

processors voting in the preceding referendum.

(b) * * *

(1) * * *

(2) By fluid milk processors voting in the referendum that marketed during a representative period, as determined by the Secretary, 40 percent or more of the volume of fluid milk products marketed in the United States by fluid milk processors voting in the referendum.

11. In § 1160.604, paragraph (a) is amended by adding the phrase "For the purpose of adjusting the rate of assessment," at the beginning to the sentence.

12. Section 1160.605 is revised to read as follows:

§ 1160.605 Scheduling of referendum.

A referendum shall be held:

(a) Whenever prescribed by the order;
(b) For the purpose of adjusting the rate of assessment:

(1) At the direction of the Secretary;
or

(2) Upon request of the Board or upon request of any group of fluid milk processors that marketed during a representative period, as determined by the Secretary, 10 percent or more of the volume of fluid milk products marketed by all processors of fluid milk in the United States during that period; or

(c) For the purpose of suspending or terminating the order:

(1) At the direction of the Secretary;
or

(2) Upon request of the Board or upon request of any group of fluid milk processors that marketed during a representative period, as determined by the Secretary, 10 percent or more of the volume of fluid milk products marketed by fluid milk processors voting in the preceding referendum.

Dated: January 21, 1997.

Michael V. Dunn,

Assistant Secretary, Marketing and Regulatory Programs.

[FR Doc. 97-2042 Filed 1-27-97; 8:45 am]

BILLING CODE 3410-02-P

NUCLEAR REGULATORY COMMISSION

10 CFR Part 9

RIN 3150-AF60

Duplication Fees

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Nuclear Regulatory Commission (NRC) is amending its

regulations by revising the charges for copying records publicly available at the NRC Public Document Room in Washington, DC. The amendment is necessary to reflect the change in copying charge resulting from the Commission's award of a new contract for the copying of records.

EFFECTIVE DATE: January 28, 1997.

FOR FURTHER INFORMATION CONTACT: Thomas E. Smith, Public Document Room, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone 202-634-3366.

SUPPLEMENTARY INFORMATION: The NRC maintains a Public Document Room (PDR) at 2120 L Street, NW (Lower Level), Washington, DC. The PDR contains an extensive collection of publicly available technical and administrative records that the NRC receives or generates. Requests by the public for the duplication of records at the PDR have traditionally been accommodated by a duplicating service contractor selected by the NRC. The schedule of duplication charges to the public was established in the duplicating service contract. The revised fee schedule reflects the changes in copying charges to the public that have resulted from the awarding of the new contract for the duplication of records at the PDR.

Because this is an amendment dealing with agency practice and procedure, the notice provisions of the Administrative Procedure Act do not apply pursuant to 5 U.S.C. 553(b)(A). In addition, the PDR users were notified on November 14, 1996, that the new contract was being awarded and that the new prices would go into effect on November 14, 1996. The amendment is effective upon publication in the Federal Register. Good cause exists to dispense the usual 30-day delay in the effective date because the amendment is of a minor and administrative nature dealing with agency procedures.

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.

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 does not contain a new or amended information collection requirement 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 3150-0127.

Public Protection Notification

The NRC may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

Regulatory Analysis

The Nuclear Regulatory Commission is amending its regulations governing the rates charged for copying records at the NRC Public Document Room due to the signing of a new contract for the copying of records. This rule has no significant impact on health, safety or the environment. There is no substantial cost to licensees, the NRC or other Federal agencies.

Backfit Analysis

The NRC has determined that the Backfit Rule, 10 CFR 50.109, does not apply to this final rule and that a backfit analysis is not required for this final rule, because these amendments of regulations do not involve any provisions which would impose backfits as defined in 10 CFR 50.109 (a)(1).

List of Subjects in 10 CFR Part 9

Criminal penalties, Freedom of information, Privacy, Reporting and recordkeeping requirements, Sunshine Act.

For the reasons set out in the preamble and under the authority of the Atomic Energy Act of 1954, as amended, 5 U.S.C. 552 and 553, the NRC is adopting the following amendment to 10 CFR Part 9.

PART 9—PUBLIC RECORDS

1. The authority citation for part 9 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).

Subpart A also issued under 5 U.S.C. 552; 31 U.S.C. 9701; Pub. L. 99-570. Subpart B also issued under 5 U.S.C. 552a. Subpart C also issued under 5 U.S.C. 552b.

2. In § 9.35, paragraphs (a)(1), (a)(2), and (a)(3) are revised to read as follows:

§ 9.35 Duplication fees.

(a)(1) Charges for the duplication of records made available under § 9.21 at the NRC Public Document Room (PDR), 2120 L Street, NW. (Lower Level), Washington DC, by the duplicating service contractor are as follows:

(i) Paper to paper reproduction is \$0.08 per page up to and including 8.5x14 inches. Pages 11x17 inches are \$0.15. Pages larger than 11x17 inches are \$1.50 each.

Note: Pages greater than legal size, 8.5x14 inches and smaller than or equal to 11x17 inches shall be reduced to legal size and reproduced for \$0.08 per page, unless the order specifically requests full size reproduction.

(ii) Microfiche to paper reproduction is \$0.08 per page. Aperture card blowbacks are \$3.00 (reduced size) or \$5.00 (full size).

(iii) Microfiche duplication is \$0.75 per card. Aperture card duplication is \$1.00.

(iv) Diskette to diskette duplication is \$2.92. Video cassette duplication is \$15.00 per cassette. Audio tape duplication is \$3.00 per tape. Slide/Negative duplication is \$5.00 each; photographs up to 8x10 inches is \$10.00 per print. Electronic full text/citation reproduction to diskette is available at \$3.00 per diskette or \$0.08 per page.

(v) Rush processing is offered for standard size paper to paper and blowbacks, excluding standing order documents and pages reproduced from bound volumes. The charge is \$0.15 per page. The rush processing for microfiche duplication is \$1.00. Diskette rush processing is \$4.96.

(vi) Facsimile charges are: \$0.30 per page-local calls; \$0.50—U.S. long distance; and \$1.50—foreign long distance.

(2) Self-service duplicating machines are available at the PDR for the use of the public. Paper to paper copying is \$0.08. Microfiche to paper is \$0.10 per page on the reader printers.

(3) A requester may submit mail-order requests for contractor duplication of NRC records by writing, faxing, calling or e-mailing the NRC Public Document Room. The charges for any of the requests are the same as those set out in paragraph (a)(1) of this section, plus mailing or shipping charges.

* * * * *

Dated at Rockville, Maryland, this 22nd day of January, 1997.

For the Nuclear Regulatory Commission.
John C. Hoyle,
Secretary of the Commission.

[FR Doc. 97-1992 Filed 1-27-97; 8:45 am]

BILLING CODE 7590-01-P

SMALL BUSINESS ADMINISTRATION**13 CFR Part 121****Small Business Size Standards; Waiver of the Nonmanufacturer Rule**

AGENCY: Small Business Administration.

ACTION: Waiver of the Nonmanufacturer Rule for 8mm Tri-Deck Airborne Recorder (ruggedized).

SUMMARY: This document advises the public that the Small Business Administration (SBA) is establishing a waiver of the Nonmanufacturer Rule for 8mm Tri-Deck Airborne Recorder (ruggedized). The basis for a waiver is that no small business manufacturers are available to participate in the Federal market for these products. The effect of a waiver will allow otherwise qualified nonmanufacturers to supply the products of any domestic manufacturer on a Federal contract set-aside for small businesses or awarded through the SBA 8(a) Program.

EFFECTIVE DATE: January 28, 1997.

ADDRESSES: David Wm. Loines, Procurement Analyst, U.S. Small Business Administration, 409 3rd Street S.W., Washington, DC 20416, Tel: (202) 205-6475.

FOR FURTHER INFORMATION CONTACT: David Wm. Loines, Procurement Analyst, (202) 205-6475, FAX (202) 205-7324.

SUPPLEMENTARY INFORMATION: Public Law 100-656, enacted on November 15, 1988, incorporated into the Small Business Act the previously existing regulation that recipients of Federal contracts set-aside for small businesses or the SBA 8(a) Program procurement must provide the product of a small business manufacturer or processor if the recipient is other than the actual manufacturer or processor. This requirement is commonly referred to as the Nonmanufacturer Rule. The SBA regulations imposing this requirement are found at 13 CFR 121.406(b). Section 303(h) of the law provides for waiver of this requirement by SBA for any "class of products" for which there are no small business manufacturers or processors in the Federal market. To be considered available to participate in the Federal market on these classes of products, a small business manufacturer must have submitted a proposal for a contract solicitation or received a contract from the Federal Government within the last 24 months. The SBA defines "class of products" based on two coding systems. The first is the Office of Management and Budget *Standard Industrial Classification Manual*. The second is the *Product and*

Service Code (PSC) established by the Federal Procurement Data System.

The SBA was asked to issue a waiver for 8mm Tri-Deck Airborne Recorder (ruggedized) because of an apparent lack of any small business manufacturers or processors for them within the Federal market. The SBA searched its Procurement Automated Source System (PASS) for small business participants and found none. We then published a document in the Federal Register on November 22, 1996 (vol.61, no.227, p.59382), of our intent to grant a waiver for these classes of products unless new information was found. The proposed waiver covered 8mm Tri-Deck Airborne Recorder (ruggedized). The document described the legal provisions for a waiver, how SBA defines the market, and asked for small business participants of these classes of products. After the 15-day comment period, no small businesses were identified for 8mm Tri-Deck Airborne Recorder (ruggedized). This waiver is being granted pursuant to statutory authority under section 303(h) of Public Law 100-656 for 8mm Tri-Deck Airborne Recorder (ruggedized). The waiver will last indefinitely but is subject to both an annual review and a review upon receipt of information that the conditions required for a waiver no longer exist. If such information is found, the waiver may be terminated.

Judith A. Roussel,

Associate Administrator for Government Contracting.

[FR Doc. 97-1959 Filed 1-27-97; 8:45 am]

BILLING CODE 8025-01-P

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****14 CFR Part 39**

[Docket No. 96-NM-99-AD; Amendment 39-9893; AD 97-02-08]

RIN 2120-AA64

Airworthiness Directives; McDonnell Douglas Model DC-9, DC-9-80 and C-9 (Military) Series Airplanes, and Model MD-88 Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that is applicable to certain McDonnell Douglas Model DC-9, DC-9-80 and C-9 (military) series airplanes, and Model MD-88 airplanes. It requires either the installation of external protective