

After reviewing the comments, it has been decided that the 1995-crop acreage reduction requirement shall be 5 percent. Of all options considered to achieve the stocks-to-use goal of section 101B of the 1949 Act, this level is selected because it is estimated to achieve both the highest farm income and the lowest Government program outlays. Public comments regarding the level of the national average price support rate for the 1995 crop were not requested because such rate is established by statutory formula.

**List of Subjects**

*7 CFR Part 1413*

Acreage allotments, Cotton, Disaster assistance, Feed grains, Price support programs, Reporting and recordkeeping requirements, Rice, Soil conservation, Wheat.

*7 CFR Part 1421*

Grains, Loan programs—agriculture, Oilseeds, Peanuts, Price support programs, Reporting and recordkeeping requirements, Soybeans, Surety bonds, Warehouses.

Accordingly, 7 CFR parts 1413 and 1421 are amended as follows:

**PART 1413—FEED GRAIN, RICE, UPLAND AND EXTRA LONG STAPLE COTTON, WHEAT AND RELATED PROGRAMS**

1. The authority citation for 7 CFR part 1413 continues to read as follows:

**Authority:** 7 U.S.C. 1308, 1308a, 1309, 1441-2, 1444-2, 1444f, 1445b-3a, 1461-1469; 15 U.S.C. 714b and 714c.

2. In § 1413.54, paragraph (a)(4)(iv) is revised, paragraph (a)(4)(v) is added, paragraphs (d)(5)(i) through (d)(5)(iv) are reserved, and paragraph (d)(5)(v) is added to read as follows:

**§ 1413.54 Acreage reduction program provisions.**

- (a) \* \* \*
- (4) \* \* \*
- (iv) 1994 rice, 0 percent;
- (v) 1995 rice, 5 percent.

\* \* \* \* \*

- (d) \* \* \*
- (5) \* \* \*
- (i)-(iv) [Reserved]

(v) Shall not be made available to producers of rice.

\* \* \* \* \*

**PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES**

3. The authority citation for 7 CFR part 1421 continues to read as follows:

**Authority:** 7 U.S.C. 1421, 1423, 1425, 1441z, 1444f-1, 1445b-3a, 1445c-3, 1445e, and 1446f; 15 U.S.C. 714b and 714c.

4. In § 1421.7, paragraph (b)(7)(v) is added to read as follows:

**§ 1421.7 Adjustment of basic support rates.**

- \* \* \* \* \*
- (b) \* \* \*
- (7) \* \* \*
- (v) 1995 Rice—\$6.50 per hundredweight;

\* \* \* \* \*

Signed at Washington, DC, on August 14, 1995.

**Bruce R. Weber,**

*Acting Executive Vice President, Commodity Credit Corporation.*

[FR Doc. 95-20491 Filed 8-17-95; 8:45 am]

BILLING CODE 3410-05-P

**DEPARTMENT OF ENERGY**

**10 CFR Part 810**

**RIN 1992-AA20**

**Assistance to Foreign Atomic Energy Activities**

**AGENCY:** Department of Energy.

**ACTION:** Final Rule.

**SUMMARY:** The Department of Energy (DOE) is amending its regulations concerning unclassified assistance to foreign atomic energy activities. This action removes Argentina, Brazil, Chile, and South Africa from the list of countries for which specific authorization by the Secretary of Energy is required. The effect of the action is to enable U.S. firms and individuals to provide assistance to civilian nuclear power reactor-related activities in these countries under the general authorization. The amendment is consistent with U.S. foreign policy commitments and reflects the significant progress made by these four countries on matters related to nuclear nonproliferation.

**DATES:** This amendment is effective on August 18, 1995.

**FOR FURTHER INFORMATION CONTACT:** Mr. Zander Hollander, Export Control Operations Division, NN-43, Office of Arms Control and Nonproliferation, U.S. Department of Energy, 1000 Independence Ave., S.W., Washington, D.C. 20585, Telephone (202) 586-2125; or Robert Newton, Esq., Office of the General Counsel, U.S. Department of Energy, 1000 Independence Ave., S.W., Washington, D.C. 20585, Telephone (202) 586-0806.

**SUPPLEMENTARY INFORMATION:**

**1. Background**

10 CFR Part 810 implements section 57 b.(2) of the Atomic Energy Act of 1954, as amended by section 302 of the Nuclear Non-Proliferation Act of 1978 (NNPA) (42 U.S.C. 2077 (b)(2)). This section requires that U.S. persons who engage directly or indirectly in the production of special nuclear material outside the United States be authorized to do so by the Secretary of Energy. Pursuant to the Part 810 regulations, assistance by U.S. persons to nuclear power reactor-related activities outside the United States is generally authorized for countries not identified in section 810.8(a). Inclusion of a country on the list means that even nuclear power reactor-related assistance requires the Secretary of Energy's specific authorization. Section 810.8(a) notes that countries may be removed from or added to this list by amendments published in the **Federal Register**. Such actions are based on U.S. foreign policy and national security considerations.

The intent of removing Argentina, Brazil, Chile, and South Africa from the section 810.8(a) list of countries is to:

- Recognize that Argentina, Brazil, and Chile in 1994 brought into force for their national territories the 1967 Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (Treaty of Tlatelolco) and that Argentina and South Africa have become party to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) and members of the Nuclear Suppliers Group.
- Recognize that Argentina and Brazil have completed ratification of the Quadripartite Safeguards Agreement with the International Atomic Energy Agency [IAEA] and the Brazilian-Argentine Agency for Accounting and Control of Nuclear Materials for the application of IAEA safeguards on all of their nuclear activities, that South Africa has completed its own full-scope safeguards agreement with IAEA, and that Chile also has IAEA safeguards agreements covering its nuclear facilities.
- Enable U.S. firms and individuals to compete more effectively against foreign competition to provide assistance to the safeguarded Argentine, Brazilian, Chilean, and South African civilian nuclear power programs.
- Reduce unnecessary paperwork and time-consuming U.S. Government reviews of proposals by U.S. firms and individuals to participate in Argentine, Brazilian, Chilean, and South African civilian nuclear power reactor-related activities.

## 2. Regulatory Changes

The following change is made to section 810.8 Activities Requiring Specific Authorization:

Argentina, Brazil, Chile, and South Africa are deleted from the list of countries in section 810.8(a).

## 3. Statutory Requirements

Pursuant to section 57 b. of the Atomic Energy Act, with the concurrence of the Department of State and after consultations with the Departments of Defense and Commerce, the Arms Control and Disarmament Agency, and the Nuclear Regulatory Commission, the Secretary of Energy has determined that removal of Argentina, Brazil, Chile, and South Africa from the list of countries in section 810.8 (a) of 10 CFR Part 810 will not be inimical to the interests of the United States.

## 4. Procedural Matters

### A. Review Under Executive Order 12866

Today's regulatory action has been determined not to be a "significant regulatory action" under Executive Order 12866, "Regulatory Planning and Review," (58 FR 51735, October 4, 1993). Accordingly, today's action was not subject to review under the Executive Order by the Office of Information and Regulatory Affairs.

### B. Review Under the Regulatory Flexibility Act

The rule was reviewed under the Regulatory Flexibility Act, P. L. 96-354 (42 U.S.C. 601-612) which requires preparation of a regulatory flexibility analysis for any regulation that will have a significant economic impact on a substantial number of small entities, i.e., small businesses and small government jurisdictions. This action amends regulations in a manner to expedite the current process of authorization for U.S. persons to conduct certain activities in other countries; thus, it imposes no economic burden upon small entities subject to those regulations and, on balance, should reduce economic burdens on small businesses who will be able to compete for work in these four countries without undergoing unnecessary paperwork and time-consuming U.S. Government reviews. DOE, accordingly, certifies that there will not be a significant and adverse economic impact on a substantial number of small entities and that preparation of a regulatory flexibility analysis is not warranted.

### C. Review Under the National Environmental Policy Act

The rule eliminates the requirement for U.S. persons to file an application for authorization to assist civilian nuclear power reactor programs in four countries that until now required review and approval by the Secretary of Energy. The amendment permits U.S. companies seeking to do business in these four countries to compete with foreign companies without the time-consuming application procedure that has often put them at a disadvantage. Argentina, Brazil, Chile, and South Africa are now parties to international arrangements established for nuclear nonproliferation purposes and have shown by their actions that requests to assist their nuclear power industries no longer require a case-by-case analysis. Implementation of this rule affects only application procedures and will not result in environmental impacts. DOE has, therefore, determined that this rule is covered under the Categorical Exclusion found in paragraph A.6 of Appendix A to Subpart D, 10 CFR Part 1021, which applies to the establishment of procedural rulemakings. Accordingly, neither an environmental assessment nor an environmental impact statement is required.

### D. Review Under Executive Order 12612

Executive Order 12612 requires that regulations be reviewed for any substantial direct effects on States, on the relationship between the national Government and the States, or in the distribution of power among various levels of government. If there are sufficient substantial direct effects, the Executive Order requires the preparation of a Federalism assessment to be used in decisions by senior policy makers in promulgating or implementing the regulation. The rule will not have a substantial direct effect on the traditional rights and prerogatives of States in relationship to the Federal Government. Preparation of a Federalism assessment is, therefore, unnecessary.

### E. Review Under Executive Order 12778

Section 2 of Executive Order 12778 instructs each agency to adhere to certain requirements in promulgating new regulations and reviewing existing regulations. These requirements, set forth in sections 2(a) and (b)(2), include eliminating drafting errors and needless ambiguity, drafting the regulations to minimize litigation, providing clear and certain legal standards for affected

conduct, and promoting simplification and burden reduction.

Agencies are also instructed to make every reasonable effort to ensure that the regulation: specifies clearly any preemptive effect, effect on existing Federal law or regulation, and retroactive effect; describes any administrative proceedings to be available prior to judicial review and any provisions for the exhaustion of such administrative proceedings; and defines key terms. DOE certifies that today's rulemaking meets the requirements of sections 2(a) and (b) of Executive Order 12778.

## 5. Review of Comments

DOE published a Proposed Rule of this amendment in the **Federal Register** on August 29, 1994 (59 FR 44381). Written comments were received from seven parties. These comments have been available for public inspection in the DOE Reading Room during consideration of this Final Rule.

Six of the seven commenters strongly favored the Proposed Rule, which is now published as a Final Rule. The one unfavorable commenter found the amendment "premature" and cited various factors as relevant to his belief that "it is still too early to conclude that none of the (countries) constitutes a proliferation risk." A summary of the critical comments and DOE responses follow:

- Brazil has a uranium enrichment program run by the Brazilian Navy and it would be a "blow to nonproliferation for a United States citizen to participate in such a program."

*DOE response:* U.S. firms or individuals require specific authorization under Part 810 to participate in enrichment, reprocessing, plutonium fuel fabrication, heavy water production, and large research/test reactor activities in all foreign countries, whether or not the country is on the section 810.8 list. Such participation is given the closest scrutiny from a nonproliferation perspective.

- U.S. citizens should not participate in South Africa's nuclear program until South Africa reveals the outside assistance it received for its nuclear weapons program.

*DOE Response:* South Africa, now a member in good standing of the international nonproliferation community, has been very forthcoming in its public disclosures concerning its abandoned nuclear weapons activities and has declared it did not receive foreign assistance. The commenter offers no evidence to the contrary.

- The four countries do not have effective export control systems.

*DOE response:* Even assuming that one or more of the four countries has an export control system less effective than that of the United States, the kinds of U.S. technology that would become available to them under general authorization are technologies related to a peaceful nuclear power program. Further, U.S. firms supplying such technologies under general authorization must have a commitment from the recipient not to retransfer the technology to a country on the section 810.8 list without prior U.S. Government consent. Moreover, the technologies most useful to a would-be proliferant—enrichment, reprocessing, plutonium fuel fabrication, heavy water production, and large research/test reactor activities—will continue to require specific authorization by the Secretary of Energy. Finally, as adherents to the NPT and/or the Treaty of Tlatelolco, the four countries are committed to deny assistance to would-be proliferants.

- Continuing to require specific authorizations even for U.S. nuclear power reactor-related assistance to these countries would enable the United States to track their nuclear programs.

*DOE response:* Removal of these countries from the list will still permit DOE to remain aware of their nuclear programs since U.S. firms and individuals providing assistance under general authorization still must report such assistance to the Department.

- The examples of Iraq, North Korea, Iran, and Libya show that countries violate their NPT pledges.

*DOE response:* In contrast to Iraq, North Korea, Iran, and Libya, the four countries being removed from the section 810.8 list have in recent years acted in a manner that confirms their nonproliferation commitments.

As for the comments favoring removal of the four countries from the section 810.8 list, the following excerpts summarize their tenor and arguments. The Department finds these arguments largely persuasive:

*One commenter said:* "It is important to accord affirmative recognition to countries that take the necessary steps to support the world's non-proliferation regime. It is especially important now, as the extension conference for the Treaty on the Non-Proliferation of Nuclear Weapons NPT approaches, to provide concrete evidence that benefits do flow to countries that accept full-scope safeguards." (The conference took place in April 1995.)

*A second commenter said:* "No reason remains to treat (the four countries) under Part 810 in the same way we treat such terrorist-supporting and

demonstrably untrustworthy countries as Iraq and North Korea . . . If the Department fails to (remove the four countries from the list), U.S. credibility as a serious participant in the formulation of international nuclear nonproliferation policy will be the clearest loser."

*A third commenter said:* "Failure to implement the proposed rule will force customers in those countries' emerging markets to deal with non-U.S. suppliers and will deny the economic as well as the nonproliferation policy benefits that would accrue to the United States."

*A fourth commenter said:* "For the world community to understand that the United States backs up its commitments, these countries must be allowed to receive United States assistance under a DOE general authorization. Furthermore, such action will demonstrate that the United States abides by Article IV of the Treaty on the Non Proliferation of Nuclear Weapons (NPT). Failure to provide prompt and clear recognition to these four countries would only assist those opponents of the upcoming NPT extension conference who will argue that the Treaty is just an excuse for the nuclear 'haves' to discriminate against the 'have nots'. . . The removal of these four countries from the Part 810.8(a) list is also a necessary step to enable U.S. vendors to compete more effectively in those markets against their European and Asian competitors."

*A fifth commenter said:* "The proposed rule would help ensure that U.S. firms have an equal opportunity to compete for business in the civilian nuclear power industry in four very important overseas markets. Three of these —Argentina, Brazil, and South Africa—have been identified as key emerging markets under the Clinton Administration's National Export Strategy, and it is widely anticipated that the U.S. will enter into a free-trade agreement with Chile in the near future. The proposed rules will bring U.S. export control policies into line with the practices of other supplier nations. It also will eliminate a substantial paperwork burden on U.S. exporters."

*A sixth commenter said:* "Other countries, such as Ukraine, will be watching DOE's actions to determine if participation in international forums brings with it reciprocal benefits . . . Approval of the proposal would also send a message to potential proliferators that they will be further marginalized from the international community if they continue to act outside of accepted nonproliferation norms."

**List of Subjects in 10 CFR Part 810**

Foreign relations, Nuclear energy, Reporting and recordkeeping requirements.

Issued in Washington, D.C., August 15, 1995.

**Kenneth E. Baker,**

*Acting Director, Office of Nonproliferation and National Security.*

For the reasons set out in the preamble, Part 810 of Title 10 of the Code of Federal Regulations is amended as set forth below:

**PART 810—ASSISTANCE TO FOREIGN ATOMIC ENERGY ACTIVITIES**

1. The authority citation for Part 810 continues to read as follows:

**Authority:** Secs. 57, 127, 128, 129, 161, and 223, Atomic Energy Act of 1954, as amended by the Nuclear Non-Proliferation Act of 1978, Pub. L. 95-242, 68 Stat. 932, 948, 950, 958, 92 Stat. 126, 136, 137, 138, (42 U.S.C. 2077, 2156, 2157, 2158, 2201, 2273); Sec. 104 of the Energy Reorganization Act of 1974, Pub. L. 93-438; Sec. 301, Department of Energy Organization Act, Pub. L. 95-91.

2. Section 810.8 paragraph (a) is revised to read as follows:

**§ 810.8 Activities requiring specific authorization**

\* \* \* \* \*

(a) Engaging directly or indirectly in the production of special nuclear material in any of the countries listed below:

- Afghanistan
- Albania
- Algeria
- Andorra
- Angola
- Armenia
- Azerbaijan
- Bahrain
- Belarus
- Burma (Myanmar)
- Cambodia
- China, People's Republic of
- Comoros
- Cuba
- Djibouti
- Georgia
- Guyana
- India
- Iraq
- Israel
- Kazakhstan
- Korea, People's Democratic Republic of
- Kuwait
- Kyrgyzstan
- Laos
- Libya
- Mauritania
- Moldova
- Monaco
- Mongolian People's Democratic Republic
- Mozambique
- Niger
- Oman

Pakistan  
 Qatar  
 Russia  
 Saudi Arabia  
 Syria  
 Tajikistan  
 Turkmenistan  
 Ukraine  
 United Arab Emirates  
 Uzbekistan  
 Vanuatu  
 Vietnam  
 Zambia  
 Zimbabwe

Countries may be removed from or added to this list by amendments published in the **Federal Register**.

\* \* \* \* \*

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BILLING CODE 6450-01-P

**POSTAL SERVICE**

**39 CFR Part 111**

**Changes to Certain Priority Mail Rates**

**AGENCY:** Postal Service.

**ACTION:** Final rule.

**SUMMARY:** This final rule amends Domestic Mail Manual R100.10.0 to reflect changes to certain rates for Priority Mail that were recommended by the Postal Rate Commission on June 7, 1995, and adopted by the Governors of the Postal Service.

**EFFECTIVE DATE:** Sunday, August 27, 1995, 12:01 a.m.

**FOR FURTHER INFORMATION CONTACT:** Leo F. Raymond, (202) 268-5199.

**SUPPLEMENTARY INFORMATION:** On March 8, 1994, pursuant to 39 U.S.C. 3622, the Postal Service filed a request with the Postal Rate Commission for a

recommended decision on increased fees and postage rates for its domestic mail services; the docket number for that filing was R94-1. The Postal Rate Commission issued an Opinion and Recommended Decision on November 30, 1994, which the Governors of the Postal Service on December 12, 1994, allowed to take effect under protest and directed to be implemented on January 1, 1995, as published in the **Federal Register** on December 16, 1994 (59 FR 65133-65203).

Subsequently, the Postal Service filed a request for reconsideration that, among other matters, sought reconsideration of the rates for Priority Mail that had been recommended by the Postal Rate Commission and adopted and implemented by the Postal Service. After reconsidering the record of Docket No. R94-1, the Postal Rate Commission issued an Opinion and Further Recommended Decision on June 7, 1995, that recommended changes in certain of the Priority Mail rates contained in the Commission's November 30, 1994, recommended decision. On July 31, 1995, the Governors of the Postal Service accepted the Postal Rate Commission's further recommended decision and its revised Priority Mail rates and set the date for the implementation of these revised rates as Sunday, August 27, 1995, at 12:01 a.m.

Pursuant to that action, the Postal Service hereby notifies its customers of the changes in Domestic Mail Manual R100.10.0, detailed below, that are necessary to implement the revised rates. Only certain rates for single-piece Priority Mail and Presorted Priority Mail are changed as follows (all other Priority

Mail rates revised effective January 1, 1995, remain unchanged):

(1) For local, 1, 2, and 3 zones, 10 pounds: the single-piece rate changes from \$7.85 to \$7.80; the Presorted rate changes from \$7.74 to \$7.69.

(2) For zone 4, 7 pounds to 70 pounds: the single-piece rates change from \$7.80 through \$49.00 to \$7.50 through \$47.65, respectively; the Presorted rates change from \$7.69 through \$48.89 to \$7.39 through \$47.54, respectively.

(3) For zone 5, 8 pounds through 14 pounds: the single-piece rates change from \$9.05 through \$13.65 to \$9.00 through \$13.60, respectively; the Presorted rates change from \$8.94 through \$13.54 to \$8.89 through \$13.49, respectively.

**List of Subjects in 39 CFR Part 111**

Postal Service.

For the reasons discussed above, the Postal Service hereby adopts the following amendments to the Domestic Mail Manual, which is incorporated by reference in the Code of Federal Regulations (see 39 CFR part 111).

**PART 111—[AMENDED]**

1. The authority citation for 39 CFR part 111 continues to read as follows:

**Authority:** 5 U.S.C. 552(a); 39 U.S.C. 101, 401, 403, 404, 3001-3011, 3201-3219, 3403-3406, 3621, 3626, 5001.

2. Revise the following units of the Domestic Mail Manual as set forth below:

R100 First-Class Mail

\* \* \* \* \*

**10.0 PRIORITY MAIL**

EXHIBIT 10.0a SINGLE-PIECE PRIORITY MAIL RATES

Weight not exceeding (pounds)	Zone					
	Local, 1, 2, and 3	4	5	6	7	8
1 .....	\$3.00	\$3.00	\$3.00	\$3.00	\$3.00	\$3.00
2 .....	3.00	3.00	3.00	3.00	3.00	3.00
3 .....	4.00	4.00	4.00	4.00	4.00	4.00
4 .....	5.00	5.00	5.00	5.00	5.00	5.00
5 .....	6.00	6.00	6.00	6.00	6.00	6.00
6 .....	6.35	6.90	7.10	7.20	7.80	8.00
7 .....	6.65	7.50	8.10	8.40	9.20	9.80
8 .....	6.95	8.00	9.00	9.50	10.40	11.60
9 .....	7.40	8.60	9.80	10.60	11.30	13.00
10 .....	7.80	9.30	10.55	11.40	12.15	14.05
11 .....	8.25	9.90	11.35	12.20	13.00	15.10
12 .....	8.70	10.55	12.10	13.00	13.90	16.15
13 .....	9.10	11.20	12.80	13.80	14.75	17.20
14 .....	9.55	11.85	13.60	14.55	15.60	18.25
15 .....	10.00	12.45	14.35	15.35	16.50	19.30
16 .....	10.40	13.15	15.05	16.15	17.35	20.35
17 .....	10.85	13.75	15.80	16.95	18.20	21.40