 U.S.C. 1506, 1516.

2. Section 406.7 is amended in the contract by revising subsection 9.d(1) to read as follows:

§ 406.7 The application and policy.

9. Claim for Indemnity

d. * * *

(1) The amount of insurance applicable to the unit less 90% of the value of the crop remaining on the unit after the loss; or

§ 406.7 [Amended]

3. Section 406.7 is amended in the contract by revising subsection 17, redesignating paragraphs e through m as f through n, and by inserting a new paragraph e to read as follows:

17. Meaning of Terms

e. Crop means all plants eligible for insurance on the unit as reported on the nursery crop report.

Done in Washington, DC, on June 30, 1994.

Kenneth D. Ackerman,

Manager, Federal Crop Insurance Corporation.

[FR Doc. 94-16992 Filed 7-12-94; 8:45 am]

BILLING CODE 3410-06-M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Part 212

[INS No. 1398-92]

RIN 1115-AA75

Guam Visa Waiver Program; Taiwan

AGENCY: Immigration and Naturalization Service; Justice.

ACTION: Final rule.

SUMMARY: This rule amends the Immigration and Naturalization Service (Service) regulations by amending the one-year restriction on Taiwan's inclusion in the Guam Visa Waiver Program, and by removing the requirement that residents of Taiwan who are in possession of Taiwan National Identity Cards traveling to Guam, do so on a direct, nonstop flight. The removal of the restriction is the result of an evaluation conducted by the Service that indicated that there were only two instances of abuse of the Guam Visa Waiver Program by non-Taiwan residents detected by the Service since Taiwan was temporarily added to the Program on July 15, 1993. This rule facilitates the travel of certain residents of Taiwan to visit Guam under certain conditions. It enables holders of Taiwan passports who begin their travel in Taiwan and who are in possession of Taiwan National Identity Cards to visit Guam as nonimmigrant visitors for up to 15 days for business or pleasure without first obtaining a nonimmigrant visitor visa at an American consulate abroad.

EFFECTIVE DATE: This rule is effective July 13, 1994.

FOR FURTHER INFORMATION CONTACT:

Ronald J. Hays, Assistant Chief Inspector, Inspections Division, Immigration and Naturalization Service, 425 I Street NW., Room 7228, Washington, DC 20536, Telephone number: (202) 514-0912.

SUPPLEMENTARY INFORMATION: Under section 212(1)(1) of the Immigration and Nationality Act (Act), certain visitors from designated countries may visit Guam for up to 15 days without having to obtain nonimmigrant visitor visas from American consulates outside the United States.

First implemented on October 1, 1988, this program resulted in thousands of nonimmigrant visitors from Australia, Brunei, Burma, Indonesia, Japan, Malaysia, Nauru, New Zealand, Papua New Guinea, the Republic of Korea, Singapore, the Solomon Islands, the United Kingdom (including citizens of the colony of

Hong Kong), Vanuatu and Western Samoa, visiting Guam under the conditions mentioned in the summary.

On July 15, 1993, the Service published an interim rule with request for comments, in the *Federal Register*, at 58 FR 38045-38046, temporarily adding Taiwan through July 15, 1994, to the list meeting the eligibility criteria for the Guam Visa Waiver Program, implemented under the Omnibus Territories Act of 1986, Public Law 99-396. This rule removes the one-year restriction on Taiwan's inclusion in the program.

Since the Service was concerned about potential abuse by non-Taiwan residents attempting to enter the United States illegally, only residents of Taiwan in possession of Taiwan National Identity Cards, in addition to valid Taiwan passports with valid re-entry permits issued by the Taiwan Ministry of Foreign Affairs, were included in the Guam Visa Waiver Program. In addition, there was a further restriction that persons must travel on a direct, nonstop flight from Taiwan to Guam.

Since Taiwan's inclusion in the program, only two instances of abuse of the Guam Visa Waiver Program, by non-Taiwan residents, were detected by the Service. However, the requirement that Taiwan residents seeking to enter Guam under this program do so on a direct non-stop flight from Taiwan had an unforeseeable impact on the tourist industry in the Commonwealth of the Northern Marianas when the air carrier serving Guam from Taiwan via Saipan eliminated the Saipan stop. Four comments were received by the Service concerning the change of service to the Northern Marianas. These comments all came from the Office of the Governor, Commonwealth of the Northern Marianas, protesting that the non-stop requirement of the interim rule negatively affected tourism in the Commonwealth because Taiwan residents could no longer travel easily to the Commonwealth.

The Service agrees with these comments and has amended the rule to remove the direct non-stop flight requirement. However, to address the potential for abuse by non-Taiwan residents seeking to enter the United States, the rule will be amended to reflect that only holders of Taiwan passports who are residents of Taiwan who begin their travel to Guam in Taipei and arrive in Guam without an intermediate layover will be eligible to participate in the Guam Visa Waiver Program. Such travellers will be further restricted to those who arrive on a flight which has not had an intermediate stop except in a territory of the United States.

The Service reserves the right to reinstate the direct non-stop flight requirement by means of a notice in the Federal Register should the percentage of inadmissible passengers arriving in Guam who have transited a territory of the United States enroute to Guam exceed 20 percent of all inadmissible passengers arriving in Guam for two consecutive months.

The Commissioner of the Immigration and Naturalization Service, in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), has reviewed this regulation and by approving it certifies that the rule will not have a significant economic impact on a substantial number of small entities because of the following factors: this rule merely removes a restriction on travel, and will have a positive economic impact for Guam by increasing tourism.

This rule is not considered by the Department of Justice, Immigration and Naturalization Service, to be a "significant regulatory action" under Executive Order 12866, section 3(f), Regulatory Planning and Review, and the Office of Management and Budget has waived its review process under section 6(a)(3)(A).

The regulations adopted herein will not have substantial direct effect on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this rule does not have sufficient Federalism implications to warrant the preparation of a Federalism Assessment.

The Commissioner of the Immigration and Naturalization Service certifies that she has assessed this rule in light of the criteria in Executive Order 12606 and has determined that this regulation will enhance family well-being by allowing eligible Taiwan families to readily come to Guam on vacation.

List of Subjects in 8 CFR Part 212

Administrative practice and procedures, Aliens, Passports and visas, Reporting and recordkeeping requirements.

Accordingly, the interim rule published at 58 FR 38045-38046, on July 15, 1993, amending 8 CFR part 212 is adopted as a final rule with the following changes:

PART 212—DOCUMENTARY REQUIREMENTS; NONIMMIGRANTS; WAIVERS; ADMISSION OF CERTAIN INADMISSIBLE ALIENS; PAROLE

1. The authority citation for part 212 continues to read as follows:

Authority: 8 U.S.C. 1101, 1102, 1103, 1182, 1184, 1225, 1226, 1228, 1252; 8 CFR part 2.

2. In § 212.1, paragraph (e)(3) is revised to read as follows:

§ 212.1 Documentary requirements for nonimmigrants.

* * *

(e) * * *

(3)(i) The following geographic areas meet the eligibility criteria as stated in paragraph (e)(2) of this section: Australia, Brunei, Burma, Indonesia, Japan, Malaysia, Nauru, New Zealand, Papua New Guinea, Republic of Korea, Singapore, Solomon Islands, Taiwan (residents thereof who begin their travel in Taiwan and who travel on direct flights from Taiwan to Guam without an intermediate layover or stop except that the flights may stop in a territory of the United States enroute), the United Kingdom (including the citizens of the colony of Hong Kong), Vanuatu, and Western Samoa. The provision that flights transporting residents of Taiwan to Guam may stop at a territory of the United States enroute may be rescinded whenever the number of inadmissible passengers arriving in Guam who have transited a territory of the United States enroute to Guam exceeds 20 percent of all the inadmissible passengers arriving in Guam within any consecutive two-month period. Such rescission will be published in the Federal Register.

(ii) For the purposes of this section, the term *citizen of a country* as used in 8 CFR 212.1(e)(1) when applied to Taiwan refers only to residents of Taiwan who are in possession of Taiwan National Identity Cards and a valid Taiwan passport with a valid re-entry permit issued by the Taiwan Ministry of Foreign Affairs. It does not refer to any other holder of a Taiwan passport or a passport issued by the People's Republic of China.

* * *

Dated: June 10, 1994.

Doris Meissner,
Commissioner, Immigration and Naturalization Service.

Dated: June 21, 1994.

Mary A. Ryan,
Assistant Secretary of State for Consular Affairs, Department of State.

Dated: June 23, 1994.

Leslie M. Turner,
Assistant Secretary for Territorial and International Affairs, Department of the Interior.
[FR Doc 94-16965; Filed 7-12-94; 8:45 am]
BILLING CODE 4410-10-M

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 78

[Docket No. 93-024-3]

Brucellosis Surveillance; MCI Reactor Prevalence Rates

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: We are amending the brucellosis regulations to eliminate the requirement that States maintain specified Market Cattle Identification (MCI) reactor prevalence rates to maintain their official classifications. We are instead requiring the States to successfully close (epidemiologically investigate and resolve) certain percentages of cases detected through the MCI program. We believe these amendments will better serve Federal and State animal health officials in their efforts to prevent the interstate spread of brucellosis.

EFFECTIVE DATE: August 12, 1994.

FOR FURTHER INFORMATION CONTACT: Dr. M.J. Gilsdorf, National Brucellosis Epidemiologist, Cattle Diseases and Surveillance Staff, Veterinary Services, APHIS, USDA, room 731, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, (301) 436-4918.

SUPPLEMENTARY INFORMATION:

Background

Brucellosis is an infectious disease of certain animals and humans. In its principal animal hosts, it is characterized by abortion and impaired fertility. Through a cooperative Federal-State effort, the United States is now approaching total eradication of the field strain *Brucella abortus* in domestic cattle and bison herds. As of June 1994, there were only 235 known infected

cattle and bison herds, and the U.S. Department of Agriculture (USDA) had declared 33 States, Puerto Rico, and the U.S. Virgin Islands free of the disease. Fewer than 400 new infected herds were identified last year.

The regulations in 9 CFR part 78 (referred to below as the regulations) govern the interstate movement of cattle, bison, and swine to prevent the spread of brucellosis.

On January 14, 1994, we published in the *Federal Register* (59 FR 2312-2316, Docket No. 93-024-1) a proposal to eliminate the requirement in the regulations that States meet specific MCI reactor prevalence rates to maintain their official classifications. We also proposed to require that to maintain their official classifications, States must successfully close a specified percentage of MCI reactor cases.

We solicited comments concerning our proposal for a 30-day comment period ending February 14, 1994. On February 11, 1994, we published in the *Federal Register* a notice extending the comment period to March 14, 1994 (59 FR 6593, Docket No. 93-024-2). We received four comments by that date, three from Federal veterinarians and one from the American Veterinary Medical Association (AVMA). We carefully considered all of the comments we received. They are discussed below:

The AVMA comment supported the proposal as written. The other three comments all suggested that language in a particular paragraph in the proposal be deleted.

The language in question occurs in the definition of "Class A State or area" in § 78.1(a)(2)(ii)(B)(2), and is repeated in the definitions "Class B State or area," "Class C State or area," and "Class Free State or area." The issue at hand is what action a designated epidemiologist must take after determining that brucellosis reactors are present in a herd. The regulations require that such herds must be subjected to herd blood tests or quarantined unless:

(2) Evidence indicates that the brucellosis reactor is from a herd that no longer presents a risk of spreading brucellosis, or is from a herd that is unlikely to be infected with brucellosis. Such evidence could include, but is not limited to, situations where:

(i) The brucellosis reactor is traced back to a herd that has been sold for slaughter in entirety;

(ii) The brucellosis reactor is traced back to a herd that is certified brucellosis free and is 100-percent vaccinated; or,

(iii) The brucellosis reactor showed a low titer in the MCI test and is traced back to a dairy herd that is 100 percent vaccinated and has tested negative to the most recent

brucellosis ring test required by this section for herds producing milk for sale.

Three commenters opposed inclusion of the language in (i), (ii), and (iii) that provides guidance to designated epidemiologists on how to determine that a herd where a positive MCI blood sample was collected no longer presents a risk of spreading brucellosis, or is unlikely to be infected with brucellosis.

The commenters made the point that designated epidemiologists are highly trained professionals who are responsible, among other duties, for determining when a herd situation presents a risk of spreading brucellosis. The commenters believe that designated epidemiologists are fully capable of determining what evidence is relevant to such a decision, and interpreting the evidence. As one commenter put it, "each individual situation should be evaluated with sound epidemiological principles which cannot be adequately enumerated by a 'predetermined list'."

We agree that no list of risk scenarios in the regulations, however extensive, could substitute for the professional judgment and experience of a designated epidemiologist. We rely on continuing education programs the Animal and Plant Health Inspection Service (APHIS) mandates for designated epidemiologists, and review of their decisions by other USDA epidemiologists, to ensure they make reasonable determinations with regard to brucellosis risks. We did not attempt to provide a "cookbook" list in the regulations to substitute for this system of professional judgment backed by continuing education and review by professional peers.

The proposed language cites three situations that *could* provide evidence that a herd that no longer presents a risk of spreading brucellosis, or is unlikely to be infected with brucellosis. These examples were provided by epidemiologists from their own experience as examples of frequently occurring situations where the risk of spreading brucellosis is mitigated. The proposed language specifically says that "evidence could include, but is not limited to" the described situations. The examples were provided not for the benefit of designated epidemiologists, who are well aware of their relevance, but for the benefit of members of the public who may be affected by the regulations. We believe it will aid public understanding of the regulations to see some examples of situations that could provide evidence that a herd with an MCI reactor no longer presents a risk of spreading brucellosis, or is unlikely to be infected with brucellosis.

Therefore, based on the rationale set forth in the proposed rule and in this document, we are adopting the provisions of the proposed rule as a final rule, without change.

Executive Order 12866 and Regulatory Flexibility Act

This final rule has been reviewed under Executive Order 12866. The rule has been determined to be not significant for purposes of Executive Order 12866 and, therefore, has not been reviewed by the Office of Management and Budget.

Only State animal health agencies will be affected by this rule; it will have no effect on the private sector. State animal health officials will need to provide other States with information on only the MCI reactors detected each month instead of total numbers of MCI test cattle slaughtered. They will also need to maintain records of the numbers of MCI reactor cases that are successfully closed and report the percentage of successfully closed cases annually to APHIS. The States are already required to carry out the activities that constitute successful case closure.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action will not have a significant economic impact on a substantial number of small entities.

Executive Order 12372

This program/activity is listed in the Catalog of Federal Domestic Assistance under 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 in conflict with it; (2) has no retroactive effect; and (3) does not require administrative proceedings before parties may file suit in court challenging this rule.

Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*), the information collection or recordkeeping requirements included in this rule have been submitted for approval to the Office of Management and Budget.

List of Subjects in 9 CFR Part 78

Animal diseases, Bison, Cattle, Hogs, Quarantine, Reporting and recordkeeping requirements, Transportation.

Accordingly, 9 CFR part 78 is amended as follows:

PART 78—BRUCELLOSIS

1. The authority citation for part 78 continues to read as follows:

Authority: 21 U.S.C. 111–114a–1, 114g, 115, 117, 120, 121, 123–126, 134b, 134f; 7 CFR 2.17, 2.51, and 371.2(d).

2. Section 78.1 is amended as follows:

a. In the definition of *Class A State or area*, paragraph (a)(2)(ii) is revised to read as set forth below and paragraph (c) is removed.

b. In the definition of *Class B State or area*, paragraph (a)(2)(ii) is revised to read as set forth below and paragraph (c) is removed.

c. In the definition of *Class C State or area*, paragraph (a)(2)(ii) is revised to read as set forth below, paragraph (c) is removed, and paragraph (d) is redesignated as paragraph (c).

d. In the definition of *Class Free State or area*, paragraph (a)(2)(ii) is revised to read as set forth below and paragraph (c) is removed.

e. A new definition of *Successfully closed case* is added, in alphabetical order, to read as set forth below.

§ 78.1 Definitions.

Class A State or area. * * *

(a) * * *

(2) * * *

(ii) *Brucellosis reactors.*

(A) *Tracebacks.* At least 90 percent of all brucellosis reactors found in the course of MCI testing must be traced to the farm of origin.

(B) *Successfully closed cases.* The State or area must successfully close at least 95 percent of the MCI reactor cases traced to the farm of origin during the 12-consecutive-month period immediately prior to the most recent anniversary of the date the State or area was classified Class A. To successfully close an MCI reactor case, State representatives or APHIS representatives must conduct an epidemiologic investigation at the farm of origin within 15 days after notification by the cooperative State-Federal laboratory that brucellosis reactors were found on the MCI test. Herd blood tests must be conducted or the herd must be confined to the premises under quarantine within 30 days after notification that brucellosis reactors were found on the MCI test,

unless a designated epidemiologist determines that:

(1) The brucellosis reactor is located in a herd in a different State than the State where the MCI blood sample was collected. In such cases a State representative or APHIS representative must give written notice of the MCI test results to the State animal health official in the State where the brucellosis reactor is located; or

(2) Evidence indicates that the brucellosis reactor is from a herd that no longer presents a risk of spreading brucellosis, or is from a herd that is unlikely to be infected with brucellosis. Such evidence could include, but is not limited to, situations where:

(i) The brucellosis reactor is traced back to a herd that has been sold for slaughter in entirety;

(ii) The brucellosis reactor is traced back to a herd that is certified brucellosis free and is 100-percent vaccinated; or

(iii) The brucellosis reactor showed a low titer in the MCI test and is traced back to a dairy herd that is 100 percent vaccinated and has tested negative to the most recent brucellosis ring test required by this section for herds producing milk for sale.

Class B State or area. * * *

(a) * * *

(2) * * *

(ii) *Brucellosis reactors.*

(A) *Tracebacks.* At least 80 percent of all brucellosis reactors found in the course of MCI testing must be traced to the farm of origin.

(B) *Successfully closed cases.* The State or area must successfully close at least 90 percent of the MCI reactor cases traced to the farm of origin during the 12-consecutive-month period immediately prior to the most recent anniversary of the date the State or area was classified Class B. To successfully close an MCI reactor case, State representatives or APHIS representatives must conduct an epidemiologic investigation at the farm of origin within 30 days after notification by the cooperative State-Federal laboratory that brucellosis reactors were found on the MCI test. Herd blood tests must be conducted or the herd must be confined to the premises under quarantine within 30 days after notification that brucellosis reactors were found on the MCI test, unless a designated epidemiologist determines that:

(1) The brucellosis reactor is located in a herd in a different State than the State where the MCI blood sample was collected. In such cases a State

representative or APHIS representative must give written notice of the MCI test results to the State animal health official in the State where the brucellosis reactor is located; or

(2) Evidence indicates that the brucellosis reactor is from a herd that no longer presents a risk of spreading brucellosis, or is from a herd that is unlikely to be infected with brucellosis. Such evidence could include, but is not limited to, situations where:

(i) The brucellosis reactor is traced back to a herd that has been sold for slaughter in entirety;

(ii) The brucellosis reactor is traced back to a herd that is certified brucellosis free and is 100-percent vaccinated; or

(iii) The brucellosis reactor showed a low titer in the MCI test and is traced back to a dairy herd that is 100 percent vaccinated and has tested negative to the most recent brucellosis ring test required by this section for herds producing milk for sale.

Class C State or area. * * *

(a) * * *

(2) * * *

(ii) *Brucellosis reactors.*

(A) *Tracebacks.* At least 80 percent of all brucellosis reactors found in the course of MCI testing must be traced to the farm of origin.

(B) *Successfully closed cases.* The State or area must successfully close at least 90 percent of the MCI reactor cases traced to the farm of origin during the 12-consecutive-month period immediately prior to the most recent anniversary of the date the State or area was classified Class C. To successfully close an MCI reactor case, State representatives or APHIS representatives must conduct an epidemiologic investigation at the farm of origin within 30 days after notification by the cooperative State-Federal laboratory that brucellosis reactors were found on the MCI test. Herd blood tests must be conducted or the herd must be confined to the premises under quarantine within 30 days after notification that brucellosis reactors were found on the MCI test, unless a designated epidemiologist determines that:

(1) The brucellosis reactor is located in a herd in a different State than the State where the MCI blood sample was collected. In such cases a State representative or APHIS representative must give written notice of the MCI test results to the State animal health official in the State where the brucellosis reactor is located; or

(2) Evidence indicates that the brucellosis reactor is from a herd that no

longer presents a risk of spreading brucellosis, or is from a herd that is unlikely to be infected with brucellosis. Such evidence could include, but is not limited to, situations where:

(i) The brucellosis reactor is traced back to a herd that has been sold for slaughter in entirety;

(ii) The brucellosis reactor is traced back to a herd that is certified brucellosis free and is 100-percent vaccinated; or

(iii) The brucellosis reactor showed a low titer in the MCI test and is traced back to a dairy herd that is 100 percent vaccinated and has tested negative to the most recent brucellosis ring test required by this section for herds producing milk for sale.

* * * * *

Class Free State or area. * * *

(a) * * *

(2) * * *

(ii) *Brucellosis reactors.*

(A) *Tracebacks.* At least 90 percent of all brucellosis reactors found in the course of MCI testing must be traced to the farm of origin.

(B) *Successfully closed cases.* The State or area must successfully close at least 95 percent of the MCI reactor cases traced to the farm of origin during the 12-consecutive-month period immediately prior to the most recent anniversary of the date the State or area was classified Class Free. To successfully close an MCI reactor case, State representatives or APHIS representatives must conduct an epidemiologic investigation at the farm of origin within 15 days after notification by the cooperative State-Federal laboratory that brucellosis reactors were found on the MCI test. Herd blood tests must be conducted or the herd must be confined to the premises under quarantine within 30 days after notification that brucellosis reactors were found on the MCI test, unless a designated epidemiologist determines that:

(1) The brucellosis reactor is located in a herd in a different State than the State where the MCI blood sample was collected. In such cases a State representative or APHIS representative must give written notice of the MCI test results to the State animal health official in the State where the brucellosis reactor is located; or

(2) Evidence indicates that the brucellosis reactor is from a herd that no longer presents a risk of spreading brucellosis, or is from a herd that is unlikely to be infected with brucellosis. Such evidence could include, but is not limited to, situations where:

(i) The brucellosis reactor is traced back to a herd that has been sold for slaughter in entirety;

(ii) The brucellosis reactor is traced back to a herd that is certified brucellosis free and is 100-percent vaccinated; or

(iii) The brucellosis reactor showed a low titer in the MCI test and is traced back to a dairy herd that is 100 percent vaccinated and has tested negative to the most recent brucellosis ring test required by this section for herds producing milk for sale.

* * * * *

Successfully closed case. Follow up of an MCI reactor traceback with an epidemiologic investigation which results in brucellosis testing or quarantine of the herd of origin, or a determination by a designated brucellosis epidemiologist that justification exists for not testing or quarantining the herd of origin.

* * * * *

Done in Washington, DC, this 7th day of July 1994.

Lonnie J. King,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 94-16967 Filed 7-12-94; 8:45 am]

BILLING CODE 3410-34-P

NUCLEAR REGULATORY COMMISSION

10 CFR Parts 40, 72, 74, 75, 150

RIN 3150-AE35

Licensee Submittal of Data in Computer-Readable Form

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Nuclear Regulatory Commission is amending its regulations to require certain licensees to submit data to the NRC in computer-readable format. The final rule streamlines the collection of nuclear material transaction data and increases the accuracy of the reported information. The final rule will save money for both NRC and licensees in the data collection process.

EFFECTIVE DATE: October 11, 1994.

FOR FURTHER INFORMATION CONTACT: Richard H. Gramann, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Telephone (301) 415-8118.

SUPPLEMENTARY INFORMATION:

Background

The NRC has a major interest in the potential use for computer-readable submittal. This innovation not only can result in monetary savings, but also can increase efficiency and accuracy of data collection efforts. In the past, the NRC has permitted the use of computer-readable forms as well as the use of computer generated facsimiles of the printed forms. Many licensees now generate their own facsimiles. The latest revision of "Personal Computer Data Input for NRC Licensees" (Nuclear Materials Management and Safeguards System (NMMSS) Report D-24) contains specific procedures for submitting in computer-readable format: DOE/NRC Form 741, "Nuclear Material Transaction Report"; DOE/NRC Form 741A, "Nuclear Material Transaction Report (Continuation Page)"; DOE/NRC Form 740M, "Concise Note"; DOE/NRC Form 742, "Material Balance Report"; and DOE/NRC Form 742C, "Physical Inventory Listing." The amendments make mandatory the reporting in computer-readable format prescribed by the D-24 document. These amendments eliminate the need for paper forms, thus providing a cost saving for the NRC in satisfying its statutory and treaty obligations.

The amendments affect each licensee who transfers, receives, or adjusts the inventory, in any manner, of uranium or thorium source material of foreign origin by 1 kilogram or more. Each specific licensee who transfers or receives 1 gram or more of contained uranium-235, uranium-233, or plutonium would also be affected.

These amendments are intended only to take advantage of current computer technology and to make the data collection process more efficient and less costly. The Commission believes there will be minimal costs associated with the implementation of these amendments. Many licensees already have their material accounting automated and can generate computer-readable reports. For those licensees who have not yet automated their reporting, a diskette with the appropriate formats and user prompts may be obtained from the NRC to facilitate this process. Licensees may obtain a copy of the NMMSS report or the diskette by writing the U.S. Nuclear Regulatory Commission, Division of Fuel Cycle Safety and Safeguards, Washington, DC 20555-0001.

On January 26, 1993 (58 FR 6098), the Commission published a proposed rule in the Federal Register to make mandatory licensee submittal in

computer-readable format. A 90-day comment period expired on April 26, 1993. Comments were received from nine respondents. Two comments were not in favor of the amendments, whereas the others expressed approval and encouragement to take advantage of today's technology. Several constructive suggestions were made and are included in the summary of public comments.

Summary of Public Comment

A summary of the public comments and a clarifying response follows:

(1) *Continued requirement for hard copy forms.* Several respondents expressed the continued need for hard copy forms. One commenter stated their material control and accounting (MC&A) program is based upon a "paper trail" utilizing the DOE/NRC Form 741. Another commenter stated the continued requirement for submitting hard copies to various Department of Energy contractors. Another commenter raised the question of storage of records for a period of time specified by Commission regulations. Concern also was expressed regarding secondary distribution requirements of hard copy DOE/NRC Form 741 for certain domestic transactions and all import and export transactions. Finally one commenter stated the current requirements, which provide for both computer-readable and hard copy, are the more acceptable.

The final amendments require licensees to submit computer-readable reports to the NRC in a format prescribed in NMMSS Report D-24. The amendments do not preclude other formats used for other purposes. Many licensees already generate facsimile reports for satisfying given requirements. Licensees that have no capability to produce these facsimiles may use the diskette provided by the NRC which can generate a facsimile (either hard copy or disk file for storage) of all forms subject to these amendments. With regard to records retention, the NRC permits the storage of records on electronic media with the capability for producing legible, accurate, and complete records during the required retention period. This would include computer generated facsimiles of forms subject to these amendments. For the reporting system to operate efficiently, computer-readable submittal for NRC's use is necessary.

(2) *Accepting shipper's values.* A respondent suggested that the action code and date on the computer-readable DOE/NRC Form 741 for a shipment can be easily changed by the recipient to reflect accepting shipper's values.

The diskette that is available from the NRC includes a program for editing the file of a computer-readable DOE/NRC Form 741 to edit the action code and date to reflect accepting shipper's values.

(3) *Telecommunication of licensee submittal.* Four respondents urged the transmission of the computer-readable files over a modem instead of using diskettes.

There is no disagreement with the commenters that modem transmission is desirable. Transmitting files by modem to satisfy reporting requirements is an option of these amendments. The NRC will work with any licensee desiring this option.

(4) *Revision of guidance documents.* Several respondents noted the need to revise the guidance documents: NUREG/BR-0006, "Instructions for Completing Nuclear Material Transaction Reports and Concise Note Forms"; NUREG/BR-0007, "Instructions for Completing Material Balance Report and Physical Inventory Listing"; and NMMSS Report D-24, "Personal Computer Data Input for NRC Licensees," to be compatible with the submittal of computer-readable formats.

NMMSS Report D-24 has been revised to include all the forms required in these amendments. The other guidance documents will be revised, as needed, to reflect the use of computer-readable forms to replace the paper forms.

Environmental Impact: Categorical Exclusion

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

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 3150-0003, -0057, -0004, and -0058.

Because the rule will eliminate the need for certain paper forms, the public burden for this collection of information is expected to be reduced. The reduction in burden for the DOE/NRC Forms 741, 741A, 742, and 740M is estimated to average .25 hours per response. The reduction in burden for the DOE/NRC Form 742C is estimated to average 2 hours per response, 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 the estimated burden reduction or any other aspect of this collection of information, including suggestions for further reducing reporting burden, to the Information and Records Management Branch (MNBB-7714), U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; and to the Desk Officer, Office of Information and Regulatory Affairs, NEOB-3019 (3150-0003, -0004, -0057, and -0058), Office of Management and Budget, Washington, DC 20503.

Regulatory Analysis

These final amendments have no significant impact on State and local governments and geographical regions. They have a significant positive impact on the efficiency and accuracy of the data collection process. The final amendments do not have a significant impact on health, safety, and the environment. This rule requires that all licensees submit computer-readable reports regarding special nuclear material transactions. The NRC will realize a significant cost savings. Licensees have already demonstrated their computer expertise by generating near-perfect copies of the current forms on Laser Jet printers. Generating computer-readable data in accordance with a prescribed format offers less burden than producing these near-perfect copies. The rule will facilitate the collection of data by the NRC to satisfy its statutory and treaty obligations. This constitutes the regulatory analysis for this final rule.

Regulatory Flexibility Certification

In accordance with the Regulatory Flexibility Act of 1980 (5 U.S.C. 605(b)), the Commission certifies that this change does not have a significant economic impact on a substantial number of small entities. This final rule affects all licensees required to report special nuclear material transactions using DOE/NRC Forms 741, 741A, 742, 742C, and 740M. Owners of nuclear power plants and fuel fabrication plants have already automated most, if not all, of their material accounting program and can easily generate computer-readable reports. Other affected licensees include laboratories, universities, colleges, medical clinics and hospitals, some of which may fall within the scope of the NRC's size standards for determination of which NRC licensees qualify as small entities (December 9, 1985; 50 FR 50241).

One commenter stated that the proposed rule would increase the burden for licensees with manual accountability systems by requiring manual entry of data to diskette and a hard-copy data check for accuracy. Entities that may not yet have automated their reporting may obtain a diskette from the NRC to assist them in satisfying their reporting requirements. No respondent has stated a lack of computer capability to use such a diskette, and the likelihood of such a need is remote in view of the types of affected licensees. In addition, NRC staff experience with computer readable transfer of information indicates less burden and more efficiency for licensees and the NRC than transfer of hard-copy information. For these reasons, any initial cost associated with preparation of computer readable reports should be minimal and lead to a reduction in reporting burden for all affected licensees.

Backfit Analysis

The NRC has determined that a backfit analysis is not required for this final rule 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 40

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

10 CFR Part 72

Manpower training programs, Nuclear materials, Occupational safety and health, Reporting and recordkeeping requirements, Security measures, Spent fuel.

10 CFR Part 74

Accounting, Criminal penalties, Hazardous materials—transportation, Material control and accounting, Nuclear materials, Packaging and containers, Radiation protection, Reporting and recordkeeping requirements, Scientific equipment, Special nuclear material.

10 CFR Part 75

Criminal penalties, Intergovernmental relations, Nuclear materials, Nuclear power plants and reactors, Reporting and recordkeeping requirements, Security measures.

10 CFR Part 150

Criminal penalties, Hazardous materials—transportation, Intergovernmental relations, Nuclear materials, Reporting and recordkeeping requirements, Security measures, Source material, Special nuclear material.

For the reasons set out in the preamble and under the authority of the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and 5 U.S.C. 552 and 553, the NRC is adopting the following amendments to 10 CFR parts 40, 72, 74, 75, and 150.

PART 40—DOMESTIC LICENSING OF SOURCE MATERIAL

1. The authority citation for part 40 continues to read as follows:

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

Section 40.7 also issued under Pub. L. 95-601, sec. 10, 92 Stat. 2951 as amended by Pub. L. 102-486, Sec. 2902, 106 Stat. 3123 (42 U.S.C. 5851). Section 40.31(g) also issued under sec. 122, 68 Stat. 939 (42 U.S.C. 2152). Section 40.46 also issued under sec. 184, 68 Stat. 954, as amended (42 U.S.C. 2234). Section 40.71 also issued under sec. 187, 68 Stat. 955 (42 U.S.C. 2237).

2. In § 40.64, paragraph (a) is revised to read as follows:

§ 40.64 Reports.

(a) Except as specified in paragraphs (d) and (e) of this section, each specific licensee who transfers, receives, or adjusts the inventory, in any manner, of uranium or thorium source material of foreign origin by 1 kilogram or more or who imports or exports 1 kilogram of uranium or thorium source material of any origin shall complete a Nuclear Material Transaction Report in computer-readable format in accordance with instructions (NUREG/BR-0006 and NMMSS Report D-24 "Personal Computer Data Input for NRC Licensees"). Copies of the instructions may be obtained from the U.S. Nuclear Regulatory Commission, Division of Fuel Cycle Safety and Safeguards, Washington, DC 20555-0001. Each licensee who transfers the material shall submit a Nuclear Material Transaction

Report in computer-readable format in accordance with instructions no later than the close of business the next working day. Each licensee who receives the material shall submit a Nuclear Material Transaction Report in computer-readable format in accordance with instructions within ten (10) days after the material is received. The Commission's copy of the report must be submitted to the address specified in the instructions. These prescribed computer-readable forms replace the DOE/NRC Form 741 which has been previously submitted in paper form.

PART 72—LICENSING REQUIREMENTS FOR THE INDEPENDENT STORAGE OF SPENT NUCLEAR FUEL AND HIGH-LEVEL RADIOACTIVE WASTE

3. The authority citation for part 72 continues to read as follows:

Authority: Secs. 51, 53, 57, 62, 63, 65, 69, 81, 161, 182, 183, 184, 186, 187, 189, 68 Stat. 929, 930, 932, 933, 934, 935, 948, 953, 954, 955, as amended, sec. 234, 83 Stat. 444, as amended (42 U.S.C. 2071, 2073, 2077, 2092, 2093, 2095, 2099, 2111, 2201, 2232, 2233, 2234, 2236, 2237, 2238, 2282); sec. 274, Pub. L. 86-373, 73 Stat. 688, as amended (42 U.S.C. 2021); sec. 201, as amended, 202, 206, 88 Stat. 1242, as amended, 1244, 1246 (42 U.S.C. 5841, 5842, 5846); Pub. L. 95-601, sec. 10, 92 Stat. 2951 as amended by Pub. L. 102-486, Sec. 2902, 106 Stat. 3123, (42 U.S.C. 5851); sec. 102, Pub. L. 91-190, 83 Stat. 853 (42 U.S.C. 4332); Secs. 131, 132, 133, 135, 137, 141, Pub. L. 97-425, 96 Stat. 2229, 2230, 2232, 2241, sec. 148, Pub. L. 100-203, 101 Stat. 1330-235 (42 U.S.C. 10151, 10152, 10153, 10155, 10157, 10161, 10168).

Section 72.44(g) also issued under secs. 142(b) and 148 (c), (d), Pub. L. 100-203, 101 Stat. 1330-232, 1330-236 (42 U.S.C. 10162(b), 10168 (c), (d)). Section 72.46 also issued under sec. 189, 68 Stat. 955 (42 U.S.C. 2239); sec. 134, Pub. L. 97-425, 96 Stat. 2230 (42 U.S.C. 10154). Section 72.96(d) also issued under sec. 145(g), Pub. L. 100-203, 101 Stat. 1330-235 (42 U.S.C. 10165(g)). Subpart J also issued under secs. 2(2), 2(15), 2(19), 117(a), 141(h), Pub. L. 97-425, 96 Stat. 2202, 2203, 2204, 2222, 2244 (42 U.S.C. 10101, 10137(a), 10161(h)). Subparts K and L are also issued under sec. 133, 98 Stat. 2230 (42 U.S.C. 10153) and sec. 218(a), 96 Stat. 2252 (42 U.S.C. 10198).

4. In § 72.76, paragraph (a) is revised to read as follows:

§ 72.76 Material status reports.

(a) Except as provided in paragraph (b) of this section, each licensee shall complete in computer-readable format and submit to the Commission a material status report in accordance with instructions (NUREG/BR-0007 and NMMSS Report D-24 "Personal Computer Data Input for NRC

Licensees"). Copies of these instructions may be obtained from the U.S. Nuclear Regulatory Commission, Division of Fuel Cycle Safety and Safeguards, Washington, DC 20555-0001. These reports provide information concerning the special nuclear material contained in the spent fuel possessed, received, transferred, disposed of, or lost by the licensee. Material status reports must be made as of March 31 and September 30 of each year and filed within 30 days after the end of the period covered by the report. The Commission may, when good cause is shown, permit a licensee to submit material status reports at other times. The Commission's copy of this report must be submitted to the address specified in the instructions. These prescribed computer-readable forms replace the DOE/NRC Form 742 which has been previously submitted in paper form.

* * * * *

5. Section 72.78 is revised to read as follows:

§ 72.78 Nuclear material transfer reports.

(a) Except as provided in paragraph (b) of this section, whenever the licensee transfers or receives spent fuel, the licensee shall complete in computer-readable format a Nuclear Material Transaction Report in accordance with instructions (NUREG/BR-0006 and NMMSS Report D-24, "Personal Computer Data Input for NRC Licensees"). Copies of these instructions may be obtained from the U.S. Nuclear Regulatory Commission, Division of Fuel Cycle Safety and Safeguards, Washington, DC 20555-0001. Each ISFSI licensee who receives spent fuel from a foreign source shall complete both the supplier's and receiver's portion of the Nuclear Material Transaction Report, verify the identity of the spent fuel, and indicate the results on the receiver's portion of the form. These prescribed computer-readable forms replace the DOE/NRC Form 741 which has been previously submitted in paper form.

(b) Any licensee who is required to submit Nuclear Material Transactions Reports pursuant to § 75.34 of this chapter (pertaining to implementation of the US/IAEA Safeguards Agreement) shall prepare and submit the reports only as provided in that section instead of as provided in paragraph (a) of this section.

PART 74—MATERIAL CONTROL AND ACCOUNTING OF SPECIAL NUCLEAR MATERIAL

6. The authority citation for part 74 continues to read as follows:

Authority: Secs. 53, 57, 161, 182, 183, 68 Stat. 930, 932, 948, 953, 954, as amended, sec. 234, 83 Stat. 444, as amended (42 U.S.C. 2073, 2077, 2201, 2232, 2233, 2282); secs. 201, as amended 202, 206, 88 Stat. 1242, as amended, 1244, 1246 (42 U.S.C. 5841, 5842, 5846).

7. In § 74.13, paragraph (a)(1) is revised to read as follows:

§ 74.13 Material status reports.

(a)(1) Each licensee authorized to possess at any one time and location special nuclear material in a quantity totaling more than 350 grams of contained uranium-235, uranium-233, or plutonium, or any combination thereof, shall complete and submit in computer-readable format material balance reports concerning special nuclear material received, produced, possessed, transferred, consumed, disposed of, or lost by it. These prescribed computer-readable reports replace the DOE/NRC Form 742 which has been previously submitted in paper form. Each nuclear reactor licensee, as defined in §§ 50.21 and 50.22 of this chapter, also shall prepare in computer-readable format a statement of the composition of the ending inventory. The inventory composition report must be submitted with each material balance report. This prescribed computer-readable report replaces the DOE/NRC Form 742C which has been previously submitted in paper form. Each licensee shall prepare and submit the reports described in this paragraph in accordance with instructions (NUREG/BR-0007 and NMMSS Report D-24 "Personal Computer Data Input for NRC Licensees"). Copies of these instructions may be obtained from the U.S. Nuclear Regulatory Commission, Division of Fuel Cycle Safety and Safeguards, Washington, DC 20555-0001. Each licensee shall compile a report as of March 31 and September 30 of each year and file it within 30 days after the end of the period covered by the report. The Commission may permit a licensee to submit the reports at other times when good cause is shown.

* * * * *

8. Section 74.15 is revised to read as follows:

§ 74.15 Nuclear material transfer reports.

(a) Each licensee who transfers and each licensee who receives special nuclear material shall complete in computer-readable format a Nuclear Material Transaction Report. This should be done in accordance with instructions whenever the licensee transfers or receives a quantity of special nuclear material of 1 gram or more of contained uranium-235,

uranium-233, or plutonium. Copies of these instructions (NUREG/BR-0006 and NMMSS Report D-24 "Personal Computer Data Input for NRC Licensees") may be obtained from the U.S. Nuclear Regulatory Commission, Division of Fuel Cycle Safety and Safeguards, Washington, DC 20555-0001. This prescribed computer-readable format replaces the DOE/NRC Form 741 which has been previously submitted in paper form.

(b) Each licensee who receives 1 gram or more of contained uranium-235, uranium-233, or plutonium from a foreign source shall:

(1) Complete in computer-readable format both the supplier's and receiver's portion of the Nuclear Material Transaction Report;

(2) Perform independent tests to assure the accurate identification and measurement of the material received, including its weight and enrichment; and

(3) Indicate the results of these tests on the receiver's portion of the form.

(c) Any licensee who is required to submit inventory change reports pursuant to § 75.34 of this chapter (pertaining to implementation of the US/International Atomic Energy Agency (IAEA) Safeguards Agreement) shall prepare and submit these reports only as provided in that section (instead of as provided in paragraphs (a) and (b) of this section).

PART 75—SAFEGUARDS ON NUCLEAR MATERIAL—IMPLEMENTATION OF US/IAEA AGREEMENT

9. The authority citation for part 75 continues to read as follows:

Authority: Secs. 53, 63, 103, 104, 122, 161, 68 Stat. 930, 932, 936, 937, 939, 948, as amended (42 U.S.C. 2073, 2093, 2133, 2134, 2152, 2201); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841). Section 75.4 also issued under secs. 135, 141, Pub. L. 97-425, 96 Stat. 2232, 2241 (42 U.S.C. 10155, 10161).

10. Section 75.31 is revised to read as follows:

§ 75.31 General requirements.

Each licensee who has been given notice by the Commission in writing that its installation has been identified under the Agreement shall make an initial inventory report in computer-readable format, and thereafter shall make accounting reports, with respect to such installation and, in addition, licensees who have been given notice, pursuant to § 75.41, that their installations are subject to the application of IAEA safeguards, shall make the special reports described in

§ 75.36. These reports must be based on the records kept in accordance with § 75.21. At the request of the Commission, the licensee shall amplify or clarify any report with respect to any matter relevant to implementation of the Agreement. Any amplification or clarification must be in writing and must be submitted, to the address specified in the request, within twenty (20) days or other time as may be specified by the Commission.

11. In § 75.32, paragraph (b) is revised to read as follows:

§ 75.32 Initial inventory report.

(b) The initial inventory report, to be submitted to the Commission in computer-readable format, in accordance with instructions (NUREG/BR-0007 and NMMSS Report D-24 "Personal Computer Data Input for NRC Licensees"), must show the quantities of nuclear material contained in or at an installation as of the initial inventory reporting date. The information in the initial inventory report may be based upon the licensee's book record.

12. In § 75.33, paragraph (a) is revised to read as follows:

§ 75.33 Accounting reports.

(a)(1) The accounting reports for each IAEA material balance area must consist of

(i) Computer-readable Nuclear Material Transaction Reports (Inventory Change Reports) and

(ii) Computer-readable Material Balance Reports showing the material balance based on a physical inventory of nuclear material actually present.

(2) These prescribed computer-readable forms replace the following forms which have been submitted in paper form:

- (i) The DOE/NRC Form 741; and
- (ii) The DOE/NRC Form 742.

13. Section 75.34 is revised to read as follows:

§ 75.34 Inventory change reports.

(a) Nuclear Material Transaction Reports (Inventory Change Reports) in computer-readable format to be completed in accordance with instructions (NUREG/BR-0006 and NMMSS Report D-24 "Personal Computer Data Input for NRC Licensees"), must specify identification and batch data for each batch of nuclear material, the date of the inventory change, and, as appropriate,

(1) The originating IAEA material balance area or the shipper; and

(2) The receiving IAEA material balance area or the recipient.

Each licensee who receives special nuclear material from a foreign source shall complete both the supplier's and receiver's portion of the form.

(b) Nuclear Material Transactions Reports (Inventory Change Reports), when appropriate, must be accompanied by computer-readable Concise Notes, completed in accordance with instructions (NUREG/BR-0006 and NMMSS Report D-24 "Personal Computer Data Input for NRC Licensees"). Copies of these instructions may be obtained from the U.S. Nuclear Regulatory Commission, Division of Fuel Cycle Safety and Safeguards, Washington, DC 20555-0001. This prescribed computer-readable format replaces the DOE/NRC Form 740M which has been previously submitted in paper form. This Concise Note is used in:

(1) Explaining the inventory changes on the basis of the operating records provided for under § 75.23; and

(2) Describing, to the extent specified in the license conditions, the anticipated operational program for the installation, including particularly, but not exclusively, the schedule for taking physical inventory.

14. In § 75.35, paragraph (a) is revised to read as follows:

§ 75.35 Material status reports.

(a) A material status report must be submitted for each physical inventory which is taken as part of the material accounting and control procedures required by § 75.21. The material status report must include a computer-readable Material Balance Report and a computer-readable Physical Inventory Listing which lists all batches separately and specifies material identification and batch data for each batch. When appropriate, the material status report must be accompanied by a computer-readable Concise Note. The reports described in this section must be prepared and submitted in accordance with instructions (NUREG/BR-0007, NUREG/BR-0006 and NMMSS Report D-24 "Personal Computer Data Input for NRC Licensees"). Copies of these instructions may be obtained from the U.S. Nuclear Regulatory Commission, Division of Fuel Cycle Safety and Safeguards, Washington, DC 20555-0001. These prescribed computer-readable formats replace the DOE/NRC Forms 742, 742C, and 740M which have been submitted in paper form.

PART 150—EXEMPTIONS AND CONTINUED REGULATORY AUTHORITY IN AGREEMENT STATES AND IN OFFSHORE WATERS UNDER SECTION 274

15. The authority citation for part 150 continues to read as follows:

Authority: Sec. 161, 68 Stat. 948, as amended, sec. 274, 73 Stat. 688 (42 U.S.C. 2201, 2021); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841).

Sections 150.3, 150.15, 150.15a, 150.31, 150.32 also issued under secs. 11e(2), 81, 68 Stat. 923, 935, as amended, secs. 83, 84, 92 Stat. 3033, 3039 (42 U.S.C. 2014e(2), 2111, 2113, 2114). Section 150.14 also issued under sec. 53, 68 Stat. 930, as amended (42 U.S.C. 2073). Section 150.15 also issued under secs. 135, 141, Pub. L. 97-425, 96 Stat. 2232, 2241 (42 U.S.C. 10155, 10161). Section 150.17a also issued under sec. 122, 68 Stat. 939 (42 U.S.C. 2152). Section 150.30 also issued under sec. 234, 83 Stat. 444 (42 U.S.C. 2282).

16. In § 150.16, paragraph (a) is revised to read as follows:

§ 150.16 Submission to Commission of nuclear material transfer reports.

(a) Each person who transfers and each person who receives special nuclear material pursuant to an Agreement State license shall complete and submit in computer-readable format Nuclear Material Transaction Reports in accordance with instructions (NUREG/BR-0006 and NMMSS Report D-24 "Personal Computer Data Input for NRC Licensees") whenever transferring or receiving a quantity of special nuclear material of 1 gram or more of contained uranium-235, uranium-233, or plutonium. Each person who transfers this material shall submit in accordance with instructions the computer-readable format promptly after the transfer takes place. Each person who receives special nuclear material shall submit in accordance with instructions the computer-readable format within ten (10) days after the special nuclear material is received. Copies of the instructions may be obtained from the U.S. Nuclear Regulatory Commission, Division of Fuel Cycle Safety and Safeguards, Washington, DC 20555-0001. These prescribed computer-readable formats replace the DOE/NRC Form 741 which have been previously submitted in paper form.

17. In § 150.17, paragraph (a) is revised to read as follows:

§ 150.17 Submission to Commission of source material reports.

(a) Except as specified in paragraph (d) of this section and § 150.17a, each person who, pursuant to an Agreement State specific license, transfers or

receives or adjusts the inventory in any manner by 1 kilogram or more of uranium or thorium source material of foreign origin or who imports 1 kilogram or more of uranium or thorium source material of any origin shall complete and submit in computer-readable format Nuclear Material Transaction Reports in accordance with instructions (NUREG/BR-0006 and NMMSS Report D-24 "Personal Computer Data Input for NRC Licensees"). Copies of the instructions may be obtained from the U.S. Nuclear Regulatory Commission, Division of Fuel Cycle Safety and Safeguards, Washington, DC 20555-0001. Each person who receives the material shall submit in accordance with instructions the computer-readable format within ten (10) days after the material is received.

* * * * *

Dated at Rockville, MD, this 7th day of July, 1994.

For the Nuclear Regulatory Commission.

John C. Hoyle,
Acting Secretary of the Commission.

[FR Doc. 94-16941 Filed 7-12-94; 8:45 am]
BILLING CODE 7590-01-P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

14 CFR Part 1209

RIN 2700-AB70

Boards and Committees

AGENCY: National Aeronautics and Space Administration (NASA).

ACTION: Final rule.

SUMMARY: NASA is amending subpart 1209.4, "Inventions and Contributions Board," to reflect the current organizational structure. This regulation describes the functions, authority, and membership of the NASA Inventions and Contributions Board.

EFFECTIVE DATE: June 28, 1994.

FOR FURTHER INFORMATION CONTACT: Dr. Paul A. Curto, 202-358-2279.

SUPPLEMENTARY INFORMATION: NASA published 14 CFR Part 1209, subpart 1209.4, on January 31, 1986 (51 FR 3945). This amendment revises section 1209.403 to make an organizational change and makes editorial corrections to section 1209.402.

Since this action is internal and administrative in nature and does not effect existing regulations, no public comment period is required.

NASA has determined that this regulation does not constitute a major rule for the purposes of Executive Order 12866, and it will not have a significant

economic impact on a substantial number of small entities under the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 1209

Boards and committees, Organizations and functions (Government agencies).

PART 1209—BOARDS AND COMMITTEES

For reasons set forth in the Preamble, 14 CFR Part 1209, subpart 1209.4, is amended as follows:

Subpart 4—Inventions and Contributions Board

1. The authority citation for subpart 1209.4 of 14 CFR part 1209 continues to read as follows:

Authority: 42 U.S.C. 2457(f) and 2458.

2. In § 1209.402, paragraph (c)(1) is revised to read as follows:

§ 1209.402 Responsibilities.

* * * * *

(c) *Monetary awards for scientific and technical contributions.* (1) Under the authority of 42 U.S.C. 2458 and pursuant to 14 CFR Part 1240, the Board will receive and evaluate each application for award for any scientific or technical contribution to the Administration which is determined to have significant value in the conduct of aeronautical and space activities, will accord each applicant an opportunity for a hearing upon such application, and will then transmit to the Administrator its recommendation as to the amount of the monetary award and terms of the award, if any, to be made for such contribution.

* * * * *

3. § 1209.403 is revised to read as follows:

§ 1209.403 Organizational location.

The Board is established within the Office of Policy Coordination and International Relations.

Dated: June 28, 1994.

Daniel S. Goldin,

Administrator.

[FR Doc. 94-16872 Filed 7-12-94; 8:45 am]

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DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco, and Firearms

27 CFR Part 5

RIN 1512-AB22

Agreement Between the United States (US) and the European Union (EU): Geographical Designations

AGENCY: Bureau of Alcohol, Tobacco, and Firearms (ATF), Department of the Treasury.

ACTION: Interpretation of agency regulations.

SUMMARY: The purpose of this document is to inform industry members and the public of an ATF Ruling implementing a recently negotiated distilled spirits agreement between the United States (US) and the European Union (EU).

DATES: The ATF Ruling reproduced in this document became effective on June 9, 1994.

FOR FURTHER INFORMATION CONTACT: David W. Brokaw, Wine and Beer Branch, (202) 927-8230.

SUPPLEMENTARY INFORMATION:

Background

Pursuant to a bilateral agreement, the United States has agreed to restrict, within its regulatory framework of 27 CFR 5.22, the use of the product designations "Scotch whisky," "Irish whisky/Irish whiskey," "Cognac," "Armagnac," "Calvados," and "Brandy de Jerez" to distilled spirits products produced in certain Member States of the EU. Under the agreement, the EU agreed to restrict, within its regulatory framework of Council Regulation (EU) No. 1576/89, the use of the product designations "Tennessee whisky/Tennessee whiskey," "Bourbon whisky/Bourbon whiskey," and "Bourbon" to distilled spirits products of the United States. In both situations, the products remain subject to all of the labeling requirements of the United States and the EU, respectively.

In implementing the bilateral agreement, the United States believes that an administrative interpretation of the existing regulations is sufficient to afford the restrictive recognition required by the agreement for "Armagnac," "Calvados," and "Brandy de Jerez." The reference to administrative measures in the agreement authorizes the ruling approach for implementing the agreement.

The regulations currently provide restrictive recognition to "Irish whisky/