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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 28

[CN-97-001]

Revision of User Fees for 1997 Crop Cotton Classification Services to Growers

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: The Agricultural Marketing Service (AMS) is reducing user fees for cotton producers for 1997 crop cotton classification services under the Cotton Statistics and Estimates Act in accordance with the formula provided in the Uniform Cotton Classing Fees Act of 1987. The 1996 user fee for this classification service was \$1.50 per bale. This rule would reduce the fee for the 1997 crop to \$1.40 per bale. The reduction in fees resulted from increased efficiency in classing operations. The fee is sufficient to recover the costs of providing classification services, including costs for administration, supervision, and development and maintenance of standards.

EFFECTIVE DATE: July 1, 1997.

FOR FURTHER INFORMATION CONTACT: Lee Cliburn, 202-720-2145.

SUPPLEMENTARY INFORMATION: A proposed rule detailing the revisions was published in the **Federal Register** on March 17, 1997, (62 FR 12577). A 30-day comment period was provided for interested persons to respond to the proposed rule: No comments were received.

This final rule has been determined to be not significant for purposes of Executive Order 12866, and it has not been reviewed by the Office of Management and Budget (OMB).

This final rule has been reviewed under Executive Order 12988, Civil Justice Reform. It is not intended to have retroactive effect. This rule would not preempt any state or local laws, regulations, or policies unless they present an irreconcilable conflict with this rule. There are no administrative procedures which must be exhausted prior to any judicial challenge to the provisions of this rule.

The Administrator, Agricultural Marketing Service (AMS), has considered the economic impact of this proposal on small entities pursuant to the requirements set forth in the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*). It has been determined that the implementation of this rule will not have a significant economic impact on a substantial number of small businesses.

The purpose of the RFA is to fit regulatory actions to the scale of businesses subject to such actions in order that small businesses will not be disproportionately burdened. There are an estimated 40,000 cotton growers in the U.S. who voluntarily use the AMS cotton classing services annually, and the majority of these cotton growers are small businesses under the criteria established by the Small Business Administration (13 CFR 121.601). The Administrator of AMS has certified that this action will not have a significant economic impact on a substantial number of small entities as defined in the RFA because:

(1) The fee reduction reflects a decrease in the cost-per-unit currently borne by those entities utilizing the services (the 1996 user fee for classification services was \$1.50 per bale; the fee for the 1997 crop will be reduced to \$1.40 per bale; the 1997 crop is estimated at 17,587,000 bales);

(2) The cost reduction will not affect competition in the marketplace; and

(3) The use of classification services is voluntary.

In compliance with OMB regulations (5 CFR part 1320) which implement the Paperwork Reduction Act (PRA) of 1980 (44 U.S.C. 3501 *et seq.*), the information collection requirements contained in the provisions to be amended by this proposed rule have been previously approved by OMB and were assigned OMB control number 0581-0009 under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*).

The changes will be made effective July 1, 1997, as provided by the Cotton Statistics and Estimates Act.

Fees for Classification Under the Cotton Statistics and Estimates Act of 1927

The user fee charged to cotton producers for High Volume Instrument (HVI) classification services under the Cotton Statistics and Estimates Act (7 U.S.C. 473a) was \$1.50 per bale during the 1996 harvest season as determined by using the formula provided in the Uniform Cotton Classing Fees Act of 1987, as amended by Public Law 102-237. The fees cover salaries, costs of equipment and supplies, and other overhead costs, including costs for administration, supervision, and development and maintenance of cotton standards.

This rule establishes the user fee charged to producers for HVI classification at \$1.40 per bale during the 1997 harvest season.

Public Law 102-237 amended the formula in the Uniform Cotton Classing Fees Act of 1987 for establishing the producer's classification fee so that the producer's fee is based on the prevailing method of classification requested by producers during the previous year. HVI classing was the prevailing method of cotton classification requested by producers in 1996. Therefore, the 1997 producer's user fee for classification service is based on the 1996 base fee for HVI classification.

The fee was calculated by applying the formula specified in the Uniform Cotton Classing Fees Act of 1987, as amended by Public Law 102-237. The 1996 base fee for HVI classification exclusive of adjustments, as provided by the Act, was \$2.04 per bale. A two percent, or four cents per bale increase due to the implicit price deflator of the gross domestic product added to the \$2.04 results in a 1997 base fee of \$2.08 per bale. The formula in the Act provides for the use of the percentage change in the implicit price deflator of the gross national product (as indexed for the most recent 12-month period for which statistics are available). However, this has been replaced by the gross domestic product by the Department of Commerce as a more appropriate measure for the short-term monitoring and analysis of the U.S. economy.

The number of bales to be classed by the United States Department of Agriculture from the 1997 crop is

estimated at 17,587,000. The 1997 base fee was decreased 15 percent based on the estimated number of bales to be classed (one percent for every 100,000 bales or portion thereof above the base of 12,500,000, limited to a maximum adjustment of 15 percent). This percentage factor amounts to a 31 cents per bale reduction and was subtracted from the 1997 base fee of \$2.08 per bale, resulting in a fee of \$1.77 per bale.

With a fee of \$1.77 per bale, the projected operating reserve would be 41.93 percent. The Act specifies that the Secretary shall not establish a fee which, when combined with other sources of revenue, will result in a projected operating reserve of more than 25 percent. Accordingly, the fee of \$1.77 was reduced by 37 cents per bale, to \$1.40 per bale, to provide an ending accumulated operating reserve for the fiscal year of 25 percent of the projected cost of operating the program. This establishes the 1997 season fee at \$1.40 per bale.

Accordingly, § 28.909, paragraph (b) will be revised to reflect the reduction in the HVI classification fees.

As provided for in the Uniform Cotton Classing Fees Act of 1987, as amended, a five cent per bale discount will continue to be applied to voluntary centralized billing and collecting agents as specified in § 28.909(c).

Growers or their designated agents will continue to incur no additional fees if only one method of receiving classification data is requested. The fee for each additional method of receiving classification data in § 28.910 will remain at five cents per bale, and it will be applied even if the same method is requested. The fee in § 28.910(b) for an owner receiving classification data from the central database will remain at five cents per bale, and the minimum charge of \$5.00 for services provided per monthly billing period will remain the same. The provisions of § 28.910(c) concerning the fee for new classification memoranda issued from the central database for the business convenience of an owner without reclassification of the cotton will remain the same.

The fee for review classification in § 28.911 will be reduced from \$1.50 per bale to \$1.40 per bale.

The fee for returning samples after classification in § 28.911 will remain at 40 cents per sample.

List of Subjects in 7 CFR Part 28

Administrative practice and procedures, Cotton, Cotton samples, Grades, Market news, Reporting and recordkeeping requirements, Standards, Staples, Testing, Warehouses.

For the reasons set forth in the preamble, 7 CFR Part 28 is amended as follows:

PART 28—[AMENDED]

1. The authority citation for Part 28 continues to read as follows:

Authority: 7 U.S.C. 471–476.

2. In § 28.909, paragraph (b) is revised to read as follows:

§ 28.909 Costs.

* * * * *

(b) The cost of High Volume Instrument (HVI) cotton classification service to producers is \$1.40 per bale.

* * * * *

3. In § 28.911, the last sentence of paragraph (a) is revised to read as follows:

§ 28.911 Review classification.

(a) * * * The fee for review classification is \$1.40 per bale.

* * * * *

Dated: May 6, 1997.

Lon Hatamiya,
Administrator.

[FR Doc. 97–12345 Filed 5–9–97; 8:45 am]

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NUCLEAR REGULATORY COMMISSION

10 CFR Part 52

RIN 3150—AE87

Standard Design Certification for the U.S. Advanced Boiling Water Reactor Design

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Nuclear Regulatory Commission (NRC or Commission) is amending its regulations to certify the U.S. Advanced Boiling Water Reactor (ABWR) design. The NRC is adding a new provision to its regulations that approves the U.S. ABWR design by rulemaking. This action is necessary so that applicants for a combined license that intend to construct and operate the U.S. ABWR design may do so by appropriately referencing this regulation. The applicant for certification of the U.S. ABWR design was GE Nuclear Energy.

EFFECTIVE DATE: The effective date of this rule is June 11, 1997. The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of June 11, 1997.

FOR FURTHER INFORMATION CONTACT: Jerry N. Wilson, Office of Nuclear Reactor Regulation, telephone (301) 415–3145 or Geary S. Mizuno, Office of the General Counsel, telephone (301) 415–1639, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

SUPPLEMENTARY INFORMATION:

Table of Contents

- I. Background.
- II. Public comment summary and resolution.
 - A. Principal Issues.
 - 1. Finality.
 - 2. Tier 2 Change Process.
 - 3. Need for Additional Applicable Regulations.
 - B. Responses to specific requests for comment from proposed rule.
 - C. Other Issues.
 - 1. NRC Verification of ITAAC Determinations.
 - 2. DCD Introduction.
 - 3. Duplicate documentation in design certification rule.
 - 4–7. OCRE comments.
- III. Section-by-section discussion.
 - A. Introduction (Section I).
 - B. Definitions (Section II).
 - C. Scope and contents (Section III).
 - D. Additional requirements and restrictions (Section IV).
 - E. Applicable regulations (Section V).
 - F. Issue resolution (Section VI).
 - G. Duration of this appendix (Section VII).
 - H. Processes for changes and departures (Section VIII).
 - I. Inspections, tests, analyses, and acceptance criteria (Section IX).
 - J. Records and Reporting (Section X).
- IV. Finding of no significant environmental impact: availability.
- V. Paperwork Reduction Act statement.
- VI. Regulatory analysis.
- VII. Regulatory Flexibility Act certification.
- VIII. Backfit analysis.

I. Background

On September 29, 1987, General Electric Company applied for certification of the U.S. ABWR standard design with the NRC. The application was made in accordance with the procedures specified in 10 CFR Part 50, Appendix O, and the Policy Statement on Nuclear Power Plant Standardization, dated September 15, 1987. The application was docketed on February 22, 1988 (Docket No. STN 50–605).

The NRC added 10 CFR Part 52 to its regulations to provide for the issuance of early site permits, standard design certifications, and combined licenses for nuclear power reactors. Subpart B of 10 CFR Part 52 established the process for obtaining design certifications. A major purpose of this rule was to achieve early resolution of licensing issues and to enhance the safety and reliability of nuclear power plants.