

members on the Council shall be as follows:

(a) *Region 1*: Colorado, Florida, Illinois, Oklahoma, Oregon, Tennessee, Texas, Utah, Washington, and Wyoming—3 Members.

(b) *Region 2*: Pennsylvania—3 Members.

(c) *Region 3*: California—2 Members.

(d) *Region 4*: All other States, the District of Columbia, and the Commonwealth of Puerto Rico—0 Members.

(e) *Region 5*: Importers—1 member.

Dated: March 13, 2007.

**Lloyd C. Day,**

*Administrator, Agricultural Marketing Service.*

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BILLING CODE 3410–02–P

## DEPARTMENT OF AGRICULTURE

### Rural Business—Cooperative Service

#### 7 CFR Part 4279

RIN 0570–AA26

#### Business and Industry Guaranteed Loan Program; Technical Correction

**AGENCY:** Rural Business—Cooperative Service, USDA.

**ACTION:** Final rule.

**SUMMARY:** The Rural Business-Cooperative Service (RBS) is revising its program regulations to correct an inadvertent omission in a sentence concerning eligibility of debt refinancing. The words “existing lender debt” will be added to a sentence that currently limits refinancing to less than 50 percent of the overall loan. The intended effect is to limit existing lender debt refinancing to less than 50 percent of the overall loan.

**DATES:** *Effective Date:* March 19, 2007.

**FOR FURTHER INFORMATION CONTACT:**

Brenda Griffin, Loan Specialist, Business and Industry Division, Rural Business-Cooperative Service, U.S. Department of Agriculture, STOP 3224, 1400 Independence Avenue, SW., Washington, DC 20250–3224. Telephone: (202) 720–6802; TDD number is (800) 877–8339 or (202) 708–9300; Fax number: (202) 720–6003; e-mail: [brenda.griffin@usda.gov](mailto:brenda.griffin@usda.gov).

**SUPPLEMENTARY INFORMATION:**

**Classification**

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

**Programs Affected**

The Catalog of Federal Domestic Assistance number for the program impacted by this action is 10.768, Business and Industry Loans.

**Intergovernmental Review**

Business and Industry Guaranteed Loans are subject to the provisions of Executive Order 12372, which require intergovernmental consultation with state and local officials. RBS will conduct intergovernmental consultation in the manner delineated in RD Instruction 1940–J, “Intergovernmental Review of Rural Development Programs and Activities,” available in any Rural Development office and on the Internet at <http://rurdev.usda.gov/reg/> and in 7 CFR part 3015, subpart V.

**Paperwork Reduction Act**

The information collection requirements contained in this regulation have been previously approved by OMB under the provisions of 44 U.S.C. chapter 35 and have been assigned OMB control number 0570–0017, in accordance with the Paperwork Reduction Act (PRA) of 1995. There is no new paperwork burden associated with this correction.

**E-Government Act Compliance**

RBS is committed to complying with the E-Government Act, to promote the use of the Internet and other information technologies to provide increased opportunities for citizen access to Government information and services, and for other purposes. For information pertinent to E-GOV compliance related to this proposed rule, please contact Brenda Griffin at (202) 720–6802.

**Regulatory Flexibility Act**

In compliance with the Regulatory Flexibility Act (5 U.S.C. 601–612), the undersigned has determined and certified by signature of this document that this rule will not have a significant economic impact on a substantial number of small entities. Since this rule is a technical correction and has no significant economic impact on a substantial number of small entities, a regulatory flexibility analysis was not performed.

**Civil Justice Reform**

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. In accordance with this Executive Order: (1) All State and local laws and regulations that are in conflict with this rule will be preempted, (2) no retroactive effect will be given this rule, and (3) administrative proceedings in

accordance with 7 CFR part 11 must be exhausted before bringing litigation challenging action taken under this rule unless these regulations specifically allow bringing suit at an earlier time.

**Environmental Impact Statement**

This document has been reviewed in accordance with 7 CFR part 1940, subpart G, “Environmental Program.” RBS has determined that this action does not constitute a major Federal action significantly affecting the quality of the human environment, and in accordance with the National Environmental Policy Act of 1969, 42 U.S.C. 4321 *et seq.*, an Environmental Impact Statement is not required.

**Unfunded Mandates Reform Act**

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Public Law 104–4, establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local, and tribal governments and the private sector. Under section 202 of the UMRA, RBS generally must prepare a written statement, including a cost-benefit analysis, for proposed and final rules with “Federal mandates” that may result in expenditures to State, local or tribal governments, in the aggregate, or to the private sector, of \$100 million or more in any one year. When such a statement is needed for a rule, section 205 of UMRA generally requires RBS to identify and consider a reasonable number of regulatory alternatives and adopt the least costly, more cost effective or least burdensome alternative that achieves the objectives of the rule.

This rule contains no Federal mandates (under the regulatory provisions of Title II of the UMRA) for State, local, and tribal governments or the private sector. Thus, this rule is not subject to the requirements of sections 202 and 205 of UMRA.

**Executive Order 13132**

It has been determined under Executive Order 13132, Federalism, that this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment. The provisions contained in this rule will not have a substantial direct effect on States or their political subdivisions or on the distribution of power and responsibilities among the various levels of government.

**Background**

A final rule was published in the **Federal Register** on June 8, 2006, concerning tangible balance sheet equity requirements for the Business and Industry Guaranteed Loan Program. The

rule modified existing debt refinancing eligibility language and inadvertently omitted three key words that existed prior to the final rule taking effect. This rule inserts those three words back into the debt refinancing eligibility language.

#### List of Subjects in 7 CFR Part 4279

Business and industry, Loan programs, Rural areas, Rural development assistance.

■ Accordingly, chapter XLII, title 7, Code of Federal Regulations, is amended as follows:

#### PART 4279—GUARANTEED LOANMAKING

■ 1. The authority citation for part 4279 continues to read as follows:

**Authority:** 5 U.S.C. 301 and 7 U.S.C. 1989.

#### Subpart B—Business and Industry Loans

■ 2. In § 4279.113, paragraph (r) is revised to read as follows:

##### § 4279.113 Eligible loan purposes.

\* \* \* \* \*

(r) To refinance outstanding debt when it is determined that the project is viable and refinancing is necessary to improve cash flow and create new or save existing jobs. Except as provided for in § 4279.108(d)(4) of this subpart, existing lender debt may be included provided that, at the time of application, the loan has been current for at least the past 12 months (unless such status is achieved by the lender forgiving the borrower's debt) and the lender is providing better rates or terms. Subordinated owner debt is not eligible under this paragraph. Unless the amount to be refinanced is owed directly to the Federal government or is federally guaranteed, the existing lender debt refinancing must be a secondary part (less than 50 percent) of the overall loan.

\* \* \* \* \*

Dated: February 23, 2007.

**Jackie J. Gleason,**

*Administrator, Rural Business—Cooperative Service.*

[FR Doc. E7-4920 Filed 3-16-07; 8:45 am]

**BILLING CODE 3410-XY-P**

## NUCLEAR REGULATORY COMMISSION

### 10 CFR Part 73

**RIN 3150-AH60**

#### Design Basis Threat

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Final rule.

**SUMMARY:** The Nuclear Regulatory Commission (NRC) is amending its regulations that govern the requirements pertaining to the design basis threats (DBTs). This final rule makes generically applicable security requirements similar to those previously imposed by the Commission's April 29, 2003 DBT Orders, based upon experience and insights gained by the Commission during implementation, and redefines the level of security requirements necessary to ensure that the public health and safety and common defense and security are adequately protected. Pursuant to Section 170E of the Atomic Energy Act (AEA), the final rule revises the DBT requirements for radiological sabotage, generally applicable to power reactors and Category I fuel cycle facilities, and for theft or diversion of NRC-licensed Strategic Special Nuclear Material (SSNM), applicable to Category I fuel cycle facilities. Additionally, a petition for rulemaking (PRM-73-12), filed by the Committee to Bridge the Gap, was considered as part of this rulemaking. The NRC partially granted PRM-73-12 in the proposed rule, but deferred action on other aspects of the petition to the final rule. The NRC's final disposition of PRM-73-12 is contained in this document.

**DATES:** *Effective Date:* April 18, 2007.

**FOR FURTHER INFORMATION CONTACT:** Manash K. Bagchi, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, telephone 301-415-2905, e-mail [MKB2@NRC.GOV](mailto:MKB2@NRC.GOV).

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#### I. Background

The DBT requirements in 10 CFR 73.1 describe general adversary characteristics that designated licensees must defend against with high assurance. These NRC requirements include protection against radiological sabotage (generally applied to power reactors and Category I fuel cycle facilities) and theft or diversion of NRC-licensed SSNM (generally applied to Category I fuel cycle facilities). On November 7, 2005 (70 FR 67380), the Commission published a proposed rule for public comment seeking to amend its regulation that governs the requirements pertaining to the DBTs. The DBTs are used by licensees to form the basis for site-specific defensive strategies implemented through physical security plans, safeguards contingency plans, and security personnel training and qualifications plans. Amendment of the DBT rule was influenced by a number of factors described below.

Following the terrorist attacks on September 11, 2001, the NRC conducted a thorough review of security practices to ensure that nuclear power plants and other licensed facilities continued to have effective security measures in place to address the changing threat environment. The NRC recognized that some elements of the DBTs required enhancement. After soliciting and receiving comments from Federal, State, and local agencies, and industry stakeholders, and reviewing an analysis of intelligence information regarding the trends and capabilities of potential adversaries, the NRC imposed supplemental DBT requirements by order on April 29, 2003. The Commission deliberated on the responsibilities of the local, State, and Federal stakeholders to protect the nation and the responsibility of the licensees to protect individual nuclear facilities before issuing the April 29, 2003 DBT Orders.

The April 29, 2003 DBT Orders required nuclear power reactors and Category I fuel cycle facility licensees to revise their physical security plans, security personnel training and qualification plans, and safeguards contingency plans to defend against the