

should be to ensure (1) that the benefits of the additional information would justify the costs, and (2) that the best and most useful information is obtained in a manner that maximizes its value to industry participants and minimizes the burden of collection and reporting.

Interested persons are encouraged to comment on the following issues relating to this proposal:

- The extent to which lack of timely export sales information represents a problem for the meat industry or those within the industry.
- The extent to which the Secretary of Agriculture's proposal, based on the recommendation of the Advisory Committee on Agricultural Concentration, responds to the identified problems.
- The proper role of the Federal Government in collecting and reporting export sales information on meat and meat products.
- The benefits and costs of the proposal, including benefits and costs of mandatory reporting by private firms.
- The benefits and costs of possible alternative approaches, including approaches that may include voluntary reporting or other methods of achieving the identified goals.

Interested persons are also invited to comment on the following specific considerations involved in implementing an export sales reporting program for meat and meat products:

- The frequency of reporting and the reporting period to be covered.
- The information to be reported, such as the meats and meat products to be included, the breakdown of cuts and grades, and the units of measure for reporting (pounds, metric tons, etc.).
- The relative benefits and costs of requiring firms to report all export sales to all country destinations, versus reporting only sales above a specified threshold volume and/or only sales to specified leading markets for individual meats.
- The specific need, if any, for price information in addition to export sales volumes.
- The way the data should be compiled, summarized, and reported to the public by USDA.

USDA welcomes comments on these and any related issues.

Signed at Washington, DC, November 6, 1996.

August Schumacher, Jr.,

*Administrator, Foreign Agricultural Service.*

[FR Doc. 96-29105 Filed 11-13-96; 8:45 am]

BILLING CODE 3410-10-P

## **Agricultural Marketing Service**

### **7 CFR Part 58**

RIN # 0581-AB43

[DA-96-10]

#### **Grading and Inspection, General Specifications for Approved Plants and Standards for Grades of Dairy Products; Proposed Increase in Fees**

**AGENCY:** Agricultural Marketing Service, USDA.

**ACTION:** Proposed rule.

**SUMMARY:** The Agricultural Marketing Service proposes to increase the fees charged for services provided under the dairy inspection and grading program. The program is a voluntary, user-fee program conducted under the authority of the Agricultural Marketing Act of 1946, as amended. The proposed increases would result in a fee of \$47.00 per hour for continuous resident services and \$52.00 per hour for nonresident services between the hours of 6:00 a.m. and 6:00 p.m. The fee for nonresident services between the hours of 6:00 p.m. and 6:00 a.m. would be \$57.20 per hour. These proposed fees represent an increase of four dollars per hour. The fees are being increased to cover the costs of recent salary increases and locality adjustments, the costs necessary to maintain adequate levels of service during changing production and purchasing patterns within the dairy industry, the continued full funding for standardization activities, and other operating costs.

**DATES:** Comments must be received by December 16, 1996.

**ADDRESSES:** Comments should be sent to: Office of the Director, USDA/AMS/Dairy Division, Room 2968-S, P.O. Box 96456, Washington, D.C. 20090-6456. Comments received will be available for public inspection at this location during regular business hours.

**FOR FURTHER INFORMATION CONTACT:** Lynn G. Boerger, USDA/AMS/Dairy Division, Dairy Grading Branch, Room 2750—South Building, P.O. Box 96456, Washington, D.C. 20090-6456, (202) 720-9381.

**SUPPLEMENTARY INFORMATION:** This proposed rule has been determined to be not significant for purposes of Executive Order 12866 and has not been reviewed by the Office of Management and Budget.

This proposed rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule is not intended to have preemptive effect with respect to any State or local laws, regulations or

policies. This rule is not intended to have retroactive effect. There are no administrative procedures which must be exhausted prior to any judicial challenge to this rule or the application of its provisions.

Pursuant to the requirements set forth in the Regulatory Flexibility Act (RFA), the Agricultural Marketing Service (AMS) has considered the economic impact of this action on small entities.

There are more than 600 users of Dairy Grading Branch's inspection and grading services. Many of these users are small entities under the criteria established by the Small Business Administration (13 CFR 121.601). This rule will raise the fee charged to businesses for voluntary inspection services and grading services for dairy and related products. Even though the fee will be raised, the increase is approximately 8.6 percent and will not significantly affect these entities. These businesses are under no obligation to use these services, and any decision on their part to discontinue the use of the services would not prevent them from marketing their products. The Agricultural Marketing Service (AMS) estimates that overall this rule will yield an additional \$272,000 during fiscal year 1997. The proposed rule reflects certain fee increases needed to recover the cost of inspection and grading services rendered in accordance with the Agricultural Marketing Act (AMA) of 1946.

The Agricultural Marketing Service (AMS) has determined that this action will not have a significant impact on a substantial number of small entities, as defined in the Regulatory Flexibility Act (5 U.S.C. 601).

The Agricultural Marketing Act of 1946, as amended, authorizes the Secretary of Agriculture to provide Federal dairy grading and inspection services that facilitate marketing and help consumers obtain the quality of dairy products they desire. The Act provides that reasonable fees be collected from the users of the services to cover, as nearly as practicable, the cost of maintaining the program.

Since the costs of the grading program are covered entirely by user fees, it is essential that fees be increased when necessary to cover the cost of maintaining a financially self-supporting program. The last fee increase under this program became effective on October 1, 1995. Since that time, Congress increased the salaries of Federal employees by 2.9 percent as of January 7, 1996, which included locality pay. Also, there have been normal increases in other nonpay operating costs that include utilities, office space

and reimbursable travel. In addition, recent congressional action may result in additional salary increases of 3.0 percent in 1997. Although the program's operating reserves were adequate to cover the January 7, 1996, salary increase, this will not be the case for 1997 salary increases, and a fee increase is needed.

The grading program fees need to be increased to cover the costs associated with maintaining adequate levels of service during shifting production patterns within the dairy industry. The industry changes include plant consolidations, geographical shifts of dairy production areas, and changes in the types of dairy products being manufactured and offered for inspection and grading services. To minimize the necessary fee increase, the Department has initiated cost-reduction efforts which include the reduction of staff and program overhead.

#### Proposed Changes

This rule proposes the following changes in the regulations implementing the dairy inspection and grading program:

1. Increase the hourly fee for nonresident services from \$48.00 to \$52.00 for services performed between 6:00 a.m. and 6:00 p.m. The nonresident hourly rate is charged to users who request an inspector or grader for particular dates and amounts of time to perform specific grading and inspection activities. These users of nonresident services are charged for the amount of time required to perform the task and undertake related travel plus travel costs.

2. Increase the hourly fee for continuous resident services from \$43.00 to \$47.00. The resident hourly rate is charged to those who are using grading and inspection services performed by an inspector or grader assigned to a plant on a continuous, year-round resident basis.

#### Timing of Fee Increase

It is contemplated that the proposed fee increases would be implemented on an expedited basis in order to minimize the period of revenue shortfall. Accordingly, it is anticipated that the fee increases, if adopted, would become effective upon publication, or very soon after publication, of the final rule in the Federal Register and that delaying the effective date of the final rule until 30 days after publication in the Federal Register would not occur. An approximate effective date would be January 5, 1997.

All written submissions made pursuant to this notice will be made

available for public inspection in the Dairy Division during regular business hours.

#### List of Subjects in 7 CFR Part 58

Dairy products, Food grades and standards, Food labeling, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, it is proposed that 7 CFR Part 58 be amended as follows:

#### **PART 58—GRADING AND INSPECTION, GENERAL SPECIFICATIONS FOR APPROVED PLANTS AND STANDARDS FOR GRADES OF DAIRY PRODUCTS**

1. The authority citation for Part 58 continues to read as follows:

Authority: 7 U.S.C. 1621–1627.

#### **Subpart A—[Amended]**

2. In subpart A, § 58.43 is revised to read as follows:

#### **§ 58.43 Fees for inspection, grading, and sampling.**

Except as otherwise provided in §§ 58.38 through 58.46, charges shall be made for inspection, grading, and sampling service at the hourly rate of \$52.00 for service performed between 6:00 a.m. and 6:00 p.m. and \$57.20 for service performed between 6:00 p.m. and 6:00 a.m., for the time required to perform the service calculated to the nearest 15-minute period, including the time required for preparation of certificates and reports and the travel time of the inspector or grader in connection with the performance of the service. A minimum charge of one-half hour shall be made for service pursuant to each request or certificate issued.

3. Section 58.45 is revised to read as follows:

#### **§ 58.45 Fees for continuous resident services.**

Irrespective of the fees and charges provided in §§ 58.39 and 58.43, charges for the inspector(s) and grader(s) assigned to a continuous resident program shall be made at the rate of \$47.00 per hour for services performed during the assigned tour of duty. Charges for service performed in excess of the assigned tour of duty shall be made at a rate of 1½ times the rate stated in this section.

Dated: November 6, 1996.

Lon Hatamiya,  
*Administrator.*

[FR Doc. 96–29106 Filed 11–13–96; 8:45 am]

BILLING CODE 3410–02–P

## **NUCLEAR REGULATORY COMMISSION**

### **10 CFR Part 33**

RIN 3150–AF54

#### **Specific Domestic Licenses of Broad Scope for Byproduct Material**

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Advance notice of proposed rulemaking.

**SUMMARY:** The Nuclear Regulatory Commission (NRC) is considering amending its regulations governing specific licenses of broad scope for byproduct material to clarify the regulatory and health and safety basis of current licensing practices and to provide licensees with the flexibility to make certain types of changes to their radiation safety programs. Currently, the regulations do not contain a clear description of the duties and responsibilities of management, the Radiation Safety Officer (RSO) or the Radiation Safety Committee (RSC). In addition to various ongoing staff efforts regarding the possible need for broad scope licensees, consideration of changes to the regulations was also a recommendation of the Incident Investigation Team reviewing a recent incident involving ingestion of phosphorus-32 at a broad scope facility. The NRC is evaluating, for possible codification in its regulations, existing regulations and appropriate requirements derived from prior guidance and license standard review plans with reference to: management oversight of broad-scope licensed programs; the role of the RSO; the responsibilities of the RSC; supervision; the qualifications of the authorized user; the use of audits and inventory requirements; and security and control of licensed material. The NRC is seeking comments and suggestions on possible revisions.

**DATES:** Comment period expires February 12, 1997. Comments received after this date will be considered if it is practical to do so, but the NRC is able to ensure consideration only for comments received on or before this date.

**ADDRESSES:** Send written comments and suggestions to: Secretary, Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Docketing and Service Branch. Hand-deliver comments to: 11555 Rockville Pike, Rockville, MD, between 7:45 a.m. and 4:15 p.m., Federal workdays.