

TABLE 1.—EVALUATION OF *E. COLI* TEST RESULTS

Types of poultry	Lower limit of marginal range (m)	Upper limit of marginal range (M)	Number of sample tested (n)	Maximum number permitted in marginal range (c)
Chickens .....	100 CFU/ml .....	1,000 CFU/ml .....	13 .....	3
Turkeys .....	N.A. <sup>a</sup> .....	N.A. ....	N.A. ....	N.A.

<sup>a</sup> Not available; values for turkeys will be added upon completion of data collection program for turkeys.

(ii) For types of poultry appearing in paragraph (a)(5)(i) Table 1 of this section that do not have m/M criteria, establishments shall evaluate *E. coli* test results using statistical process control techniques.

\* \* \* \* \*

#### PART 416—SANITATION

7. The authority citation for part 416 continues to read as follows:

**Authority:** 21 U.S.C. 451–470, 601–695; 7 U.S.C. 450, 1901–1906; 7 CFR 2.18, 2.53.

8. Section 416.15 is amended by revising paragraph (b) to read as follows:

#### § 416.15 Corrective Actions.

\* \* \* \* \*

(b) Corrective actions include procedures to ensure appropriate disposition of product(s) that may be contaminated, restore sanitary conditions, and prevent the recurrence of direct contamination or adulteration of product(s), including appropriate reevaluation and modification of the Sanitation SOP's and the procedures specified therein or appropriate improvements in the execution of the Sanitation SOP's or the procedures specified therein.

Done at Washington, DC, on May 7, 1997.

**Thomas J. Billy,**  
Administrator.

[FR Doc. 97–12397 Filed 5–7–97; 3:21 pm]

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#### NUCLEAR REGULATORY COMMISSION

##### 10 CFR Part 2

RIN 3150–AF68

#### Informal Small Entity Guidance

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Final rule.

**SUMMARY:** The Nuclear Regulatory Commission (NRC) is amending its regulations to add a provision that provides a method for small entities to

contact the NRC for assistance in interpreting or complying with regulatory requirements. The final rule is necessary to comply with the Small Business Regulatory Enforcement Fairness Act. The final rule describes how the NRC will assist small entities that are licensed by the NRC.

**EFFECTIVE DATE:** May 13, 1997.

#### FOR FURTHER INFORMATION CONTACT:

David L. Meyer, Chief, Rules Review and Directives Branch, Office of Administration, Washington, DC 20555–0001; telephone 301–415–7162; Web address <http://www.dlm1@nrc.gov>, or Michael T. Lesar, Chief, Rules Review Section, Rules Review and Directives Branch, Office of Administration, Washington, DC 20555–0001; telephone 301–415–7163; Web address <http://www.mtl@nrc.gov>. Small businesses can obtain information from the Commission's hotline telephone system by calling 1–800–368–5642.

#### SUPPLEMENTARY INFORMATION:

##### Background

In March 1996, Congress enacted the Small Business Regulatory Enforcement Fairness Act (SBREFA), Public Law 104–121. Congress found this legislation necessary because “small businesses bear a disproportionate share of regulatory costs and burden” and “fundamental changes \* \* \* are needed in the regulatory and enforcement culture of Federal agencies’ to make them more responsive to small businesses (Sections 202 (2) and (3) of the Act).

##### Simplifying Compliance

Subtitle A of SBREFA provides a number of initiatives that are intended to make it easier for small entities to understand and comply with agency regulations. In particular, the subtitle provides that, “Whenever appropriate in the interest of administering statutes and regulations within the jurisdiction of an agency, it shall be the practice of the agency to answer inquiries from small entities concerning information on and advice about compliance with such statutes and regulations.” Agencies

are expected to interpret and apply the law, or regulations implementing the law, to specific sets of facts that are supplied by the small entity. Furthermore, agencies are required to establish a program to receive and respond to these types of inquiries.

#### The NRC and Small Entities

Since the Regulatory Flexibility Act was enacted in 1980, the NRC has considered the special needs of small businesses and has worked to address them. In 1983, the NRC surveyed its materials licensees to create an economic profile sufficient to consider regulatory alternatives tailored to the size of the licensee. After analyzing the data and consulting with the Small Business Administration (SBA), the NRC developed size standards to determine which of its licensees would qualify as small entities for the purposes of compliance with the Regulatory Flexibility Act (50 FR 50241; December 9, 1985).

In 1993, the NRC completed a second survey to update the economic profile of its materials licensees. Subsequently, the NRC revised its size standards on April 11, 1995 (60 FR 18344). The revised size standards included separate standards for business concerns that are manufacturing entities, adjusted its receipts-based size standard to accommodate inflation, eliminated the separate \$1 million size standard for private-practice physicians and applied the revised receipts-based size standard of \$5 million to this class of licensees, and codified the size standards in § 2.810 of 10 CFR. The NRC has considered the economic impact of its regulatory actions on small entities. In particular, the NRC used its size standards to tier the annual license fee imposed by the NRC's final rules implementing the Omnibus Budget Reconciliation Act of 1990 (56 FR 31472; July 10, 1991 and subsequent years), thereby reducing the impact of the fee rules on small entities.

In this and other areas, the NRC has responded to the comments and suggestions it has received from small entities. The NRC intends to continue

and improve its responsiveness to the questions and concerns of small entities. This regulation establishes a means for small entities to contact the NRC to receive the type of informal compliance assistance contemplated by SBREFA.

#### Administrative Procedure Act Waiver

Generally, the Administrative Procedure Act (APA) requires agencies to publish a notice of proposed rulemaking and provide opportunity for public comment before issuing a rule. 5 U.S.C. 553. However, these requirements do not apply when the agency finds that they are amendments dealing with agency practice and procedure. 5 U.S.C. 553 (b)(3)(A). The Commission finds for good cause that notice of proposed rulemaking and public participation are unnecessary because the rule is a matter of agency practice; e.g., the establishment of a telephone number to facilitate interaction with the small entities licensed by the Commission.

The rule shall be effective on May 13, 1997. The APA requires that a substantive rule be published at least 30 days before its effective date, unless the agency finds for good cause that such delay is not needed. 5 U.S.C. 553(d)(3). The Commission finds good cause for the rule issued below to become effective immediately because the amendments are of an administrative nature concerning a matter of agency conduct, the establishment of a telephone number to facilitate interaction with the small entities licensed by the Commission.

#### Environmental Impact: Categorical Exclusion

The NRC has determined that this final rule is the type of action described in categorical exclusion 10 CFR 51.22(c)(1). Therefore neither an environmental impact statement nor an environmental assessment has been prepared for this final rule.

#### Paperwork Reduction Act Statement

This final rule contains no information collection requirements and, therefore, is not subject to the requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

#### List of Subjects in 10 CFR Part 2

Administrative practice and procedure, Antitrust, Byproduct material, Classified information, Environmental protection, Nuclear Materials, Nuclear power plants and reactors, Penalties, Sex discrimination, Source material, Special nuclear material, Waste treatment and disposal.

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; the Small Business Regulatory Enforcement Fairness Act; and 5 U.S.C. 552 and 553, the NRC is adopting the following amendment to 10 CFR Part 2.

#### PART 2—RULES OF PRACTICE FOR DOMESTIC LICENSING PROCEEDINGS AND ISSUANCE OF ORDERS

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

**Authority:** Secs. 161, 181, 68 Stat. 948, 953, as amended (42 U.S.C. 2201, 2231); sec. 191, as amended, Pub. L. 87-615, 76 Stat. 409 (42 U.S.C. 2241); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841); 5 U.S.C. 552.

Section 2.101 also issued under secs. 53, 62, 63, 81, 103, 104, 105, 68 Stat. 930, 932, 933, 935, 936, 937, 938, as amended (42 U.S.C. 2073, 2092, 2093, 2111, 2133, 2134, 2135); sec. 114(f), Pub. L. 97-425, 96 Stat. 2213, as amended (42 U.S.C. 10134(f)); sec. 102, Pub. L. 91-190, 83 Stat. 853, as amended (42 U.S.C. 4332); sec. 301, 88 Stat. 1248 (42 U.S.C. 5871). Sections 2.102, 2.103, 2.104, 2.105, 2.721 also issued under secs. 102, 103, 104, 105, 183, 189, 68 Stat. 936, 937, 938, 954, 955, as amended (42 U.S.C. 2132, 2133, 2134, 2135, 2233, 2239). Section 2.105 also issued under Pub. L. 97-415, 96 Stat. 2073 (42 U.S.C. 2239). Sections 2.200-2.206 also issued under secs. 161b, i, o, 182, 186, 234, 68 Stat. 948-951, 955, 83 Stat. 444, as amended (42 U.S.C. 2201 (b), (i), (o), 2236, 2282); sec. 206, 88 Stat. 1246 (42 U.S.C. 5846). Sections 2.600-2.606 also issued under sec. 102, Pub. L. 91-190, 83 Stat. 853, as amended (42 U.S.C. 4332). Sections 2.700a, 2.719 also issued under 5 U.S.C. 554. Sections 2.754, 2.760, 2.770, 2.780 also issued under 5 U.S.C. 557. Section 2.764 and Table 1A of Appendix C also issued under secs. 135, 141, Pub. L. 97-425, 96 Stat. 2232, 2241 (42 U.S.C. 10155, 10161). Section 2.790 also issued under sec. 103, 68 Stat. 936, as amended (42 U.S.C. 2133) and 5 U.S.C. 552. Sections 2.800 and 2.808 also issued under 5 U.S.C. 553. Section 2.809 also issued under 5 U.S.C. 553 and sec. 29, Pub. L. 85-256, 71 Stat. 579, as amended (42 U.S.C. 2039). Subpart K 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). Subpart L also issued under sec. 189, 68 Stat. 955 (42 U.S.C. 2239). Appendix A also issued under sec. 6, Pub. L. 91-560, 84 Stat. 1473 (42 U.S.C. 2135). Appendix B also issued under sec. 10, Pub. L. 99-240, 99 Stat. 1842 (42 U.S.C. 2021b *et seq.*).

2. In § 2.810, paragraph (f) is added to read as follows:

#### § 2.810 NRC size standards.

\* \* \* \* \*

(f) Whenever appropriate in the interest of administering statutes and regulations within its jurisdiction, it is the practice of the NRC to answer inquiries from small entities concerning

information on and advice about compliance with the statutes and regulations that affect them. To help small entities obtain information quickly, the NRC has established a toll-free telephone number at 1-800-368-5642.

Dated at Rockville, Maryland, this 2nd day of May, 1997.

For the Nuclear Regulatory Commission.

**L. Joseph Callan,**

*Executive Director for Operations.*

[FR Doc. 97-12468 Filed 5-12-97; 8:45 am]

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#### FEDERAL RESERVE SYSTEM

#### 12 CFR Part 229

[Reg. CC; Docket No. R-0970]

#### Availability of Funds and Collection of Checks

**AGENCY:** Board of Governors of the Federal Reserve System.

**ACTION:** Final rule; technical amendment.

**SUMMARY:** The Board is publishing technical amendments to Appendix A of Regulation CC. The amendments will conform Appendix A to a realignment in Federal Reserve check-processing regions by adding the First District routing numbers formerly assigned to the Lewiston check-processing region to the Boston Head Office.

**EFFECTIVE DATE:** October 27, 1997.

**FOR FURTHER INFORMATION CONTACT:** Stephanie Martin, Senior Attorney (202/452-3198), or Heatherun Allison, Attorney (202/452-3565), Legal Division. For the hearing impaired *only*: Telecommunications Device for the Deaf, Diane Jenkins (202/452-3544).

**SUPPLEMENTARY INFORMATION:** The Board's Regulation CC (12 CFR part 229) implements the Expedited Funds Availability Act (12 U.S.C. 4001 *et seq.*) (the Act) and requires banks,<sup>1</sup> *inter alia*, to make funds deposited into transaction accounts available for withdrawal within specified time frames. The Act and regulation allow banks to place longer holds on nonlocal checks than on local checks. A nonlocal check is one for which the paying bank<sup>2</sup> is located in a different check-processing region than the depository bank. Regulation CC defines "check-

<sup>1</sup> The term *bank* refers to any depository institution, including commercial banks, savings institutions, and credit unions.

<sup>2</sup> The *paying bank* is the bank by, at, or through which a check is payable. The *depository bank* is the first bank to which a check is transferred.