

The Committee met on April 11, 1996, and unanimously recommended 1996–97 expenditures of \$24,462.50 and an assessment rate of \$0.01 per hundredweight of potatoes. In comparison, last year's budgeted expenditures were \$27,362.50. The assessment rate of \$0.01 is \$0.01 less than last year's established rate. Major expenditures recommended by the Committee for the 1996–97 year include \$11,500 for the manager's salary, \$2,400 for rent, and \$1,500 for office supplies, the same as in 1995–96.

The assessment rate recommended by the Committee was derived by dividing anticipated expenses by expected shipments of Colorado Area III potatoes. Potato shipments for the year are estimated at 1,450,750 hundredweight which should provide \$14,507.50 in assessment income. Income derived from handler assessments, interest, and rent from the sublease of office space to the State inspection service, along with funds from the Committee's authorized reserve, will be adequate to cover budgeted expenses. Funds in the reserve at the beginning of the 1996–97 fiscal period are estimated at \$36,551. Funds in the reserve will be kept within the maximum permitted by the order.

While this rule will impose some additional costs on handlers, the costs are in the form of uniform assessments on all handlers. Some of the additional costs may be passed on to producers. However, these costs will be offset by the benefits derived by the operation of the marketing order. Therefore, the AMS has determined that this rule will not have a significant economic impact on a substantial number of small entities.

The assessment rate established in this rule will continue in effect indefinitely unless modified, suspended, or terminated by the Secretary upon recommendation and information submitted by the Committee or other available information.

Although this assessment rate is effective for an indefinite period, the Committee will continue to meet prior to or during each fiscal period to recommend a budget of expenses and consider recommendations for modification of the assessment rate. The dates and times of Committee meetings are available from the Committee or the Department. Committee meetings are open to the public and interested persons may express their views at those meetings. The Department will evaluate Committee recommendations and other available information to determine whether modification of the assessment rate is needed. Further rulemaking will be undertaken as

necessary. The Committee's 1996–97 budget and those for subsequent fiscal periods will be reviewed and, as appropriate, approved by the Department.

After consideration of all relevant material presented, including the information and recommendation submitted by the Committee and other available information, it is hereby found that this rule, as hereinafter set forth, will tend to effectuate the declared policy of the Act.

Pursuant to 5 U.S.C. 553, it is also found and determined upon good cause that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice prior to putting this rule into effect, because: (1) The Committee needs to have sufficient funds to pay its expenses which are incurred on a continuous basis; (2) the 1996–97 fiscal period begins on July 1, 1996, and the marketing order requires that the rate of assessment for each fiscal period apply to all assessable potatoes handled during such fiscal period; (3) handlers are aware of this action which was unanimously recommended by the Committee at a public meeting and is similar to other assessment rate actions issued in past years; and (4) this interim final rule provides a 30-day comment period, and all comments timely received will be considered prior to finalization of this rule.

List of Subjects in 7 CFR Part 948

Marketing agreements, Potatoes, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 948 is amended as follows:

PART 948—IRISH POTATOES GROWN IN COLORADO

1. The authority citation for 7 CFR part 948 continues to read as follows:

Authority: 7 U.S.C. 601–674.

2. A new § 948.215 is added to read as follows:

Note: This section will appear in the Code of Federal Regulations.

§ 948.215 Assessment rate.

On and after July 1, 1996, an assessment rate of \$0.01 per hundredweight is established for Colorado Area III potatoes.

Dated: June 3, 1996.

Sharon Bomer Lauritsen,
Acting Director, Fruit and Vegetable Division.
[FR Doc. 96–14756 Filed 6–11–96; 8:45 am]

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NUCLEAR REGULATORY COMMISSION

10 CFR Parts 30, 40, 70, 72

RIN 3150–AF50

Minor Amendments to Miscellaneous Cross-References

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Nuclear Regulatory Commission (NRC) is amending its regulations to achieve consistency in the cross-references associated with several recent changes to the NRC's regulations affecting decommissioning. This notice is necessary to inform the public of these corrections.

EFFECTIVE DATE: June 12, 1996.

FOR FURTHER INFORMATION CONTACT: Jayne M. McCausland, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, telephone (301) 415–6219, email JMM2@nrc.gov.

SUPPLEMENTARY INFORMATION: To achieve consistency in the NRC's regulations affecting decommissioning, the following cross-reference revisions in 10 CFR Parts 30, 40, 70, and 72 are being made:

(1) In §§ 30.36(d) and 30.36(g)(3), the cross-references to paragraph “(f)(1)” are revised to read “(g)(1).”

(2) In §§ 30.36(g)(3)(vi) and 30.36(h)(1) and (h)(2), the cross-references to paragraph “(h)” are revised to read “(i).”

(3) In §§ 40.42(d) and 40.42(g)(3), the cross-references to paragraph “(f)(1)” are revised to read “(g)(1).”

(4) In §§ 40.42(g)(4)(vi) and 40.42(h)(1) and (h)(2), the cross-references to paragraph “(h)” are revised to read “(i).”

(5) In §§ 70.38(d) and 70.38(g)(3), the cross-references to paragraph “(f)(1)” are revised to read “(g)(1).”

(6) In §§ 70.38(g)(4)(vii) and 70.38(h)(1) and (h)(2), the cross-references to “(h)” are revised to read “(i).”

(7) In §§ 72.54(j)(1) and (j)(2), the cross-references to “(j)” are revised to read “(k).”

Because the changes are minor administrative amendments, the NRC has determined that good cause exists to dispense with the notice and comment provisions of the Administrative Procedure Act (APA) pursuant to 5 U.S.C. 553(b)(B). For the same reasons, the NRC has determined that good cause exists to waive the 30-day deferred effective date provisions of the APA (5 U.S.C. 553(d)).

Environmental Impact: Categorical Exclusion

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

Paperwork Reduction Act Statement

This final rule does not contain a new or amended information collection requirement subject to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). Existing requirements were approved by the Office of Management and Budget, approval numbers 3150-0009, 3150-0017, 3150-0020, and 3150-0132.

Public Protection Notification

The NRC may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

Regulatory Analysis

This final rulemaking does not impose any new requirements or additional costs to licensees because it is administrative in that it achieves consistency in cross-references in existing regulations and does not result in any substantive change. This constitutes the regulatory analysis for this final rule.

Backfit Analysis

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

List of Subjects

10 CFR Part 30

Byproduct material, Criminal penalties, Government contracts, Intergovernmental relations, Isotopes, Nuclear materials, Radiation protection, Reporting and recordkeeping requirements.

10 CFR Part 40

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

10 CFR Part 70

Criminal penalties, Hazardous materials transportation, Material

control and accounting, Nuclear materials, Packaging and containers, Radiation protection, Reporting and recordkeeping requirements, Scientific equipment, Security measures, Special nuclear material.

10 CFR Part 72

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

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 Nuclear Regulatory Commission is adopting the following amendments to 10 CFR Parts 30, 40, 70, and 72.

PART 30—RULES OF GENERAL APPLICABILITY TO DOMESTIC LICENSING OF BYPRODUCT MATERIAL

1. The authority citation for Part 30 continues to read as follows:

Authority: Secs. 81, 82, 161, 182, 183, 186, 68 Stat. 935, 948, 953, 954, 955, as amended, sec. 234, 83 Stat. 444, as amended (42 U.S.C. 2111, 2112, 2201, 2232, 2233, 2236, 2282); secs. 201, as amended, 202, 206, 88 Stat. 1242, as amended, 1244, 1246 (42 U.S.C. 5841, 5842, 5846).

Section 30.7 also issued under Pub. L. 95-601, sec. 10, 92 Stat. 2951 as amended by Pub. L. 102-485, sec. 2902, 106 Stat. 3123 (42 U.S.C. 5851). Section 30.34(b) also issued under sec. 184, 68 Stat. 954, as amended (42 U.S.C. 2234). Section 30.61 also issued under sec. 187, 68 Stat. 955 (42 U.S.C. 2237).

§ 30.36 [Amended]

2. In § 30.36(d), the cross-reference to “paragraph (f)(1)” is revised to read “paragraph (g)(1).”

3. In § 30.36(g)(3), the cross-reference to “paragraph (f)(1)” is revised to read “paragraph (g)(1).”

4. In § 30.36(g)(4)(vi), the cross-reference to “paragraph (h)” is revised to read “paragraph (i).”

5. In § 30.36 (h)(1), the cross-reference to “paragraph (h)” is revised to read “paragraph (i).”

6. In § 30.36(h)(2), the cross-reference to “paragraph (h)” is revised to read “paragraph (i).”

PART 40—DOMESTIC LICENSING OF SOURCE MATERIAL

7. 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).

§ 40.42 [Amended]

8. In § 40.42(d) introductory text, the cross-reference to “paragraph (f)(1)” is revised to read “paragraph (g)(1).”

9. In § 40.42(g)(3), the cross-reference to “paragraph (f)(1)” is revised to read “paragraph (g)(1).”

10. In § 40.42(g)(4)(vi), the cross-reference to “paragraph (h)” is revised to read “paragraph (i).”

11. In § 40.42(h)(1), the cross-reference to “paragraph (h)” is revised to read “paragraph (i).”

12. In § 40.42(h)(2), the cross-reference to “paragraph (h)” is revised to read “paragraph (i).”

PART 70—DOMESTIC LICENSING OF SPECIAL NUCLEAR MATERIAL

13. The authority citation for Part 70 continues to read as follows:

Authority: Secs. 51, 53, 161, 182, 183, 68 Stat. 929, 930, 948, 953, 954, as amended, sec. 234, 83 Stat. 444, as amended, sec. 1701, 106 Stat. 2951, 2952, 2953 (42 U.S.C. 2071, 2073, 2201, 2232, 2233, 2282, 2297f), secs. 201, as amended, 202, 204, 206, 88 Stat. 1242, as amended, 1244, 1245, 1246 (42 U.S.C. 5841, 5842, 5845, 5846).

Sections 70.1(c) and 70.20a(b) also issued under secs. 135, 141, Pub. L. 97-425, 96 Stat. 2232, 2241 (42 U.S.C. 10155, 10161). Section 70.7 also issued under Pub. L. 95-601, sec. 10, 92 Stat. 2951 (42 U.S.C. 5851). Section 70.21(g) also issued under sec. 122, 68 Stat. 939 (42 U.S.C. 2152). Section 70.31 also issued under sec. 57d, Pub. L. 93-377, 88 Stat. 475 (42 U.S.C. 2077). Sections 70.36 and 70.44 also issued under sec. 184, 68 Stat. 954, as amended (42 U.S.C. 2234). Section 70.61 also issued under secs. 186, 187, 68 Stat. 955 (42 U.S.C. 2236, 2237). Section 70.62 also issued under sec. 108, 68 Stat. 939, as amended (42 U.S.C. 2138).

§ 70.38 [Amended]

14. In § 70.38(d) introductory text, the cross-reference to “paragraph (f)(1)” is revised to read “paragraph (g)(1).”

15. In § 70.38(g)(3), the cross-reference to “paragraph (f)(1)” is revised to read “paragraph (g)(1).”

16. In § 70.38(g)(4)(vii), the cross-reference to "paragraph (h)" is revised to read "paragraph (i)."

17. In § 70.38(h)(1), the cross-reference to "paragraph (h)" is revised to read "paragraph (i)."

18. In § 70.38(h)(2), the cross-reference to "paragraph (h)" is revised to read "paragraph (i)."

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

19. 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. 295 as amended by Pub. L. 102-486, sec. 7902, 106 Stat. 3123 (42 U.S.C. 5851); sec. 102, Pub. L. 91-190, 83 Stat. (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. 935 (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, 96 Stat. 2230 (42 U.S.C. 10153) and 218(a), 96 Stat. 2252 (42 U.S.C. 10198).

§ 72.54 [Amended]

20. In § 72.54(j)(1), the cross-reference to "paragraph (j)" is revised to read "paragraph (k)."

21. In § 72.54(j)(2), the cross-reference to "paragraph (j)" is revised to read "paragraph (k)."

Dated at Rockville, Maryland, this 29th day of May, 1996.

For the Nuclear Regulatory Commission.
James M. Taylor,
Executive Director for Operations.

[FR Doc. 96-14897 Filed 6-11-96; 8:45 am]

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FEDERAL RESERVE SYSTEM

12 CFR Part 219

[Regulation S; Docket No. R-0906]

Reimbursement for Providing Financial Records; Recordkeeping Requirements for Certain Financial Records

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule.

SUMMARY: The Board of Governors of the Federal Reserve System (Board) has approved amendments to Subpart A of Regulation S, which implements the requirement under the Right to Financial Privacy Act (RFPA) that the Board establish the rates and conditions under which payment shall be made by a government authority to a financial institution for assembling or providing financial records pursuant to RFPA. These amendments update the fees to be charged and streamline the subpart generally.

EFFECTIVE DATE: July 12, 1996.

FOR FURTHER INFORMATION CONTACT: Elaine M. Boutilier, Senior Counsel (202/452-2418), Legal Division, Board of Governors of the Federal Reserve System, Washington, DC 20551. For users of the Telecommunication Device for the Deaf (TDD), please contact Dorothea Thompson (202/452-3544).

SUPPLEMENTARY INFORMATION:

Background

Section 1115 of the RFPA (12 U.S.C. 3415) requires the Board to establish, by regulation, the rates and conditions under which payment is made by a Government authority to a financial institution for searching for, reproducing, or transporting data required or requested under the RFPA. Shortly after the RFPA was adopted, the Board issued Regulation S (12 CFR 219) to implement this provision (44 FR 55812, September 28, 1979). In January 1995, the Board adopted a new Subpart B of Regulation S¹ and designated this part of Regulation S as Subpart A (60 FR 231, January 3, 1995). No substantive changes were made in that rulemaking to the newly designated Subpart A.

Pursuant to section 303 of the Riegle Community Development and Regulatory Improvement Act of 1994, Pub. L. 103-325 (12 U.S.C. 4803), the Board reviewed Subpart A of Regulation S and issued for comment proposed amendments to update it (60 FR 65599,

December 20, 1995). The proposed amendments eliminated unnecessary provisions and updated the rates to be paid and the exceptions to the provisions of this Subpart.

Summary of comments: The Board received 21 comments on the proposed revisions—19 from banks or bank holding companies, one from a trade association, and one from a Federal Reserve Bank. All comments supported updating and streamlining the provisions of the regulation. Several comments, however, requested further changes in the proposed regulation. These requests for additional changes covered two categories—the proposed fee structure, and the exemptions from the fees.

Fees. Ten of the 21 comments requested further changes in the fee schedule. The current fees are \$10.00 per hour for search and processing time, and \$.15 per page for reproduction. The proposed fees provided for two levels of reimbursement for search and processing time: clerical time at \$11.00 per hour, and managerial time at \$17.00 per hour. Proposed fees for reproduction were left at \$.15 per page. Of the nine comments that specifically discussed the reimbursement rate for search and processing, six supported the proposed fees and three requested increased fees. Of the ten comments that focused on the proposed reproduction fees, two supported the proposed fees and eight requested that they be raised. The suggested reproduction fees ranged from \$.25 to \$3.00 per page for paper copies, and \$.25 to \$3.00 for microfiche copies.

Other miscellaneous comments on the fee schedule included two comments requesting that fees be periodically adjusted to account for inflation, a request for a definition of the terms "clerical/technical" and "manager/supervisory", a request that a new category be added for reimbursement for legal advice, and a request that the regulation specify that search/processing time should be billed in 15-minute increments.

Exceptions. The proposed regulation updated the list of statutory exceptions wherein a financial institution is not entitled to reimbursement under the RFPA. Eight of the 21 commenters objected to these exceptions, stating that they cover the vast majority of the searches required. These objections focused primarily on the exception for requests from the IRS, and requests for a corporation's banking records. The American Bankers Association, while acknowledging that the exceptions are set by statute, not the Board, stated that these exceptions "effectively exclude

¹ In a rulemaking issued on April 1, 1996 (61 FR 14382), the effective date of Subpart B was delayed until May 28, 1996.