

each utility would have to pursue an exemption.

Approval of the direct final rule will eliminate this problem and is consistent with previous NRC actions. Further, the direct final rule will have no adverse effect on public health and safety. This direct final rule has no significant identifiable impact or benefit on other Government agencies. Based on this discussion of the benefits and impacts of the alternatives, the NRC concludes that the requirements of the direct final rule are commensurate with the NRC's responsibilities for public health and safety and the common defense and security. No other available alternative is believed to be as satisfactory, and thus, this action is recommended.

**Regulatory Flexibility Certification**

In accordance with the Regulatory Flexibility Act of 1980 (5 U.S.C. 605(b)), the NRC certifies that this rule will not, if issued, have a significant economic impact on a substantial number of small entities. This direct final rule affects only the licensing and operation of nuclear power plants, independent spent fuel storage facilities, and TN. The companies that own these plants do not fall within the scope of the definition of "small entities" set forth in the Regulatory Flexibility Act or the Small Business Size Standards set out in regulations issued by the Small Business Administration at 13 CFR part 121.

**Backfit Analysis**

The NRC has determined that the backfit rule (10 CFR 50.109 or 10 CFR 72.62) does not apply to this direct final rule because this amendment does not involve any provisions that would impose backfits as defined. Therefore, a backfit analysis is not required.

**Small Business Regulatory Enforcement Fairness Act**

In accordance with the Small Business Regulatory Enforcement Fairness Act of 1996, the NRC has determined that this action is not a major rule and has verified this determination with the Office of Information and Regulatory Affairs, Office of Management and Budget.

**List of Subjects In 10 CFR Part 72**

Administrative practice and procedure, Criminal penalties, Manpower training programs, Nuclear materials, Occupational safety and health, Penalties, Radiation protection, Reporting and recordkeeping requirements, Security measures, Spent fuel, Whistleblowing.

■ 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 Part 72.

**PART 72—LICENSING REQUIREMENTS FOR THE INDEPENDENT STORAGE OF SPENT NUCLEAR FUEL, HIGH-LEVEL RADIOACTIVE WASTE, AND REACTOR-RELATED GREATER THAN CLASS C WASTE**

■ 1. 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. 2951 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. 853 (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); sec. 1704, 112 Stat. 2750 (44 U.S.C. 3504 note).

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. 955 (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, 98 Stat. 2230 (42 U.S.C. 10153) and sec. 218(a), 96 Stat. 2252 (42 U.S.C. 10198).

■ 2. In § 72.214, Certificate of Compliance 1004 is revised to read as follows:

**§ 72.214 List of approved spent fuel storage casks.**

* * * * *	
Certificate Number:	1004
Initial Certificate Effective Date:	January 23, 1995
Amendment Number 1	Effective Date: April 27, 2000
Amendment Number 2	Effective Date: September 5, 2000
Amendment Number 3	Effective Date: September 12, 2001
Amendment Number 4	Effective Date: February 12, 2002

Amendment Number 5	Effective Date: January 7, 2004
Amendment Number 6	Effective Date: December 22, 2003
Amendment Number 7	Effective Date: March 2, 2004
Amendment Number 8	Effective Date: August 8, 2005.

SAR Submitted by: Transnuclear, Inc.  
SAR Title: Final Safety Analysis Report for the Standardized NUHOMS® Horizontal Modular Storage System for Irradiated Nuclear Fuel.

Docket Number: 72-1004.  
Certificate Expiration Date: January 23, 2015.  
Model Number: NUHOMS®-24P, -52B, -61BT, -32PT, -24PHB, and -24PTH

\* \* \* \* \*

Dated at Rockville, Maryland, this 6 day of May, 2005.

For the Nuclear Regulatory Commission.

**Luis A. Reyes,**  
*Executive Director for Operations.*

[FR Doc. 05-10389 Filed 5-24-05; 8:45 am]

**BILLING CODE 7590-01-P**

**NUCLEAR REGULATORY COMMISSION**

**10 CFR Part 110**

**RIN 3150-AH67**

**Export and Import of Nuclear Equipment and Material; Exports to Syria Embargoed**

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Final rule.

**SUMMARY:** The Nuclear Regulatory Commission (NRC) is amending its export/import regulations to remove Syria from the list of restricted destinations and add it to the list of embargoed destinations. This amendment is necessary to conform the NRC's regulations with U.S. law and foreign policy.

**EFFECTIVE DATE:** May 25, 2005.

**ADDRESSES:** Publicly available documents related to this rulemaking may be viewed electronically on the public computers located at the NRC's Public Document Room (PDR), Public File Area O1F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland. The PDR reproduction contractor will copy documents for a fee. Selected documents, including comments can be viewed and downloaded electronically via the NRC's rulemaking Web site at <http://ruleforum.llnl.gov>.

Publicly available documents created or received at the NRC are available

electronically at the NRC's Electronic Reading Room at <http://www.nrc.gov/NRC/reading-rm/adams.html>. From this site, the public can gain entry into the NRC's Agencywide Document Access and Management System (ADAMS), which provides text and image files of NRC's public documents. If you do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the NRC Public Document Room (PDR) Reference staff at 1-800-397-4209, 301-415-4737 or by e-mail to [PDR@nrc.gov](mailto:PDR@nrc.gov).

**FOR FURTHER INFORMATION CONTACT:** Kirk Foggie, International Relations Specialist, Office of International Programs, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, telephone 301-415-2238, e-mail [kxf@nrc.gov](mailto:kxf@nrc.gov), or Suzanne Schuyler-Hayes, International Policy Analyst, Office of International Programs, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, telephone 301-415-2333, e-mail: [ssh@nrc.gov](mailto:ssh@nrc.gov).

**SUPPLEMENTARY INFORMATION:**

The purpose of this final rule is to conform NRC's export/import regulations in 10 CFR Part 110, "Export and Import of Nuclear Equipment and Material", with current U.S. Government law and policy on Syria. The Executive Branch has requested that in light of the Syria Accountability and Lebanese Sovereignty Restoration Act of 2003 (Pub. L. 108-175) (SAA) and Executive Order (E.O.) 13338, *Blocking Property of Certain Persons and Prohibiting the Export of Certain Goods to Syria* (May 11, 2004), which implements that legislation, 10 CFR Part 110 be amended by moving Syria from the restricted to the embargoed destinations list.

The purpose of this rule is to move Syria from the list of restricted destinations for exports at 10 CFR 110.29 to the list of embargoed destinations at 10 CFR 110.28. This means that no nuclear material or equipment can be exported to Syria under a general license in 10 CFR 110.21-110.25.

**Administrative Procedure Act**

The provisions of the Administrative Procedure Act under 5 U.S.C. 553 requiring notice of proposed rulemaking, the opportunity for public participation, and a 30-day delay in effective date are inapplicable because this rule involves a foreign affairs function of the United States (5 U.S.C. 553(a)(1)). Accordingly, this final rule is effective immediately upon publication in the **Federal Register**.

This rule updates the NRC's regulations at 10 CFR Part 110

governing the export and import of nuclear equipment and materials to incorporate the U.S. Government's foreign policy in light of changing circumstances with respect to Syria. This rulemaking moves Syria from the list of restricted destinations at 10 CFR 110.29 to the list of embargoed destinations at 10 CFR 110.28. This action is being taken at the request of the Executive Branch.

After enactment of the SAA, on May 11, 2004, the President issued E.O. 13338, in which he determined that "the actions of the Government of Syria in supporting terrorism, continuing its occupation of Lebanon, pursuing weapons of mass destruction and missile programs, and undermining the United States and international efforts with respect to the stabilization and reconstruction of Iraq constitute an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States," and he declared a national emergency to deal with that threat. To address that threat, and to implement the SAA, he ordered, among other things, that "No \* \* \* agency of the United States Government shall permit the exportation or reexportation to Syria of any product of the United States, except to the extent provided in regulations, orders, directives, or licenses that may be issued pursuant to this order in a manner consistent with the SAA, and notwithstanding any license, permit, or authorization granted prior to the effective date of this order." Section 1.c. On this basis, the U.S. Department of State recently requested that Syria be moved from the list of restricted destinations at 10 CFR 110.29 to the list of embargoed destinations at 10 CFR 110.28. The effect of moving Syria from 10 CFR 110.29 to 10 CFR 110.28 will be to prohibit the export of any nuclear material and components to Syria under general license.

The NRC has determined that moving Syria from the restricted list to the embargoed list is consistent with current U.S. law and foreign policy, and will pose no unreasonable risk to the public health and safety or to the common defense and security of the United States.

**Voluntary Consensus Standards**

The National Technology Transfer and Advancement Act of 1995, Pub. L. 104-113, requires that Federal Agencies use technical standards that are developed or adopted by voluntary consensus standards bodies unless using such a standard is inconsistent with applicable law or otherwise impractical. This final rule does not

constitute the establishment of a standard for which the use of a voluntary consensus standard would be applicable.

**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 the rule.

**Paperwork Reduction Act Statement**

This final rule does not contain new or amended information collection requirements 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 number 3150-0036.

**Public Protection Notification**

If a means used to impose an information collection does not display a current valid OMB control number, the NRC may not conduct or sponsor, and a person is not required to respond to, the information collection.

**Regulatory Analysis**

The NRC currently controls exports to Syria as a restricted destination in 10 CFR 110.29. There is no alternative to amending the regulations to achieve the stated objective of embargoing nuclear exports to Syria. This rule conforms the NRC's export controls to U.S. law and foreign policy regarding Syria.

**Regulatory Flexibility Certification**

As required by the Regulatory Flexibility Act of 1980, (5 U.S.C. 605(b)), the Commission certifies that this final rule will not have a significant economic impact on a substantial number of small entities. The rule affects only companies exporting nuclear equipment and materials to Syria which do not fall within the scope of the definition of "small entities" set forth in the Regulatory Flexibility Act (5 U.S.C. 601(3)), or the Size Standards established by the NRC (10 CFR 2.810).

**Backfit Analysis**

The NRC has determined that a backfit analysis is not required for this direct final rule because these amendments do not include any provisions that would impose backfits as defined in 10 CFR Chapter I.

**Small Business Regulatory Enforcement Fairness Act**

In accordance with the Small Business Regulatory Enforcement

Fairness Act of 1996, the NRC has determined that this action is not a major rule and has verified this determination with the Office of Information and Regulatory Affairs of OMB.

#### List of Subjects in 10 CFR Part 110

Administrative practice and procedure, Classified information, Criminal penalties, Export, Import, Intergovernmental relations, Nuclear materials, Nuclear power plants and reactors, Reporting and recordkeeping requirements, Scientific equipment.

■ 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 Part 110.

#### PART 110—EXPORT AND IMPORT OF NUCLEAR EQUIPMENT AND MATERIAL

■ 1. The authority citation for Part 110 continues to read as follows:

**Authority:** Secs. 51, 53, 54, 57, 63, 64, 65, 81, 82, 103, 104, 109, 111, 126, 127, 128, 129, 161, 181, 182, 187, 189, 68 Stat. 929, 930, 931, 932, 933, 936, 937, 948, 953, 954, 955, 956, as amended (42 U.S.C. 2071, 2073, 2074, 2077, 2092–2095, 2111, 2112, 2133, 2134, 2139, 2139a, 2141, 2154–2158, 2201, 2231–2233, 2237, 2239); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841); sec. 5, Pub. L. 101–575, 104 Stat. 2835 (42 U.S.C. 2243); Sec. 1704, 112 Stat. 2750 (44 U.S.C. 3504 note).

Sections 110.1(b)(2) and 110.1(b)(3) also issued under Pub. L. 96–92, 93 Stat. 710 (22 U.S.C. 2403). Section 110.11 also issued under sec. 122, 68 Stat. 939 (42 U.S.C. 2152) and secs. 54c and 57d, 88 Stat. 473, 475 (42 U.S.C. 2074). Section 110.27 also issued under sec. 309(a), Pub. L. 99–440. Section 110.50(b)(3) also issued under sec. 123, 92 Stat. 142 (42 U.S.C. 2153). Section 110.51 also issued under sec. 184, 68 Stat. 954, as amended (42 U.S.C. 2234). Section 110.52 also issued under sec. 186, 68 Stat. 955 (42 U.S.C. 2236). Sections 110.80–110.113 also issued under 5 U.S.C. 552, 554. Sections 110.30–110.135 also issued under 5 U.S.C. 553. Sections 110.2 and 110.42(a)(9) also issued under sec. 903, Pub. L. 102–496 (42 U.S.C. 2151 *et seq.*).

#### § 110.28 [Amended]

2. Section 110.28 is amended by adding Syria to the list of embargoed destinations.

#### § 110.29 [Amended]

3. Section 110.29 is amended by removing Syria from the list of restricted destinations.

Dated at Rockville, Maryland, this May 3, 2005.

For the Nuclear Regulatory Commission.

**Luis A. Reyes,**

*Executive Director For Operations.*

[FR Doc. 05–10391 Filed 5–24–05; 8:45 am]

**BILLING CODE 7590–01–P**

#### SMALL BUSINESS ADMINISTRATION

##### 13 CFR Parts 102 and 134

**RIN 3245–AF36**

#### Office of Hearings & Appeals and Freedom of Information Act and Privacy Acts Office; Address Change

**AGENCY:** U.S. Small Business Administration (SBA).

**ACTION:** Direct final rule.

**SUMMARY:** The Office of Hearings and Appeals (OHA) and Freedom of Information Act and Privacy Acts Office (FOI/PA) are amending their regulations to reflect a change in their address. This action is technical in nature and is intended to improve the accuracy of the Agency's regulations.

**DATES:** This rule is effective July 11, 2005 without further action, unless adverse comment is received by June 24, 2005. If the adverse comment is received, SBA will publish a timely withdrawal of the rule in the **Federal Register**.

**ADDRESSES:** You may submit comments, identified by the RIN number 3245–AF36, by any of the following methods: (1) Federal rulemaking portal at <http://www.regulations.gov>; (2) Agency Web site: <http://www.sba.gov>; (3) E-mail: [delorice.ford@sba.gov](mailto:delorice.ford@sba.gov); (4) Mail to: Delorice Price Ford, Assistant Administrator, Office of Hearings & Appeals, 409 3rd Street, SW., Washington, DC 20416; and (5) Hand Delivery/Courier: 409 3rd Street, SW., Washington, DC 20416.

**FOR FURTHER INFORMATION CONTACT:** Delorice Price Ford, Assistant Administrator, Office of Hearings & Appeals, 409 3rd Street, SW., Washington, DC 20416, (202) 401–8200, or by e-mail at [delorice.ford@sba.gov](mailto:delorice.ford@sba.gov).

**SUPPLEMENTARY INFORMATION:** OHA and FOI/PA are amending their regulations in 13 CFR parts 102 and 134 to reflect a change in its address. The current address listed in the above regulations is 409 3rd Street, SW., Suite 5900, Washington, DC 20416. The new address deletes the suite number, but the street address remains the same: 409 3rd Street, SW., Washington, DC 20416.

Publication of this document constitutes final action on these changes under the Administrative Procedure Act

(5 U.S.C. 553). Notice and public procedure are unnecessary because OHA and FOI/PA are merely correcting nonsubstantive errors.

SBA is publishing this rule as a direct final rule because it believes the rule is non-controversial since it merely conforms with SBA rules to express a change in address for service to OHA and FOI/PA. As explained in the previous paragraph, this is beneficial to parties that have dealings with OHA and FOI/PA. SBA believes that this direct final rule will not elicit any significant adverse comments. However, if adverse comments are received, SBA will publish a timely notice of withdrawal in the **Federal Register**.

#### Compliance With Executive Orders 13132, 12988 and 12866, the Regulatory Flexibility Act (5 U.S.C. 601–612, and the Paperwork Reduction Act (44 U.S.C. Ch. 35)

This regulation will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, for the purposes of Executive Order 13132, SBA determines that this direct final rule has no federalism implications warranting preparation of a federalism assessment.

The Office of Management and Budget (OMB) has determined that this rule does not constitute a significant regulatory action under Executive Order 12866.

This action meets applicable standards set forth in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden. The action does not have retroactive or preemptive effect.

SBA has determined that this direct final rule does not impose additional reporting or recordkeeping requirements under the Paperwork Reduction Act, 44 U.S.C. Chapter 35.

The Regulatory Flexibility Act (RFA), 5 U.S.C. 601, requires administrative agencies to consider the effect of their actions on small entities, small non-profit enterprises, and small local governments. Pursuant to the RFA, when an agency issues a rulemaking, the agency must prepare a regulatory flexibility analysis which describes the impact of the rule on small entities. However, section 605 of the RFA allows an agency to certify a rule, in lieu of preparing an analysis, if the rulemaking is not expected to have a significant economic impact on a substantial number of small entities. Within the