

the Energy Reorganization Act of 1974, as amended, and 5 U.S.C. 552 and 553, the Commission is adopting the following amendments to 10 CFR Part 34.

**PART 34—LICENSES FOR RADIOGRAPHY AND RADIATION SAFETY REQUIREMENTS FOR RADIOGRAPHIC OPERATIONS**

1. The authority citation for Part 34 continues to read as follows:

**Authority:** Secs. 81, 161, 182, 183, 68 Stat. 935, 948, 953, 954, as amended (42 U.S.C. 2111, 2201, 2232, 2233); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841).

Section 34.32 also issued under sec. 206, 88 Stat. 1246 (42 U.S.C. 5846).

2. Section 34.20 is amended by revising paragraph (a) and adding a new paragraph (f) to read as follows:

**§ 34.20 Performance requirements for radiography equipment.**

\* \* \* \* \*

(a) Each radiographic exposure device and all associated equipment must meet the requirements specified in American National Standards Institute N432-1980, "Radiological Safety for the Design and Construction of Apparatus for Gamma Radiography," (published as NBS Handbook 136, issued January 1981). This publication has been approved for incorporation by reference by the Director of the **Federal Register** in accordance with 5 U.S.C. 552(a). This publication may be purchased from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402. Copies of the document are available for inspection at the Nuclear Regulatory Commission library, 11545 Rockville Pike, Rockville, Maryland, 20852-2738. A copy of the document is also on file at the Office of the **Federal Register**, 800 North Capitol Street NW., Suite 700, Washington, DC 20408.

Engineering analyses may be submitted by an applicant or licensee to demonstrate the applicability of previously performed testing on similar individual radiography equipment components. Upon review, the Commission may find this an acceptable alternative to actual testing of the component pursuant to the referenced standard.

\* \* \* \* \*

(f) Notwithstanding paragraphs (a), (d), and (e) of this section, equipment used in industrial radiographic operations need not comply with section 8.9.2(c) of the Endurance Test in American National Standards Institute N432-1980, if the prototype equipment has been tested using a torque value

representative of the torque that an individual using the radiography equipment can realistically exert on the lever or crankshaft of the drive mechanism.

Dated at Rockville, MD, this 17th day of May, 1995.

For the Nuclear Regulatory Commission,  
**James M. Taylor,**

*Executive Director for Operations.*

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**DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

**Office of the Assistant Secretary for Fair Housing and Equal Opportunity**

**24 CFR Part 135**

[Docket No. R-95-1677; FR-2898-F-03]

RIN 2529-AA49

**Economic Opportunities for Low- and Very Low-Income Persons; Notice of Extension of Effective Date for Interim Rule**

**AGENCY:** Office of the Assistant Secretary for Fair Housing and Equal Opportunity, HUD.

**ACTION:** Final rule; Extension of effective period of interim rule.

**SUMMARY:** This rule extends the effective period for HUD's interim rule that amended part 135 to implement the comprehensive changes made to section 3 of the Housing and Urban Development Act of 1968 by the Housing and Community Development Act of 1992, until HUD publishes the final rule for this program.

**EFFECTIVE DATE:** This rule, which extends the effective period of the interim rule, is effective June 30, 1995.

The effective period for 24 CFR part 135 is extended from June 30, 1995 until the final rule implementing the comprehensive changes made to section 3 of the Housing and Urban Development Act of 1968 by the Housing and Community Development Act of 1992, is published and becomes effective.

**FOR FURTHER INFORMATION CONTACT:** John Waller, Office of Economic Opportunity, Room 5232, Department of Housing and Urban Development, 451 Seventh Street, SW, Washington, DC 20410, telephone (202) 708-2251 (voice/TDD). (This is not a toll-free number.)

**SUPPLEMENTARY INFORMATION:**

**I. Justification for Final Rulemaking**

In general, HUD publishes a rule for public comment before issuing a rule for

effect, in accordance with its own regulations on rulemaking, 24 CFR part 10. However, part 10 provides for exceptions from that general rule where the agency finds good cause to omit advance notice and public participation. The good cause requirement is satisfied when prior public procedure is "impracticable, unnecessary, or contrary to the public interest" (24 CFR 10.1). HUD finds that good cause exists to publish this rule for effect without first soliciting public comment, because prior public procedure is unnecessary. This final rule is technical, in that it merely extends the effective period for existing regulations, and it effects no substantive change to those regulations. The public has had an opportunity to comment on the substance of the regulations, as the interim rule for this program was published subject to the normal 60-day public comment period, and the interim rule was preceded by a proposed rule which also provided a 60-day public comment period.

**II. Background**

On June 30, 1994 (59 FR 33866), HUD published an interim rule that amended 24 CFR part 135 to implement comprehensive changes made to section 3 of the Housing and Urban Development Act of 1968 by the Housing and Community Development Act of 1992. Section 3, as amended, requires that economic opportunities generated by certain HUD financial assistance for housing (including public and Indian housing) and community development programs shall, to the greatest extent feasible, be given to low- and very low-income persons, particularly those who are recipients of government assistance for housing, and to businesses that provide economic opportunities for these persons.

The preamble to the interim rule described HUD's policy of setting an expiration date for an interim rule that is effective unless a final rule is published before that date. This "sunset" provision appears in § 135.2 of the interim rule, and provides that the interim rule will expire on June 30, 1995, which is 12 months after the publication date.

The final rule amending 24 CFR part 135 to implement the comprehensive changes made to section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u), by the Housing and Community Development Act of 1992, is in its last stages of review, and publication is anticipated in June 1995. However, in order to prevent a period in which the Department will be without effective regulations, HUD is extending the effective period of the interim rule

until the final rule is published and becomes effective.

### III. Other Matters

#### *National Environmental Policy Act*

A Finding of No Significant Impact with respect to the environment has been made in accordance with HUD regulations at 24 CFR part 50 implementing section 102(2)(C) of the National Environmental Policy Act of 1969, 42 U.S.C. 4332. The Finding of No Significant Impact is available for public inspection and copying between 7:30 a.m. and 5:30 p.m. weekdays at the Office of Rules Docket Clerk, 451 Seventh Street, SW, room 10276, Washington, DC 20410-0500.

#### *Regulatory Flexibility Act*

The Secretary, in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), has reviewed this rule before publication and by approving it certifies that the rule will not have a significant economic impact on a substantial number of small entities. The rule merely extends the effective period for the interim rule.

#### *Executive Order 12606, The Family*

The General Counsel, as the Designated Official under Executive Order 12606, The Family, has determined that the rule may have the potential to promote family formation, maintenance, and general well-being. If the revised part 135 regulations, implemented by this rule, contribute to successful implementation of section 3, an increased number of low-income persons will be employed which may promote family unification and general well-being. Since the impact of this rule is anticipated to be beneficial, no further review under the Order is necessary.

#### *Executive Order 12611, Federalism*

The General Counsel, as the Designated Official under section 6(a) of Executive Order 12611, Federalism, has determined that the rule will not have a substantial, direct effect on the States or on the relationship between the Federal government and the States, or on the distribution of power or responsibilities among the various levels of government. The rule provides, consistent with section 3, that the preference requirements of section 3 are to be carried out consistent with existing Federal, State, and local laws and regulations.

#### *Semiannual Agenda of Regulations*

The rule implementing this program was listed as sequence number 1511 in the HUD's Semiannual Agenda of Regulations published on May 8, 1995

(60 FR 23368, 23399) under Executive Order 12866 and the Regulatory Flexibility Act.

#### List of Subjects in 24 CFR Part 135

Administrative practice and procedure, Community development, Equal employment opportunity, Government contracts, Grant programs—housing and community development, Housing, Loan programs—housing and community development, Reporting and recordkeeping requirements, Small businesses.

In accordance with the reasons set forth in the preamble, 24 CFR part 135 is amended as follows:

#### PART 135—ECONOMIC OPPORTUNITIES FOR LOW- AND VERY LOW-INCOME PERSONS

1. The authority citation for 24 CFR part 135 continues to read as follows:

**Authority:** 12 U.S.C. 1701u; 42 U.S.C. 3535(d).

2. Section 135.2 is revised to read as follows:

##### § 135.2 Effective date of regulation.

The regulations of this part will remain in effect until the date the final rule adopting the regulations of this part with or without changes is published and becomes effective, at which point the final rule will remain in effect.

Dated: May 23, 1995.

**Elizabeth K. Julian,**

*Acting Deputy Assistant Secretary for Policy and Initiatives.*

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## DEPARTMENT OF TRANSPORTATION

### Coast Guard

#### 33 CFR Parts 26, 161, 162, and 165

[CGD 95-033]

RIN 2115-AF12

#### National Vessel Traffic Services Regulations

**AGENCY:** Coast Guard, DOT.

**ACTION:** Final rule.

**SUMMARY:** The Coast Guard is amending its Vessel Traffic Services (VTS) regulations to clarify certain sections and correct inaccurate geographic information. In addition, the final rule is deleting certain sections and adding existing vessel traffic management information which was inadvertently omitted in a separate final rule

published in the **Federal Register** (59 FR 36316) on July 15, 1994. This rule is intended to promote safe vessel movement by reducing the potential for collisions, rammings, and groundings and their attendant loss of lives, property and environmental harm.

**EFFECTIVE DATE:** This rule is effective on May 31, 1995.

**ADDRESSES:** Unless otherwise indicated, documents referred to in this preamble are available for inspection or copying at the office of the Executive Secretary, Marine Safety Council (G-LRA/3406), U.S. Coast Guard Headquarters, 2100 Second Street, SW., room 3406, Washington, DC 20593-0001 between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays. The telephone number is (202) 267-1477.

**FOR FURTHER INFORMATION CONTACT:** Ms. Irene Hoffman, Project Manager, Vessel Traffic Services Division (G-NVT), at (202) 267-6277.

#### SUPPLEMENTARY INFORMATION:

##### Drafting Information

The principal persons involved in drafting this document are Ms. Irene Hoffman, Project Manager, and CDR Thomas Cahill, Project Counsel, Office of Chief Counsel.

##### Regulatory History

On August 1, 1991, the Coast Guard published a notice of proposed rulemaking (NPRM) entitled "National Vessel Traffic Services Regulations" in the **Federal Register** (58 FR 36910). On July 15, 1994, the Coast Guard published the final rule in the **Federal Register** (59 FR 36316).

##### Background and Purpose

Under the Ports and Waterways Safety Act of 1972, as amended by the Port and Tanker Safety Act (PTSA) and the Oil Pollution Act (OPA 90), the Secretary of Transportation may construct, operate, maintain, improve, or expand VTSs in any port or place under the jurisdiction of the United States, including the navigable waters of the United States, or in any area covered by an international agreement negotiated under 33 U.S.C. 1230. The Act requires certain vessels which operate in a VTS area to use and comply with the VTS.

In response to this mandate, the final rule published on July 15, 1994, amended the VTS regulations to make participation in all VTSs mandatory. This rule also simplified existing VTS regulations by amending 33 CFR part 161 to incorporate: (1) Standard national vessel traffic management rules applicable to all VTSs; (2) vessel movement reporting requirements for