heat treated are eligible to be compensated at the rate of $35.00 per short ton of millfeed. The amount of millfeed compensated will be calculated by multiplying the weight of wheat from the regulated area received by the miller by 25 percent (the average percent of millfeed derived from a short ton of grain). Compensation payments will be issued by APHIS. To claim compensation, the miller must submit to an inspector verification as to the actual (not estimated) weight of the wheat (such as a copy of a facility weigh ticket or a copy of the bill of lading for the wheat, if the actual weight appears on those documents, or other verification). Flour millers must also submit verification that the millfeed was heat treated (such as a copy of the limited permit under which the wheat was moved to a treatment facility and a copy of the bill of lading accompanying that movement; or a copy of PPQ Form 700 (which includes certification of processing) signed by the inspector who monitors the mill). Claims for compensation must be received by APHIS on or before October 8, 1998. The Administrator may extend this deadline, upon written request in specific cases, when unusual and unforeseen circumstances occur which prevent or hinder a claimant from requesting compensation on or before that date.

(c) *National Karnal Bunt Survey participants.* If a grain storage facility participating in the National Karnal Bunt Survey tests positive for Karnal bunt, the facility will be regulated, and may be ordered decontaminated, pursuant to either an Emergency Action Notification (PPQ Form 523) issued by an inspector or a letter issued by an inspector ordering decontamination of the facility. If the Secretary has declared an extraordinary emergency in the State in which the grain storage facility is located, the owner will be eligible for compensation as follows:

(1) *Loss in value of positive wheat.* The owner of the grain storage facility will be compensated for the loss in value of positive wheat. Compensation will equal the estimated market price for the relevant class of wheat minus the actual price received for the wheat. The estimated market price will be calculated by APHIS for each class of wheat, taking into account the prices offered by relevant terminal markets (animal feed, milling, or export) during the relevant time period for that facility, with adjustments for transportation and other handling costs. However, compensation will not exceed $1.80 per bushel under any circumstances. Compensation payments for loss in value of wheat will be issued by the Farm Service Agency (FSA). To claim compensation, the owner of the facility must submit to the local FSA office a Karnal Bunt Compensation Claim form, provided by FSA. The owner of the facility must also submit to FSA a copy of the Emergency Action Notification or letter from an inspector under which the facility is or was quarantined; verification as to the actual (not estimated) weight of the wheat (such as a copy of a facility weigh ticket or a copy of the bill of lading for the wheat, if the actual weight appears on those documents, or other verification); and a copy of the receipt for the final sale of the wheat, showing the total bushels sold and the total price received by the owner of the grain storage facility. Claims for compensation must be received by FSA on or before October 8, 1998. The Administrator may extend this deadline, upon request in specific cases, when unusual and unforeseen circumstances occur which prevent or hinder a claimant from requesting compensation on or before that date.

(2) *Decontamination of grain storage facilities.* The owner of the facility will be compensated on a one time only basis for each grain storage facility for each covered crop year wheat for the direct costs of decontamination of the facility at the same rate described under paragraph (a) of this section (up to 50 per cent of the direct costs of decontamination, not to exceed $20,000 per grain storage facility). Compensation payments for decontamination of grain storage facilities will be issued by APHIS, and claims for compensation must be submitted in accordance with the provisions in paragraph (a) of this section. Claims for compensation must be received by APHIS on or before October 8, 1998. The Administrator may extend this deadline, upon request in specific cases, when unusual and unforeseen circumstances occur which prevent or hinder a claimant from requesting compensation on or before that date.

Done in Washington, DC, this 4th day of June 1998.

Charles P. Schwalbe,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 98–15405 Filed 6–9–98; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 301

[Docket No. 98–040–1]

Witchweed; Regulated Areas

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Interim rule and request for comments.

SUMMARY: We are amending the list of suppressive areas under the witchweed quarantine and regulations by removing areas from 12 counties in North Carolina and 3 counties in South Carolina. This action is necessary to relieve unnecessary restrictions on the interstate movement of regulated articles from North Carolina and South Carolina.

DATES: Interim rule effective June 4, 1998. Consideration will be given only to comments received on or before August 10, 1998.

ADDRESSES: Please send an original and three copies of your comments to Docket No. 98–040–1, Regulatory Analysis and Development, PPD, APHIS, suite 3C03, 4700 River Road, Unit 118, Riverdale, MD 20737–1238. Please state that your comments refer to Docket No. 98–040–1. Comments received may be inspected at USDA, room 1141, South Building, 14th Street and Independence Avenue SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays. Persons wishing to inspect comments are requested to call ahead on (202) 690–2817 to facilitate entry into the comment reading room.

FOR FURTHER INFORMATION CONTACT: Mr. Ronald P. Milberg, Operations Officer, Operational Support, PPQ, APHIS, 4700 River Road, Unit 134, Riverdale, MD 20737–1236, (301) 734–5255.

SUPPLEMENTARY INFORMATION:

Background

Witchweed (*Striga* spp.), a parasitic plant that feeds off the roots of its host, causes degeneration of corn, sorghum, and other grassy crops. It is found in the United States only in parts of North Carolina and South Carolina.

The witchweed quarantine and regulations, contained in 7 CFR 301.80 through 301.80–10 (referred to below as the regulations), quarantine the States of North Carolina and South Carolina and restrict the interstate movement of certain articles from regulated areas in those States for the purpose of preventing the spread of witchweed.

Regulated areas for witchweed are designated as either suppressive areas or generally infested areas. Restrictions are imposed on the interstate movement of regulated articles from both types of areas in order to prevent the movement of witchweed into noninfested areas. However, the eradication of witchweed is undertaken as an objective only in areas designated as suppressive areas. Currently, there are no areas designated as generally infested areas.

Removal of Areas From List of Regulated Areas

We are amending § 301.80–2a of the regulations, which lists generally infested and suppressive areas, by removing areas in Bladen, Columbus, Craven, Cumberland, Duplin, Greene, Lenoir, Pender, Pitt, Robeson, Sampson, and Wayne Counties, NC, and areas in Dillon, Horry, and Marion Counties, SC, from the list of suppressive areas. As a result of this action, there are no longer any regulated areas in Craven, Duplin, Greene, Lenoir, Pitt, and Wayne Counties, NC.

We are taking this action because we have determined that witchweed no longer occurs in these areas; therefore, there is no longer a basis for listing these areas as suppressive areas for the purpose of preventing the spread of witchweed. This action relieves unnecessary restrictions on the interstate movement of regulated articles from these areas.

Immediate Action

The Administrator of the Animal and Plant Health Inspection Service (APHIS) has determined that there is good cause for publishing this interim rule without prior opportunity for public comment. Immediate action is warranted to remove unnecessary restrictions on the interstate movement of regulated articles from North Carolina and South Carolina.

Because prior notice and other public procedures with respect to this action are impracticable and contrary to the public interest under these conditions, we find good cause under 5 U.S.C. 553 to make it effective upon signature. We will consider comments that are received within 60 days of publication of this rule in the **Federal Register**. After the comment period closes, we will publish another document in the **Federal Register**. It will include a discussion of any comments we receive and any amendments we are making to the rule as a result of the comments.

Executive Order 12866 and Regulatory Flexibility Act

This rule has been reviewed under Executive Order 12866. For this action, the Office of Management and Budget has waived its review process required by Executive Order 12866.

Witchweed (*Striga* spp.) is a parasitic plant that feeds off the roots of its host, causing degeneration of corn, sorghum, and other grassy crops. Witchweed is found in the United States only in parts of North Carolina and South Carolina.

The witchweed regulations quarantine the States of North Carolina and South Carolina and restrict the interstate movement of certain articles from regulated areas in those States for the purpose of preventing the spread of witchweed into noninfested areas of the United States.

Regulated areas are designated as either suppressive areas or generally infested areas. The eradication of witchweed is an objective in suppressive areas, and APHIS conducts surveys and applies chemical treatments to achieve that objective. The cost of treatments and surveillance is borne by the Federal Government.

We are amending the regulations by removing 357 farms in North Carolina and South Carolina from the list of suppressive areas because witchweed has been eradicated from these premises. There are no direct economic benefits associated with this removal; however, the regulated articles produced by some small entities may receive better interstate and intrastate market access as a result of originating in an area free of witchweed.

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 inconsistent with this rule; (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

This document contains no 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 301

Agricultural commodities, Incorporation by reference, Plant diseases and pests, Quarantine, Reporting and recordkeeping requirements, Transportation.

Accordingly, 7 CFR part 301 is amended as follows:

PART 301—DOMESTIC QUARANTINE NOTICES

1. The authority citation for part 301 continues to read as follows:

Authority: 7 U.S.C. 147a, 150bb, 150dd, 150ee, 150ff, 161, 162, and 164–167; 7 CFR 2.22, 2.80, and 371.2(c).

2. Section 301.80–2a is revised to read as follows:

§ 301.80–2a Regulated areas; generally infested and suppressive areas.

The civil divisions and parts of civil divisions described below are designated as witchweed regulated areas within the meaning of this subpart.

NORTH CAROLINA

(1) *Generally infested areas.* None.

(2) *Suppressive areas.*

Bladen County. That area north of a line beginning at the intersection of the Robeson-Bladen County line and State Highway 211, then east along State Highway 211 Bypass to State Highway 242, then northeast along State Highway 242 to U.S. Highway 701, then north along U.S. Highway 701 to the Cape Fear River, then southeast along the Cape Fear River to the Bladen-Columbus County line.

The Blanks, Alex, farm located on the north side of State Secondary Road 1734 and 0.5 mile southeast of its intersection with State Highway 87.

The Hardison, H.B., farm located on a field road 0.25 mile northwest of its intersection with State Secondary Road 1719 and 0.2 mile west of its intersection with State Secondary Road 1797.

The Jacobs, Sammy, farm located on a field road 2.0 miles southwest of its intersection with State Secondary Road 1708 and 0.25 mile south of its intersection with State Secondary Road 211.

The Maultsby, T.N., farm located on both sides of State Highway 87 at 0.7 mile northwest of its intersection with State Secondary Road 1743.

The Williams, Johnny, farm located west of State Highway 211 Business and 0.1 mile from its intersection with State Highway 211 Bypass and 0.5 mile southeast of the Robeson-Bladen County line.

Columbus County. The Biggs, K.M., farm located on the north side of State Secondary Road 1574 and 1.1 miles southeast of its intersection with State Secondary Road 1506.

The Border Belt Research Station farm located on the west side of State Secondary Road 1537 and 0.3 mile northeast of its intersection with State Secondary Road 1002.

The Britt, J.T., farm located on the east side of State Secondary Road 1504 and 1.3 miles northeast of its intersection with State Secondary Road 1504.

The Gore, Nettie, farm located on the west side of U.S. Highway 76 and 0.6 mile north of its intersection with State Secondary Road 1355.

The Griffin, Wilson, farm located on the east side of State Secondary Road 1512 and 1.4 miles southwest of its intersection with State Highway 242.

The Ivey, William, farm located on the south side of State Secondary Road 1504 and 0.3 mile from its intersection with State Secondary Road 1506.

The Keaton, Willie, farm located on the south side of State Secondary Road 1852 and 0.5 mile southwest of its intersection with State Highway 87.

The Lennon, Calvin, farm located on the southwest side of State Secondary Road 1002 and 0.7 mile southeast of its intersection with State Highway 242.

Cumberland County. That area bounded on the west by the Cape Fear River, then by a line running east and northeast along the Fayetteville city limits to U.S. Highway 301, then northeast along U.S. Highway 301 to Interstate 95, then northeast along Interstate 95 to U.S. Highway 13, then east and northeast along U.S. Highway 13 to the Cumberland-Sampson County line.

The Bullock, Berline, farm located on the north side of State Secondary Road 1722 and 0.2 mile west of its intersection with U.S. Highway 301.

The Lewis, David, farm located on the west side of U.S. Highway 301 and 0.1 mile south of its intersection with State Secondary Road 1802.

The Lovick, Eugene, farm located on the north side of State Secondary Road 1732 and 0.9 mile west of its junction with U.S. Highway 301.

The McKeithan, Sarah, farm located on the west side of U.S. Highway 301 and 0.3 mile south of its intersection with State Secondary Road 1856.

The McKeithan, Zela, farm located on the east side of U.S. Highway 301 and 0.3 mile south of its intersection with State Secondary Road 1856.

The McLaughlin, Cornell, farm located on the south side of State Secondary Road 2221 and 0.2 mile east of its intersection with State Secondary Road 2367.

The McLaurin, George, farm located on the north side of State Secondary Road 1722 and 0.4 mile west of its intersection with U.S. Highway 301.

The McNeill, Clifton, farm located on both sides of State Secondary Road 2241 at its intersection with State Secondary Road 2252.

The Odom, Marshall, farm located on the north side of State Secondary Road 1722 and 0.1 mile west of its intersection with U.S. Highway 301.

The Patterson, Theodore, farm located on the north side of State Road 1288 at its intersection with State Secondary Road 1116.

The Underwood, Olive T., farm located on the east side of State Secondary Road 1723 and 0.8 mile south of its junction with State Secondary Road 1722.

The Williams, Howard, farm located at the end of State Secondary Road 2243, which is a dead end road.

Pender County. The Kea, Leo, farm located 0.3 mile east of State Secondary Road 1105 and 1.2 miles south of its intersection with State Secondary Road 1104.

The Keith, F.R., farm located on both sides of State Secondary Road 1130 and 0.7 mile west of its junction with State Highway 210.

The Manuel, George, farm located 0.1 mile south of State Highway 210 and 0.2 mile west of its junction with State Secondary Road 1103.

The McCallister, Mary, farm located 0.2 mile east of State Secondary Road 1105 and 1.1 miles south of its intersection with State Secondary Road 1104.

The Zibelin, John R., farm located 0.5 mile east of State Secondary Road 1105 and 1.2 miles south of its intersection with State Secondary Road 1104.

Robeson County. That area west and south of a line beginning at the intersection of Interstate 95 and the Cumberland-Robeson County line and extending southeast along Interstate 95 to State Highway 211 then northeast along State Highway 211 to the Robeson-Bladen County line.

The Epps, Frank, farm located on the northeast side of a field road 0.5 mile east of its intersection with State Secondary Road 1935 and 0.7 mile east of its intersection with U.S. Highway 301.

The Smith, Josephine, farm located on the west side of State Secondary Road 1937 and 0.2 mile south of its intersection with State Secondary Road 1933.

The Warwick, W.M., farm located on a field road 0.3 mile north of State Secondary Road 2120 and 0.5 mile west of its intersection with State Highway 211.

Sampson County. That area south of a line beginning at a point where U.S. Highway 421 intersects the Sampson-Harnett County line, then southeast along U.S. Highway 421 to the Sampson-Pender County line.

The Bryant, Ermon Estate, farm located on the north side of State Secondary Road 1943 and 0.6 mile northwest of its intersection with State Secondary Road 1942.

The Hobbs, Ed, farm located 0.7 mile south of State Secondary Road 1736 and 1 mile south of its intersection with State Secondary Road 1731.

The Merritt, David, farm located on a field road 0.5 mile south of State Secondary Road 1943 and 0.4 mile southwest of its intersection with State Secondary Road 1944.

The Pate, Ray, farm located on the west side of State Secondary Road 1738 and 0.6 mile southeast of its intersection with State Secondary Road 1740.

The Quarter M Farms farm located on a field road 0.2 mile southeast of State Secondary Road 1955 and 0.7 mile southeast of its intersection with State Secondary Road 1945.

The Strickland, Edgebert, farm located on the north side of State Highway 421 and 1 mile east of its intersection with State Secondary Road 1703.

SOUTH CAROLINA

(1) *Generally infested areas.* None.

(2) *Suppressive areas.*

Dillon County. The Adams, Coble, farm located west of State Secondary Highway 23 and 0.2 mile north of its intersection with State Secondary Highway 286.

The Wise, Wilbur, farm located on the south side of a field road and 0.15 mile southeast of the junction of the road with State Secondary Road 626 and 0.55 mile southwest of the intersection of State Secondary Road 625 with State Highway 38.

Horry County. That area bounded by a line beginning at a point where U.S. Highway 76 intersects the South Carolina-North Carolina State line, then south along U.S. Highway 76 to State Secondary Highway 44, then south along State Secondary Highway 44 to State Secondary Highway 19, then south along State Secondary Highway 19 to Honey Camp Branch, then southwest along Honey Camp Branch to Lake Swamp, then east along Lake Swamp to Prince Mill Swamp, then south along Prince Mill Swamp to State Secondary Highway 309, then southwest along State Secondary Highway 309 to State Secondary Highway 45, then southwest along State Secondary Highway 45 to State Secondary Highway 129, then northwest along State Secondary Highway 129 to U.S. Highway 501, then northwest along U.S. Highway 501 to the Little Pee Dee River, then northeast along the Little Pee Dee River to the Lumber River, then northeast along the Lumber River to the South Carolina-North Carolina State line, then southeast along the State line to the point of beginning.

That area south of a line beginning at the intersection of the Waccamaw River and State Secondary Highway 638, then southeast along State Secondary Highway 638 to State Primary Highway 90, then north along State Primary Highway 90 to an unpaved road known as Water Tower Road, then east along Water Tower Road to an unpaved road known as Telephone Road, then southeast along Telephone Road to the northern tip of Long Bay, then west along Long Bay to Dogwood Road, then northwest along Dogwood Road to South Carolina Primary Highway 90, then northeast along South Carolina Primary Highway 90 to the north branch of Mills Swamp, then west along this branch to the Waccamaw River, then northeast along the Waccamaw River to the point of beginning.

The Harden, John, farm located on the northwest side of a dirt road and 0.4 mile northeast of the junction of this dirt road with State Secondary Roads 105 and 377.

The Stevens, James, farm located on the south side of a dirt road and 0.3 mile northeast of its junction with State Secondary Highway 112, this junction being 1.2 miles east of the junction of State Secondary Highway 112 with State Secondary Highway 139.

Marion County. That area north, west, and east of a line beginning at the intersection of State Primary Highway 41A and the North Carolina-South Carolina State lines, then southwest along State Primary Highway 41A to the Marion city limits, then southeast along the Marion city limits to U.S. Highway 76, then east along U.S. Highway 76 to the Mullins city limits, then southeast along the Mullins city limits to State Primary Highway

917, then southeast along State Primary Highway 917 to the Little Pee Dee River.

Done in Washington, DC, this 4th day of June 1998.

Charles P. Schwalbe,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 98–15404 Filed 6–9–98; 8:45 am]

BILLING CODE 3410–34–P

NUCLEAR REGULATORY COMMISSION

10 CFR Part 35

RIN 3150–AF77

License Term for Medical Use Licenses

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Nuclear Regulatory Commission is amending its regulations pertaining to the medical use of byproduct material to eliminate the 5-year term limit for medical use licenses. License terms for licenses issued under these regulations will be set by policy. Other materials licenses are issued for up to 10 years. The NRC will issue some licenses for shorter terms if warranted by the individual circumstances of license applicants. The amendment reduces the administrative burden of license renewals on a 5-year cycle for both NRC and licensees and supports NRC's goal of streamlining the licensing process.

EFFECTIVE DATE: This regulation becomes effective on July 10, 1998.

FOR FURTHER INFORMATION CONTACT: Jayne M. McCausland, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone (301) 415–6219, e-mail JMM2 @ nrc.gov.

SUPPLEMENTARY INFORMATION:

I. Background

In 1995, the NRC's Office of Nuclear Material Safety and Safeguards (NMSS) initiated a review to determine whether the license term for materials licenses could be lengthened so that NRC's licensing resources could be redirected to other areas of the materials program. At that time, the resources devoted to renewals constituted over 50 percent of the total resources expended for licensing. NMSS undertook this review as a part of NRC's ''business process redesign'' efforts.

The license renewal process has been used as an opportunity for the Commission to review the history of the licensee's operating performance (e.g., the record on compliance with regulatory requirements) and the licensee's overall materials safety program. This review is performed to ascertain if the licensee employs up-to-date technology and practices in the protection of health, safety, and the environment, and complies with any new or amended regulations. As part of a license renewal, the licensee is asked to provide information on the current status of its program as well as any proposed changes in operations (types and quantities of authorized materials), personnel (authorized users and radiation safety officers), facility, equipment, or applicable procedures. The renewal process has been perceived to benefit both the licensee and NRC because it requires both to take a comprehensive look at the licensed operation. However, in practice, comprehensive program reviews occur when proposed changes are identified and requested by licensees as license amendments rather than during the license renewal process.

License terms have been reviewed on numerous occasions since 1967. On May 12, 1967 (32 FR 7172), the Commission amended 10 CFR part 40 to eliminate a 3-year limit on the term of source material licenses. At that time, there was no restriction on the term of byproduct licenses under 10 CFR part 30 or special nuclear material licenses under 10 CFR part 70. In the notice of proposed rulemaking associated with amending 10 CFR part 40, dated December 22, 1966, NRC indicated that if the proposed amendment to eliminate the 3-year restriction were adopted, licenses would be issued for 5-year terms, except when the nature of the applicant's proposed activities indicated a need for a shorter license period. At that time, the Commission believed there was little justification for granting licenses under 10 CFR parts 30, 40, and 70 for terms of less than 5 years, in view of the cumulative experience up to that time and the means available to NRC to suspend, revoke, or modify such licenses if public health and safety or environment so required.

In March 1978, NMSS conducted a study (SECY–78–284, ''The License Renewal Study for parts 30, 40, and 70 Licenses'') to consider changing the 5-year renewal period for parts 30, 40, and 70 licenses. The study concluded, in part, that the NRC should continue its practice of issuing specific licenses for 5-year terms and should retain an option to write licenses for shorter terms, if deemed necessary, for new types of operations or if circumstances warranted.

On July 26, 1985 (50 FR 30616), NRC proposed revising 10 CFR part 35, ''Medical Use of Byproduct Material.'' The proposed rulemaking indicated that the Commission had selected a term of five years for a license. It was believed that a term shorter than 5 years would not benefit health and safety because past experience indicated that medical programs did not generally change significantly over that period of time. The notice also indicated that a longer term may occasionally result in unintentional abandonment of the license. On October 16, 1986 (51 FR 36932), NRC issued the final rule that consolidated and clarified radiation safety requirements related to the medical use of byproduct materials, and included a license term of 5 years.

On June 19, 1990 (55 FR 24948), the Commission announced that the license term for major operating fuel cycle licensees (i.e., licenses issued pursuant to 10 CFR parts 40 or 70) would be increased from a 5-year term to a 10-year term at the next renewal of the affected licenses. This change enabled NRC resources to be used to improve the licensing and inspection programs. The bases for this change were that major operating fuel cycle facilities had become stable in terms of significant changes to their licenses and operations and that licensees would be required to update the safety demonstration sections of their licenses every 2 years.

On July 2, 1996, the Commission approved the NRC staff's proposal to extend the license term for uranium recovery facilities from 5 years to 10 years. Extending the license term reduces the administrative burden associated with the license renewal process for both the NRC staff and the uranium recovery licensees. Also, the extension reduces licensee fees, makes the license term for these facilities more commensurate with the level of risk, and supports NRC's goal of streamlining the licensing process. Licensees were informed of the extensions in July 1996.

On February 6, 1997 (62 FR 5656), the Commission gave notice that the license term for materials licenses issued pursuant to 10 CFR parts 30, 40, or 70 would be increased from a 5-year term to up to a 10-year term at the next renewal of the affected licenses. However, whereas the 10-year term for