

during the enforceable life of the certificate for which the deposit was made.

(g) *Viability of deposit.* A deposit of biological material that is capable of self-replication either directly or indirectly must be viable at the time of deposit and during the term of deposit. Viability may be tested by the depository periodically. The test must conclude only that the deposited material is capable of reproduction. No evidence necessarily is required regarding the ability of the deposited material to perform any function described in the application. If a viability test indicates that the deposit is not viable upon receipt or that the quantity of material is insufficient, the examiner shall proceed as if no deposit was made. The examiner will accept the conclusion set forth in a viability statement issued by a depository recognized under paragraph (c) of this section.

(h) *Furnishing of samples.* A deposit must be made under conditions that assure that:

(1) Public access to the deposit will not be available during pendency of the application or during the term of protection; and

(2) All restrictions on the availability to the public of the deposited material will be irrevocably removed upon the abandonment, cancellation, expiration, or withdrawal of the certificate.

(i) *Examination procedures.* The examiner shall determine, prior to issuance of the certificate, in each application if a voucher sample deposit actually made is acceptable for plant variety protection purposes.

4. Section 97.175 is revised to read as follows:

**§ 97.175 Fees and charges.**

The following fees and charges apply to the services and actions specified below:

- (a) Filing the application and notifying the public of filing—\$518.00.
- (b) Search or examination—\$3,864.00.
- (c) Submission of new application data, after notice of allowance, prior to issuance of certificate—\$432.00.
- (d) Allowance and issuance of certificate and notifying public of issuance—\$768.00.
- (e) Revive an abandoned application—\$518.00.
- (f) Reproduction of records, drawings, certificates, exhibits, or printed material (cost per page of material)—\$1.80.
- (g) Authentication (each page)—\$1.80.
- (h) Correcting or re-issuance of a certificate—\$518.00.
- (i) Recording an assignment, any revision of an assignment, or

withdrawal or revocation of an assignment (per certificate or application)—\$41.00.

(j) Copies of 8 x 10 photographs in color—\$41.00.

(k) Additional fee for reconsideration—\$518.00.

(l) Additional fee for late payment—\$41.00.

(m) Fee for handling replenishment seed sample (applicable only for certificates issued after June 20, 2005)—\$38.00.

(n) Additional fee for late replenishment of seed—\$41.00.

(o) Filing a petition for protest proceeding—\$4,118.00.

(p) Appeal to Secretary (refundable if appeal overturns the Commissioner's decision)—\$4,942.00.

(q) Granting of extensions for responding to a request—\$89.00.

(r) Field inspections by a representative of the Plant Variety Protection Office, made at the request of the applicant, shall be reimbursable in full (including travel, per diem or subsistence, and salary) in accordance with Standardized Government Travel Regulation.

(s) Any other service not covered above will be charged for at rates prescribed by the Commissioner, but in no event shall they exceed \$107.00 per employee-hour.

Dated: July 11, 2005.

**Kenneth C. Clayton,**

*Acting Administrator, Agricultural Marketing Service.*

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**NUCLEAR REGULATORY COMMISSION**

**10 CFR Part 72**

**RIN 3150-AH72**

**List of Approved Spent Fuel Storage Casks: Standardized NUHOMS® -24P, -52B, -61BT, -32PT, -24PHB, and -24PTH Revision; Withdrawal of Proposed Rule**

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Proposed rule; withdrawal.

**SUMMARY:** The Nuclear Regulatory Commission (NRC) is withdrawing a proposed rule to revise the NUHOMS® -24P, -52B, -61BT, -32PT, -24PHB, and -24PTH cask system listing within the list of approved spent fuel storage casks to include Amendment No. 8 to Certificate of Compliance (CoC) Number 1004. The NRC is taking this action

because the NRC staff has become aware of changes in the Technical Specifications (TS) associated with this CoC. A notice withdrawing the direct final rule is published in the final rule section of this **Federal Register**.

**FOR FURTHER INFORMATION CONTACT:**

Jayne M. McCausland, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone (301) 415-6219 (e-mail: *jmm2@nrc.gov*).

**SUPPLEMENTARY INFORMATION:** On May 25, 2005 (70 FR 30015), the NRC published in the **Federal Register** a proposed rule amending its regulations in 10 CFR 72.214 to revise the Standardized NUHOM® System listing within the "List of Approved Spent Fuel Storage Casks" to include Amendment No. 8 to the CoC. Amendment No. 8 modifies the present cask system by adding a new spent fuel storage and transfer system, designated the NUHOMS® -24PTH System. The NRC also concurrently published a direct final rule on May 25, 2005 (70 FR 29931) that would have become effective on August 8, 2005.

The NRC has become aware of changes in the TS associated with this CoC; therefore, the NRC is withdrawing the proposed rule. The NRC will publish a direct final rule, and its companion proposed rule, after the needed revisions to the TS are made.

Dated at Rockville, Maryland, this 6th day of July, 2005.

For the Nuclear Regulatory Commission.

**Martin J. Virgilio,**

*Acting Executive Director for Operations.*

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**NATIONAL CREDIT UNION ADMINISTRATION**

**12 CFR Chapter VII**

**Federal Credit Union Bylaws**

**AGENCY:** National Credit Union Administration (NCUA).

**ACTION:** Notice and request for comment.

**SUMMARY:** NCUA is proposing changes to update, clarify and simplify the Federal Credit Union (FCU) Bylaws. NCUA proposes these changes because numerous bylaw amendments approved by the NCUA Board over the past five years reveal the need to modify bylaws or remove provisions that have become outdated or obsolete.

**DATES:** Comments must be received by October 13, 2005.