

(c) *Time limit for making an election.* An election under paragraph (a) of this section must be made either before the MWAA police officer separates from service with the MWAA or July 25, 2002, whichever occurs first.

(d) *Effect of an election.* An election under paragraph (a) of this section is effective on the beginning of the first pay period following the date of the MWAA police officer's election.

(e) *Irrevocability.* An election under paragraph (a) of this section becomes irrevocable when received by the MWAA.

(f) *Employee payment for past service.*

(1) An MWAA police officer making an election under this section must pay an amount equal to the difference between law enforcement officer retirement deductions and retirement deductions actually paid by the police officer for the police officer's past police officer service with the Metropolitan Washington Airports Authority and Federal Aviation Administration. The amount paid under this paragraph shall be computed with interest in accordance with 5 U.S.C. 8334(e) and paid to the MWAA prior to separation.

(2) Starting with the effective date under paragraph (d) of this section, the MWAA must make deductions and withholdings from the electing MWAA police officer's base pay in accordance with 5 CFR 832.805.

(g) *Employer contributions.* (1) Upon the police officer's payment for past service credit under paragraph (f) of this section, the MWAA must, in accordance with procedures established by OPM, pay into the Civil Service Retirement and Disability Fund the additional agency retirement contribution amounts required for the police officer's past service, plus interest.

(2) Starting with the effective date under paragraph (d) of this section, the MWAA must make agency contributions for the electing police officer in accordance with 5 CFR 842.805.

(h) *Mandatory Separation.* (1) An MWAA police officer who elects to be treated as a law enforcement officer for FERS retirement purposes is subject to the mandatory separation provisions of 5 U.S.C. 8425(b) and 5 CFR 831.502.

(2) The President and Chief Operating Officer of the MWAA is deemed to be the head of an agency for the purpose of exempting an MWAA police officer from mandatory separation in accordance with the provisions of 5 U.S.C. 8425(b) and 5 CFR 831.502(b)(1).

(i) *Reemployment.* An MWAA police officer who has been mandatorily separated under 5 U.S.C. 8425(b) is not barred from reemployment in any position except a FERS rigorous or

secondary law enforcement officer position after age 60. Service by a reemployed former MWAA police officer who retired under 5 U.S.C. 8412(d) is not covered by the provisions of 5 U.S.C. 8412(d).

[FR Doc. 01-18530 Filed 7-24-01; 8:45 am]

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## DEPARTMENT OF AGRICULTURE

### Office of the Secretary

#### 7 CFR Part 20

RIN 0551-AA51

#### Export Sales Reporting Requirements

**AGENCY:** Office of the Secretary, USDA.

**ACTION:** Final rule.

**SUMMARY:** This final rule amends the Export Sales Reporting Requirements Regulation to add certain beef to the list of commodities subject to this Regulation. Under this final rule, exporters are required to report on a weekly basis information concerning the quantity, country of destination, and marketing period of shipment for their export sales. Information collected will be aggregated and included in the weekly "U.S. Export Sales" report published by the Foreign Agricultural Service (FAS).

**DATES:** The final rule is effective August 24, 2001.

**FOR FURTHER INFORMATION CONTACT:** David Williams, Import Policies and Programs Division, Stop 1021, U.S. Department of Agriculture, 1400 Independence Avenue, SW, Washington, D.C. 20250-1021, or telephone at (202) 720-3273, or e-mail at WilliamsDJ@fas.usda.gov.

#### SUPPLEMENTARY INFORMATION:

##### Executive Order 12372

This program is not subject to the provision of Executive Order 12372, which requires intergovernmental consultation with State or local officials (See notice related to 7 CFR part 3015, subpart V, published at 48 FR 29115, June 24, 1983).

##### Executive Order 12988

This final rule has been reviewed under Executive Order 12988. The provisions of this final rule will not have preemptive effect with respect to any state or local laws, regulations, or policies which conflict with such provisions or which otherwise impede their full implementation. This final rule will not have retroactive effect. Administrative proceedings are not

required before parties may seek judicial review.

##### Executive Order 12866

This final rule is issued in conformance with Executive Order 12866. It has been determined significant for the purposes of E.O. 12866 and, therefore, has been reviewed by the Office of Management and Budget (OMB).

##### Regulatory Flexibility Act

This final rule should not have a significant economic impact on a substantial number of small entities. Although there are exporters of beef and beef products that operate small businesses, the data required under the final rule are routinely maintained during the normal course of export sales contracting business activity. A copy of this final rule has been sent to the Chief Counsel, Office of Advocacy, U.S. Small Business Administration.

##### Paperwork Reduction Act

In accordance with provisions of the Paperwork Reduction Act of 1995, the Department of Agriculture (Department) submitted a revised information collection package to OMB (OMB control number 0551-0007) to support the proposed rule. The proposed rule, published on March 3, 2000 (65 FR 11483-11485), required export sales reporting for fresh, chilled, or frozen muscle cuts of beef, and fresh, chilled, or frozen muscle cuts of pork. Since the final rule does not include pork, the Department will request a revision of the information collection to support the final rule.

The Department is required under section 913(b)(1) of Pub. L. 106-78 (the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2000), to establish a streamlined electronic system to collect export sales information and data for muscle cuts of meat food products in the least intrusive manner possible. Prior to establishing the electronic system, the Department will issue a **Federal Register** notice soliciting public comments on the requested revision of the information collection, and on the electronic forms and program developed by the Department to provide exporters the opportunity to submit export sales reports for beef electronically. The Department will also request OMB approval of forms that are being developed for electronic submission of export sales reports for fresh, chilled, or frozen muscle cuts of beef. All public comments received with respect to export sales reporting for beef will be

considered prior to implementation of an electronic reporting system, and will also become a matter of public record. Copies of the information collection may be obtained from Kimberly Chisley, the Agency Information Collection Coordinator, at (202) 720-2568 or e-mail at [Chisley@fas.usda.gov](mailto:Chisley@fas.usda.gov).

## Background

### Authority

Section 602 of the Agricultural Trade Act of 1978, as amended, requires the reporting of information pertaining to the contract for export sale of certain specified agricultural commodities and other commodities that may be designated by the Secretary. In accordance with § 602, individual weekly reports submitted shall remain confidential and shall be compiled and published in compilation form each week following the week of reporting. Any person who knowingly fails to make a report shall be fined not more than \$25,000 or imprisoned for not more than one year, or both.

Regulations at 7 CFR part 20 implement the reporting requirements, and prescribe a system for reporting information pertaining to contracts for export sales. Appendix 1 to the Regulation lists all commodities that are subject to the export sales reporting requirements. Section 921 of Pub. L. 106-78 amended § 602(a)(1) of the Agricultural Trade Act of 1978 (7 U.S.C. 5712(a)(1)) by adding "beef" to the list of specified commodities for which all exporters shall report weekly export sales reporting information.

### Export Sales Reporting Requirement for Meat

An Advance Notice of Proposed Rulemaking (ANPR) was published on November 14, 1996 (61 FR 58343-58345) requesting public comments on a proposal to amend 7 CFR part 20 to require weekly export sales reporting for meat and meat products. In response to the ANPR, 57 submissions were received from firms, trade associations, family farms, and interested parties. The majority of the submission (36) were from the poultry industry opposing export sales reporting for poultry and poultry products. Most submissions stated that export sales reporting would be of limited benefit in an industry where there is vertical integration and widespread use of grower contracts. In

the poultry sector, contract growers provide labor, and their remuneration is not tied to export sales, but to such factors as feed conversion ratios and mortality rates. Poultry exporters reasoned that reporting costs would outweigh benefits that may be provided to growers. Submissions from the beef and pork industries generally supported export sales reporting as a means of obtaining accurate and timely data on export shipments and export sales.

The proposed rule, published on March 3, 2000 (65 FR 11483-11485), proposed that 7 CFR part 20 be amended to require weekly export sales reporting for fresh, chilled, or frozen muscle cuts of beef, and for fresh, chilled or frozen muscle cuts of pork. The Department received 10 submissions in response to the **Federal Register** notice. Of these submissions, eight strongly opposed export sales reporting for pork, and two submissions (from outside the pork industry) supported the concept of export sales reporting for beef and pork (one recommended more detailed reporting). The major concerns about extending coverage of the Regulation to pork were that the data required would exceed the level of detail and specific sales information needed to ascertain market conditions for live hogs and pork products; valuable market information would be provided to global competitors; and incentives for innovation and aggressive marketing by U.S. pork exporters would be removed. In addition, since pork customers often have precise demands for quality, trimmings, and cutting specifications, pork exports are often specialized and processed under labor-intensive, highly proprietary programs. Release of such information to foreign competitors could result in lower revenue for U.S. products sold abroad, and increased costs for reporting could lower net return for the whole system, including producers. A few submissions also noted that the Congress had the opportunity to mandate export sales reporting for pork under § 602(a)(1) of Pub. L. 106-78 and elected not to do so. Public comments submitted in response to the proposed rule indicated that pork producers, processors, and exporters had become largely united in opposing export sales reporting. As an alternative to export sales reporting for pork, there was general agreement that implementation of a streamlined and

more timely system for release of data from the existing export certificate program would provide information in a way that would not adversely affect export markets.

This final rule amends 7 CFR part 20 to add fresh, chilled, or frozen muscle cuts of beef. For all commodities subject to the weekly reporting requirement of this Regulation, information and data related to the quantity, country destinations, and marketing year of shipments are collected and released on a weekly basis reflecting the "outstanding commitments" of the specified commodities for export. New outstanding quantities are established each week by adding the new export sales activity to the previous outstanding balances and subtracting the current week's shipments plus downward contract adjustments. Although this is not official U.S. trade data, it is widely used as an early indicator of export activity and is available the week following the week of reporting. The addition of fresh, chilled, or frozen muscle cuts of beef to the reporting program should provide the livestock sector with quality up-to-date information and data for preparing more accurate analysis of changing market conditions and providing relevant foreign market demand information to farm-level decision makers. These timely reports should also benefit the private sector as well as the Department in preparing economic forecasts and decisions concerning an orderly flow of beef into the domestic and export markets.

Accordingly, CFR part 20, Export Sales Reporting Requirements is amended as follows:

### List of Subjects in 7 CFR Part 20

Agricultural commodities, Exports, Reporting.

### Final Rule

Accordingly, 7 CFR part 20 Export Sales Reporting Requirements is amended as follows:

1. The authority citation for part 20 continues to read as follows:

**Authority:** 7 U.S.C. 5712.

2. Amend Appendix 1 to add the following entry, under the indicated column headings, after the entry for "Cattle, calf, and kip, wet blues—splits, excluding grain splits.":

**Appendix 1 to Part 20—Commodities Subject to Reports, Units of Measure to Be Used in Reporting, and Beginning and Ending Dates of Marketing Years**

Commodity to be reported	Units of measure to be used in reporting	Beginning of marketing year	End of marketing year
* Beef, fresh, chilled or frozen: muscle cuts of beef .....	* Metric tons .....	* Jan. 1 .....	Dec. 31.

Signed at Washington, D.C. on July 18, 2001.  
**Mattie R. Sharpless,**  
*Acting Administrator, Foreign Agricultural Service.*  
 [FR Doc. 01-18548 Filed 7-24-01; 8:45 am]  
**BILLING CODE 3410-10-P**

**NUCLEAR REGULATORY COMMISSION**

**10 CFR Part 72**

**RIN 3150-AF94**

**Changes, Tests, and Experiments; Correction**

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Final rule; correction.

**SUMMARY:** This document corrects a rulemaking appearing in the **Federal Register** on February 26, 2001 (66 FR 11527). This document is necessary to correct an erroneous **Federal Register** citation.

**FOR FURTHER INFORMATION CONTACT:** Jayne McCausland, Office of Nuclear Material Safety and Safeguards, Nuclear Regulatory Commission, telephone 301-415-6219, e-mail: jmm@nrc.gov.

**SUPPLEMENTARY INFORMATION:** On page 11527, in the first column, in the Background paragraph, in the fifth line of the paragraph, "65" is corrected to read "64".

Dated at Rockville, Maryland, this 19th day of July 2001.

For the Nuclear Regulatory Commission.  
**Alzonía W. Shepard,**  
*Acting Chief, Rules and Directives Branch, Division of Administrative Services, Office of Administration.*  
 [FR Doc. 01-18519 Filed 7-24-01; 8:45 am]  
**BILLING CODE 7590-01-P**

**SMALL BUSINESS ADMINISTRATION**

**13 CFR Part 123**

**RIN 3245-AE45**

**Military Reservist Economic Injury Disaster Loans**

**AGENCY:** Small Business Administration (SBA).

**ACTION:** Final rule.

**SUMMARY:** The Small Business Administration (SBA) is finalizing its regulations implementing a new program authorized by the Veterans Entrepreneurship and Small Business Development Act of 1999. Under this new program, SBA will make a low interest, fixed rate loan available to a small business employing a military reservist if the reservist is called up to active military duty during a period of military conflict, and he or she is an essential employee critical to the success of the business' daily operation whose call-up has caused or will cause the business substantial economic injury.

**DATES:** This rule is effective August 24, 2001.

**FOR FURTHER INFORMATION CONTACT:** Herbert Mitchell, Associate Administrator, Office of Disaster Assistance, 202-205-6734.

**SUPPLEMENTARY INFORMATION:** With this rule, SBA finalizes its proposed regulation implementing the Military Reservist Economic Injury Disaster Loan Program (program) by adding a new subpart F to our Disaster Loan Program regulations. The final rule will clarify the program's requirements, application and loan approval process.

The Military Reservist Economic Injury Disaster Loan Program was authorized by Public Law 106-50, enacted on August 17, 1999. The program will allow SBA to make economic injury disaster loans (EIDL) to small businesses employing military reservists if those employees are called up to active duty during a period of military conflict (call-up) and those employees are essential to the success of the small businesses' daily operations.

On July 13, 2000, SBA published a proposed rule in the **Federal Register** requesting public comments on our proposals for implementing the Military Reservist Economic Injury Disaster Loan Program (65 FR 43261). SBA received no comments on the proposed rule during the 30-day public comment period and therefore, is finalizing the proposed rule without substantive change. SBA did make a few minor textual and grammatical changes to clarify the meaning of several provisions.

Under the final rule, to qualify for the Military Reservist EIDL, a business will be required to show that the call-up of an essential employee has caused or will cause the business substantial economic injury. The interest rate for a Military Reservist EIDL will be the same as for other EIDL assistance. SBA calculates interest rates quarterly. At the present time the statutory interest rate may not exceed 4 percent. The interest rate in effect at the time the Military Reservist EIDL application is filed will be the fixed rate for the entire term of the loan.

Section 123.500 contains program definitions conforming with those in Public Law 106-50. SBA deleted "affiliate" from the definition of principal owner. SBA believes the interests of the Military Reservist EIDL program are sufficiently protected if SBA includes any person or entity owning 20 percent or more of the business in its eligibility determination.

Section 123.501 sets out the program eligibility requirements including a reference to an "eligible small business as defined in 13 CFR Part 121." While Public Law 106-50 describes an eligible or "qualified borrower" as a small business that "employs" an eligible reservist, Congress' intent was that this program also include assistance to a small business sole proprietor who is an essential employee. See S. Rep. No. 254, 106th Cong., 1st Sess. 4 (1999). Therefore, SBA will include such a category in the program eligibility requirements. In addition, this section includes the legislative requirement that the program apply only to military