requirements more in the form of performance objectives should describe such objectives in sufficient detail to permit an evaluation of the extent to which they are sufficient to ensure adequate protection of workers, the public, and the environment.

2. *Organization of the draft final rule.* In response to public comments, the Department is considering revising the structure of the rule to make the presentation easier to follow. The Department also is considering whether definitions should be added, revised or deleted for consistency and to eliminate ambiguity.

3. *Demonstrating compliance with dose limits.* The primary dose limit of 100 mrem is based on all sources of radiation. To demonstrate compliance with dose limits, the rule requires evaluations of doses to members of the public who live in or occupy an area most likely to receive the highest doses. It also requires consideration of the likely exposure pathways through air, water, food, and surfaces of property and the location of those sources. Doses from radiation sources other than those from DOE activities must also be evaluated. DOE is considering modifying the proposed rule to require evaluation of doses from non-DOE activities only when: (1) The dose from DOE activities exceeds 30 mrem in a year, and, (2) the dose from the non-DOE activities also exceeds 30 mrem in a year to the same individuals. This allocation of the primary dose limit to different sources of radiation exposure is consistent with national and international guidelines and is a practical approach which ensures that the primary dose limit will likely not be exceeded.

4. *Doses from accidental releases of radioactive materials.* Some commenters were concerned with the application of the part 834 dose limits to accidents. The Department is considering deleting § 834.9 of the proposed rule which resulted in confusion. The proposed rule was unclear as to whether and when these doses were subject to the dose limits. The Department is considering clarifying the applicability of the dose limits by adding § 834.1(b) stating ''The public dose limits in this rule are intended to apply to doses to members of the general public from routine operations and operational occurrences. The dose limits are not intended to be safety design criteria or guides for mitigating the consequences of accidents.'' DOE would continue to require that doses from accidents be evaluated and reported.

5. *Requirements applicable to liquid sources of radioactive materials—liquid discharges.* The Department is considering an option to clarify that stormwater runoff and purge water containing residual radioactive material are considered to be liquid waste streams. Moreover, to reduce dual regulation, the Department is considering an option to allow DOE activities operated in accord with a National or State Pollution Discharge Elimination System permit to be exempt from selected requirements.

6. *Discharges of liquid waste to aquifers and phaseout of soil columns.* The proposed rule provided for discontinuance of existing soil columns and the prohibition or increased discharges to soil columns. The Department is considering an option that would provide for exceptions where the discharges to the soil columns are treated by the Best Available Technology (BAT) and would result in less risk to the public and the environment than any other practicable alternative waste management practice. This process would allow case-by-case exceptions, include requirements to ensure the National Primary Drinking Water regulations are not exceeded, and require monitoring of actual concentrations in the soil column and aquifers.

7. *Discharges to sanitary sewerage.* The Department is considering an option to make its requirements for discharges to sanitary sewerage more consistent with the NRC requirements on discharges of radioactive materials from NRC-licensed facilities in § 20.2003 of 10 CFR part 20. This option would limit the released material to dissolved or dispersible biologic materials.

8. *Radiation protection of aquatic organisms.* As proposed, part 834 contained requirements for the protection of aquatic organisms. Some commenters were concerned about implementation of the 1 rad per day aquatic limit. There was concern with the difficulty and cost associated with adequately defining dose to organisms in an exposed population. DOE is considering establishing a screening criterion to simplify the demonstration of compliance. If it can be shown that the estimated dose to a representative individual of an exposed population is less that 0.1 rad per day, then compliance with the primary aquatic limit may be assumed; otherwise more detailed analyses are needed. The Department is seeking comments on the use of this screening criterion.

9. *Appended Guides.* The Department is considering omitting the tables of Derived Concentration Guides (DCGs) appended to the proposed rule as Appendix A in order to permit periodic revision of the information found in the appendix. This option would require that DCG values and other factors be taken from DOE-approved references or calculated by DOE-approved methods.

The Department urges interested members of the public to comment on the important issues discussed above.

Issued in Washington, DC, on August 28, 1995.

Peter N. Brush,

Principal Deputy Assistant Secretary, Environment, Safety and Health.

[FR Doc. 95–21648 Filed 8–30–95; 8:45 am]

BILLING CODE 6450–01–P

FEDERAL RESERVE SYSTEM

12 CFR Part 268

[Docket No. R–0894]

Rules Regarding Equal Opportunity

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Board of Governors of the Federal Reserve System (the Board) is seeking public comment on a proposed amendment to its Rules Regarding Equal Opportunity which corrects an ambiguity in the provision regarding access to the investigative file. The Rules set out the complaint processing procedures governing complaints by Board employees and applicants for employment alleging discrimination in employment, and related matters.

DATES: Comments must be submitted on or before October 2, 1995.

ADDRESSES: Comments should refer to Docket No. R–0984, and may be mailed to William W. Wiles, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue, NW., Washington, DC 20551. Comments also may be delivered to Room B–2222 of the Eccles Building, between 8:45 a.m. and 5:15 p.m. weekdays, or to the guard station in the Eccles Building courtyard on 20th Street, NW (between Constitution Avenue and C Street) at any time. Comments may be inspected in Room MP–500 of the Martin Building between 9:00 a.m. and 5:00 p.m., except as provided in § 261.8 of the Board's Rules Regarding Availability of Information, 12 CFR 261.8.

FOR FURTHER INFORMATION CONTACT: J. Mills Williams, Senior Attorney (202/452–3701), or Stephen L. Siciliano, Special Assistant to the General Counsel

for Administrative Law (202/452–3920), Legal Division, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue, NW., Washington, DC 20551. For users of Telecommunication Device for the Deaf (TDD) only, contact Dorothea Thompson (202/452–3544).

SUPPLEMENTARY INFORMATION: The Board's current Rules Regarding Equal Opportunity (12 CFR part 286) provide that a person who files an administrative complaint of discrimination under the Rules must be given a copy of the investigative file relative to the complaint within 180 days after the filing of the complaint with the Board, unless the time is otherwise extended. 12 CFR 268.207(f). The Rules further provide that the ''Board may unilaterally extend the time period * * * where it must sanitize a complaint file that may contain confidential information of the Board under 12 CFR part 261, or other privileged information of the Board * * *.'' 12 CFR 268.207(e). The corresponding language in the federal sector complaint processing regulation of the Equal Employment Opportunity Commission (Commission) provides that an ''agency may unilaterally extend the time period * * * where it must sanitize a complaint file that may contain information classified pursuant to Executive Order 12356, or successor orders, as secret in the interest of national defense or foreign policy * * *.'' 29 CFR 1614.108(e).

The Board's Rules require that, at the completion of an investigation, the investigative file be made available to each complainant. 12 CFR 268.207(f). It has come to the Board's attention that in certain cases confidential supervisory information, as defined in 12 CFR 261.2(b), or other confidential information may be relevant to a complaint filed under the Rules. It was the Board's intention to provide that confidential information of the Board that is relevant to the complaint be included in the investigative file made available to the complainant and to the complainant's personal representative.

The Board recognizes that the language in its current regulations with respect to an extension of time when necessary to sanitize a complaint file of confidential information could be interpreted as preventing such information from being included in such a file where relevant to a specific complaint. Accordingly, the Board believes this current provision in the Rules should be amended to make clear that, where relevant, confidential information of the Board may be included in a complaint file. Specifically, § 268.207(e) of the Rules would be amended to provide that the time period for completing an investigation may be unilaterally extended by the Board only where classified national security information must be sanitized. The proposed amendment would conform this provision of the Rules to the corresponding provision in the complaint processing regulation of the Commission.

In addition, a new paragraph (§ 268.207(e)(2)) would be added to § 268.207(e) of the Board's Rules that would expressly authorize the placement by the investigator, the EEG Programs Director, or another appropriate officer of the Board of relevant confidential information in the investigative file that is provided to a complainant and to his or her personal representative.

The new paragraph would also contain a provision making clear that those who have access to an investigative file, such as the complainant and the complainant's representative, containing any confidential information are subject to all applicable restrictions in existing law governing the disclosure of such information, in particular, the Board's Rules Regarding Availability of Information (12 CFR Part 261) and, where applicable, the Privacy Act. This means that confidential information in an investigatory file may be disclosed further only to the extent permitted by such restrictions.

The Board notes, in this regard, that its restrictions on unauthorized disclosure of confidential information by persons in possession of such information bind all such persons, not merely those who are employees of the Board. 12 CFR 261.8(c), 261.13(e), 261.14.

The Board's Rules Regarding Availability of Information (12 CFR 261 subpart C) provide a mechanism by which a person having confidential information of the Board may request permission to disclose further such information, however. Accordingly, application must be made to the Board's General Counsel under 12 CFR 261.13 for approval of further production or disclosure by a complainant or personal representative of confidential information.

Moreover, under the proposed amendment, it would be explicit that certain information that is not confidential supervisory information but nevertheless may be included in an investigative file may be subject to the Privacy Act or to Executive Order 12356. Such information also may not be disclosed to or by the complainant unless disclosure is authorized consistent with the requirements and/or prohibitions of Executive Order 12356 or of the Privacy Act (5 U.S.C. 552a).[1]

Although these revisions to the Board's Rules Regarding Equal Opportunity may be viewed as an interpretative rule with regard to the rights of complainants and the duties of complainants and their personal representatives, the revisions clarify that confidential information regarding the affairs of nonparties may be made available to a complainant, and to his or her personal representative, in appropriate cases. Accordingly, since the interests of nonparties may be affected, the Board deems it appropriate to treat this revision as a substantive rule and to solicit public comment.

List of Subjects in 12 CFR Part 268

Administrative practice and procedure, Aged, Civil rights, Equal employment opportunity, Federal buildings and facilities, Federal Reserve System, Government employees, Individuals with disabilities, Religious discrimination, Sex discrimination, Wages.

For the reasons set forth in the preamble, the Board proposes to amend 12 CFR part 268 as set forth below:

PART 268—RULES REGARDING EQUAL OPPORTUNITY

1. The authority citation for part 268 continues to read as follows:

Authority: 12 U.S.C. 244 and 248 (i), (k) and (l).

2. In § 268.207, paragraph (e) is revised to read as follows:

§ 268.207 Investigation of complaints.

* * * * *

(e)(1) The Board shall complete its investigation within 180 days of the date of the filing of an individual complaint or within the time period contained in the determination of the Commission on review of a dismissal pursuant to § 268.206 of this part. By written agreement within those time periods, the complainant and the Board may voluntarily extend the time period for not more than an additional 90 days. The Board may unilaterally extend the

[1] Information subject to the Privacy Act may thereafter be disclosed when necessary in accordance with the *routine* use provision 12 CFR a.10(b)(3). See Board System of Records, BGFRS–5, *Federal Reserve Regulatory Service* ¶ 8–338. A federal criminal statute regarding the unauthorized conversion of Board property may restrict disclosure of confidential Board information in certain cases unless authorization has been specifically given. 18 U.S.C. 641.

time period or any period of extension for not more than 30 days where it must sanitize an investigative file that may contain information classified pursuant to Executive Order No. 12356, or successor orders, as secret in the interest of national defense or foreign policy, provided the Board notifies the complainant of the extension.

(2) Confidential supervisory information, as defined in 12 CFR 261.2(b), and other confidential information of the Board may be included in the investigative file by the investigator, the EEG Programs Director, or another appropriate officer of the Board, where such information is relevant to the complaint. Neither the complainant nor the complainant's personal representative may make further disclosure of such information, however, except in compliance with the Board's Rules Regarding Availability of Information, 12 CFR part 261, and where applicable, the Board's Rules Regarding Access to and Review of Personal Information in Systems of Records, 12 CFR part 261a.

* * * * *

By order of the Board of Governors of the Federal Reserve System, August 25, 1995.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 95–21616 Filed 8–30–95; 8:45 am]

BILLING CODE 6210–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 95–ACE–4]

Proposed Amendment to Class E Airspace; Fairmont, NE

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to amend the Class E airspace area at Fairmont, NE to accommodate a new standard instrument approach procedure (SIAP) at Fairmont State Airfield, Fairmont, NE. The recent discovery of a new tower south of the airport has raised the minimums on the NDB Runway 35 SIAP at Fairmont State Airfield. This proposed standard instrument approach procedure (SIAP) to Runway 17 at Fairmont State Airfield, utilizing the Beklof NDB will provide lower minimums for aircraft executing a SIAP at Fairmont, NE.

DATES: Comments must be received on or before October 1, 1995.

ADDRESSES: Send comments on the proposal in triplicate to: Manager, Air Traffic Operations Branch, ACE–530, Federal Aviation Administration, Docket No. 95–ACE–4, 601 East 12th Street, Kansas City, MO 64106.

The official docket may be examined in the Office of the Assistant Chief Counsel for the Central Region at the same address between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

An informal docket may also be examined during normal business hours in the office of the Manager, Air Traffic Operations Branch, Air Traffic Division, at the address listed above.

FOR FURTHER INFORMATION CONTACT: Kathy Randolph, Air Traffic Division, Air Traffic Operations Branch, ACE–530c, Federal Aviation Administration, 601 East 12th Street, Kansas City, Missouri 64106; telephone: (816) 426–3408.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in the proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy-related aspects of the proposal. Communications should identify the airspace docket number and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. 95–ACE–4.'' The postcard will be date/time stamped and returned to the commenter. All communications received on or before the closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Inquiry Center, APA–230, 800 Independence Avenue, SW., Washington, DC 20591, or by calling (202) 267–3484. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11–2A, which describes the application procedures.

The Proposal

The FAA is considering an amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) to provide additional controlled airspace for a new Instrument Flight Rules (IFR) procedure at the Fairmont State Airfield. The additional airspace would segregate aircraft operating under VFR conditions from aircraft operating under IFR procedures. The area would be depicted on appropriate aeronautical charts thereby enabling pilots to circumnavigate the area or otherwise comply with IFR procedures. Class E airspace designations for airspace areas extending upward from 700 feet or more above the surface of the earth are published in paragraph 6005 of FAA Order 7400.9B, dated July 18, 1994, and effective September 16, 1994, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document would be published subsequently in the Order.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this proposed regulation—(1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this proposed rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal