

**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 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**

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 approved by the Office of Management and Budget (OMB), and there are no new requirements. The assigned OMB control number is 0579-0070.

**List of Subjects in 9 CFR Part 85**

Animal diseases, Livestock, Quarantine, Reporting and recordkeeping requirements, Transportation.

Accordingly, 9 CFR part 85 is amended to read as follows:

**PART 85—PSEUDORABIES**

1. The authority citation for part 85 continues to read as follows:

**Authority:** 21 U.S.C. 111, 112, 113, 115, 117, 120, 121, 123-126, 134b, and 134f; 7 CFR 2.17, 2.51, and 371.2(d).

**§ 85.1 [Amended]**

2. In § 85.1, in the definition of *certificate*, the first sentence is amended by adding the words “vaccinated with a glycoprotein I (gpl) deleted gene-altered pseudorabies vaccine or” immediately after the words “gene-altered pseudorabies vaccinates”.

3. In § 85.1, in the definition of *official pseudorabies test*, in the second sentence, item 4 is amended by adding the words “other than the glycoprotein I (gpl) ELISA test” immediately after the word “tests”.

4. In § 85.6, a new paragraph (c) is added to read as follows:

**§ 85.6 Interstate movement of pseudorabies vaccinate swine, except swine from qualified negative gene-altered herds, not known to be infected with or exposed to pseudorabies.**

\* \* \* \* \*

(c) *General movements.* Swine vaccinated for pseudorabies with a glycoprotein I (gpl) deleted gene-altered pseudorabies vaccine and not known to be infected with or exposed to pseudorabies, but that are not from a qualified negative gene-altered vaccinated herd, may be moved interstate to destinations other than those set forth in paragraphs (a) and (b) of this section only if:

(1) The swine are accompanied by a certificate and such certificate is delivered to the consignee; and

(2) The certificate, in addition to the information described in § 85.1, states:

(i) The identification required by § 71.19 of this chapter;

(ii) That each animal to be moved was vaccinated for pseudorabies with a gpl-deleted gene-altered pseudorabies vaccine;

(iii) That each animal to be moved was subjected to a gpl enzyme-linked immunosorbent assay (ELISA) approved differential pseudorabies test no more than 30 days prior to the interstate movement and was found negative;

(iv) The date of the gpl ELISA approved differential pseudorabies test; and

(v) The name of the laboratory that conducted the gpl ELISA approved differential pseudorabies test.

**Done in Washington, DC, this 11th day of May 1995.**

**Lonnie J. King,**

*Acting Administrator, Animal and Plant Health Inspection Service.*

[FR Doc. 95-12149 Filed 5-16-95; 8:45 am]

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**Animal and Plant Health Inspection Service, USDA**

**9 CFR Parts 92 and 98**

[Docket No. 94-087-2]

**Canadian Border Ports; Baudette, MN**

**AGENCY:** Animal and Plant Health Inspection Service, USDA.

**ACTION:** Direct final rule; confirmation of effective date.

**SUMMARY:** On March 29, 1995, the Animal and Plant Health Inspection Service published a direct final rule. (See 60 FR 16043-16045). The direct final rule notified the public of our intention to amend the animal importation regulations by adding Baudette, MN, as a Canadian border port for pet birds, poultry, horses, ruminants, swine, and germ plasm. We did not receive any written adverse comments or written notice of intent to submit

adverse comments in response to the direct final rule

**EFFECTIVE DATE:** The effective date of the direct final rule is confirmed as May 30, 1995.

**FOR FURTHER INFORMATION CONTACT:** Dr. David Vogt, Senior Staff Veterinarian, Import/Export Animals, National Center for Import and Export, VS, APHIS, Suite 3B05, 4700 River Road Unit 39, Riverdale, MD 20737-1231; (301) 734-8172.

**Authority:** 7 U.S.C. 1622; 19 U.S.C. 1306; 21 U.S.C. 102-105, 111, 114a, 134a, 134b, 134c, 134d, 134f, 135, 136, and 136a; 31 U.S.C. 9701; 7 CFR 2.17, 2.51, and 371.2(d).

Done in Washington, DC, this 11th day of May 1995.

**Lonnie J. King,**

*Acting Administrator, Animal and Plant Health Inspection Service.*

[FR Doc. 95-12153 Filed 5-16-95; 8:45 am]

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**NUCLEAR REGULATORY COMMISSION**

**10 CFR Parts 11 and 25**

RIN 3150-AF21

**NRC Licensee Renewal/Reinvestigation Program**

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Final rule.

**SUMMARY:** The Nuclear Regulatory Commission is amending its regulations to eliminate the five-year expiration date for licensee “U” and “R” special nuclear material access authorizations and “Q” and “L” access authorizations and to require the licensee to submit NRC renewal application paperwork only for an individual who has not been reinvestigated by the Department of Energy (DOE) or another Federal agency within the five-seven year span permitted in the regulations. This final rule is necessary to achieve administrative efficiencies that reduce paperwork and cut red tape in a manner that is consistent with National Performance Review initiatives.

**EFFECTIVE DATE:** June 16, 1995.

**FOR FURTHER INFORMATION CONTACT:** James J. Dunleavy, Division of Security, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001 telephone (301) 415-7404.

**SUPPLEMENTARY INFORMATION:** The NRC currently requires “U” and “R” special nuclear material access authorizations and “Q” and “L” access authorizations

to expire five years from the issuance date unless a timely application is made for renewal. An application for renewal must include a personnel security forms packet, including a Questionnaire for Sensitive Positions (SF-86, Parts 1 and 2), two completed standard fingerprint cards (FD-258), other related forms, and a statement of continuing need by the licensee.

For those individuals who also have an active DOE or other comparable access authorization and are subject to DOE's or another Federal agency's reinvestigation program, the application that must be filed with the NRC consists of an NRC Form 237, "Request for Access Authorization," or comparable list containing the individual's full name, social security number, date of birth, type of request (renewal), the agency conducting the reinvestigation and the date of reinvestigation submittal, and a statement of continuing need by the licensee.

The final rule eliminates the five-year expiration date for "U", "R", "Q" and "L" access authorizations and requires renewal application paperwork to be submitted to NRC only for an individual who has not been reinvestigated by DOE or another Federal agency for any reason within the five-seven year span permitted in the regulations.

This final rule reduces paperwork for the licensee and NRC, cuts red tape, and achieves the timely reinvestigation of licensee personnel on a more cost effective basis.

The comment period on the proposed rule (December 28, 1994; 59 FR 66812) closed on January 27, 1995. No comments were received from the public. This final rule becomes effective 30 days after publication in the **Federal Register**.

#### **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 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 3150-0050, -0062 and -0046. Because the rule relaxes existing information collection requirements, the public burden for this collection of information is expected to

be reduced by three hours per licensee. This reduction includes the time required for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to the Information and Records Management Branch (T6-F33), U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, and to the Desk Officer, Office of Information and Regulatory Affairs, NEOB-10202, (3150-0050, -0062, and -0046), Office of Management and Budget, Washington, DC 20503.

#### **Regulatory Analysis**

The NRC has prepared a regulatory analysis on this final rule. The analysis examines the costs and benefits of the alternatives considered by the Commission. The analysis is available for inspection in the NRC Public Document Room, 2120 L Street, NW (Lower Level), Room LL6, Washington, DC. Single copies of the analysis may be obtained from James J. Dunleavy, Division of Security, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, telephone (301) 415-7404.

#### **Regulatory Flexibility Certification**

As required by the Regulatory Flexibility Act of 1980, 5 U.S.C.605(b), the Commission certifies that this rule does not have a significant economic impact on a substantial number of small entities. This final rule only applies to those licensees and others who need to use, process, store, transport, or deliver to a carrier for transport, formula quantities of special nuclear material (as defined in 10 CFR Part 73) or generate, receive, safeguard, and store National Security Information or Restricted Data (as defined in 10 CFR Part 95). Approximately 20 NRC licensees and other licensee-related interests are affected under the provisions of 10 CFR Parts 11 and 25. Because these licensees are not classified as small entities as defined by the NRC's size standards (April 11, 1995; 60 FR 18344), the Commission finds that this rule will not have a significant economic impact upon a substantial number of small entities.

#### **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

because these amendments do not involve any provisions which would impose backfits as defined in 10 CFR 50.109(a)(1).

#### **List of Subject**

##### *10 CFR Part 11*

Hazardous materials—transportation, Investigations, Nuclear materials, Reporting and recordkeeping requirements, Security measures, Special nuclear material.

##### *10 CFR Part 25*

Classified information, Criminal penalties, Investigations, Reporting and recordkeeping requirements, Security measures.

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 11 and 25.

#### **PART 11—CRITERIA AND PROCEDURES FOR DETERMINING ELIGIBILITY FOR ACCESS TO OR CONTROL OVER SPECIAL NUCLEAR MATERIAL**

1. The authority citation for part 11 continues to read as follows:

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

Section 11.15(e) also issued under sec. 501, 85 Stat. 290 (31 U.S.C. 483a).

2. In § 11.15, paragraph (c) is revised to read as follows:

##### **§ 11.15 Application for special nuclear material access authorization.**

\* \* \* \* \*

(c)(1) Except as provided in paragraphs (c)(2) and (c)(3) of this section, NRC-U and NRC-R special nuclear material access authorizations must be renewed every five years from the date of issuance. An application for renewal must be submitted at least 120 days before the expiration of the five year period and must include:

(i) A statement by the licensee that at the time of application for renewal the individual's assigned or assumed job requires an NRC-U special nuclear material access authorization, justified by appropriate reference to the licensee's security plan;

(ii) The questionnaire for Sensitive Positions (SF-86, Parts 1 and 2);

(iii) Two completed standard fingerprint cards (FD-258); and

(iv) Other related forms specified in accompanying NRC instructions (NRC Form 254).

(2) An exception to the time for submission of NRC-U special nuclear material access authorization renewal applications and the paperwork required is provided for those individuals who have a current and active DOE-Q access authorization and who are subject to DOE Reinvestigation Program requirements. For these individuals, the submission to DOE of the SF-86 pursuant to DOE Reinvestigation Program requirements (generally every five years) will satisfy the NRC renewal submission and paperwork requirements even if less than five years has passed since the date of issuance or renewal of the NRC-U access authorization. Any NRC-U special nuclear material access authorization renewed in response to provisions of this paragraph will not be due for renewal until the date set by DOE for the next reinvestigation of the individual pursuant to DOE's Reinvestigation Program.

(3) An exception to the time for submission of NRC-R special nuclear material access authorization renewal applications and the paperwork required is provided for those individuals who have a current and active DOE-L or DOE-Q access authorization and who are subject to DOE Reinvestigation Program requirements. For these individuals, the submission to DOE of the SF-86 pursuant to DOE Reinvestigation Program requirements (generally every five years) will satisfy the NRC renewal submission and paperwork requirements even if less than five years has passed since the date of issuance or renewal of the NRC-R access authorization. Any NRC-R special nuclear material access authorization renewed pursuant to this paragraph will not be due for renewal until the date set by DOE for the next reinvestigation of the individual pursuant to DOE's Reinvestigation Program.

(4) Notwithstanding the provisions of paragraph (c)(2) or (c)(3) of this section, the period of time for the initial and each subsequent NRC-U or NRC-R renewal application to NRC may not exceed seven years. Any individual who is subject to the DOE Reinvestigation Program requirements but, for administrative or other reasons, does not submit reinvestigation forms to DOE within seven years of the previous submission, shall submit a renewal application to NRC using the forms prescribed in paragraph (c)(1) of this section before the expiration of the seven year period.

\* \* \* \* \*

**PART 25—ACCESS AUTHORIZATION FOR LICENSEE PERSONNEL**

3. The authority citation for Part 25 continues to read as follows:

**Authority:** Secs. 145, 161, 68 Stat. 942, 948, as amended (42 U.S.C. 2165, 2201); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841); E.O. 10865, as amended, 3 CFR 1959-1963 COMP., p. 398 (50 U.S.C. 401, note); E.O. 12356, 47 FR 14874, April 6, 1982.

Appendix A also issued under 96 Stat. 1051 (31 U.S.C. 9701.)

4. In § 25.21, paragraph (c) is revised to read as follows:

**§ 25.21 Determination of initial and continued eligibility for access authorization.**

\* \* \* \* \*

(c) (1) Except as provided in paragraph (c)(2) of this section, NRC "Q" and "L" access authorizations must be renewed every five years from the date of issuance. An application for renewal must be submitted at least 120 days before the expiration of the five year period, and must include:

(i) A statement by the licensee or other person that the individual continues to require access to classified National Security Information or Restricted Data; and

(ii) A personnel security packet as described in § 25.17(c).

(2) Renewal applications and the paperwork required for renewal applications are not required for individuals who have a current and active access authorization from another Federal agency and who are subject to a reinvestigation program by that agency that is determined by NRC to meet NRC's requirements (the DOE Reinvestigation Program has been determined to meet NRC's requirements). For such individuals, the submission of the SF-86 by the licensee or other person to the other government agency pursuant to their reinvestigation requirements will satisfy the NRC renewal submission and paperwork requirements, even if less than five years has passed since the date of issuance or renewal of the NRC "Q" or "L" access authorization. Any NRC access authorization continued in response to the provisions of this paragraph will, thereafter, not be due for renewal until the date set by the other government agency for the next reinvestigation of the individual pursuant to the other agency's reinvestigation program. However, the period of time for the initial and each subsequent NRC "Q" or NRC "L" renewal application to NRC may not exceed seven years. Any individual who is subject to the reinvestigation program

requirements of another Federal agency but, for administrative or other reasons, does not submit reinvestigation forms to that agency within seven years of the previous submission, shall submit a renewal application to NRC using the forms prescribed in § 25.17(c) before the expiration of the seven year period.

Dated at Rockville, MD, this 8th day of May 1995.

For the Nuclear Regulatory Commission.

**James M. Taylor,**

*Executive Director for Operations.*

[FR Doc. 95-12104 Filed 5-16-95; 8:45 am]

BILLING CODE 7590-01-P

**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**14 CFR Part 25**

[Docket No. ANM-106; Special Conditions No. 25-ANM-98]

**Special Conditions; Raytheon Corporate Jets, Inc., Model Hawker 800 Airplanes, High-Intensity Radiated Fields**

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Final special conditions.

**SUMMARY:** These special conditions are for the Raytheon Corporate Jets, Inc., Model Hawker 800 airplanes equipped with modifications that install Garrett TFE731-5BR-1H engines and a mach trim system. The configuration of these airplanes will utilize new and revised electronic systems that perform functions critical to the safety of the airplane. The applicable regulations do not contain adequate or appropriate safety standards for the protection of these systems from the effects of high-intensity radiated fields. These special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards. **EFFECTIVE DATE:** June 16, 1995.

**FOR FURTHER INFORMATION CONTACT:** William Schroeder, FAA, Standardization Branch, ANM-113, Transport Airplane Directorate, Aircraft Certification Service, 1601 Lind Avenue SW., Renton, Washington, 98055-4056.

**SUPPLEMENTARY INFORMATION:**

**Background**

On February 7, 1994, Raytheon Corporate Jets, Inc., 3 Bishop Square, St. Albans Road West, Hatfield, Hertfordshire AL 10 9NE, England, applied for a revision to type certificate