

**SUMMARY:** The NRC is preparing a submittal to OMB for review and continued approval of information collection requirements currently approved by OMB under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35).

Information pertaining to the requirement to be submitted:

1. The title of the information collection:

—DOE/NRC Forms 741 & 741A, "Nuclear Material Transaction Report," and NUREG/BR-0006, "Instructions for completing forms 741, 741A, and 740M"

—DOE/NRC Form 740M, "Concise Note"

2. Current OMB approval number: 3150-0003.

3. How often the collection is required:

—DOE/NRC Form 741/741A: As occasioned by special nuclear material or source material transfers, receipts, or inventory changes that meet certain criteria.

—DOE/NRC Form 740M: When specified in Facility Attachments or Transitional Facility Attachments, or as necessary to inform the U. S. or the International Atomic Energy Agency (IAEA) of any qualifying statement or exception to any of the data contained in any of the other reporting forms required under the US/IAEA Safeguards Agreement.

4. Who is required or asked to report: Persons licensed to possess specified quantities of special nuclear material or source material, and licensees of facilities on the U. S. eligible list who have been notified in writing by the Commission that they are subject to 10 CFR Part 75.

5. The number of annual respondents:

—DOE/NRC Form 741/741A: 20,000

—DOE/NRC Form 740M: 1,140

6. The number of hours needed annually to complete the requirement or request:

—DOE/NRC Form 741/741A: 15,000

—DOE/NRC Form 740M: 855

7. Abstract: NRC and Agreement State licensees are required to make inventory and accounting reports on DOE/NRC Form 741/741A for certain source or special nuclear material inventory changes, for transfers or receipts of special nuclear material, or for transfer or receipt of 1 kilogram or more of source material. Licensees affected by 10 CFR Part 75 and related sections of Parts 40, 50, 70, and 150 are required to submit DOE/NRC Form 740M to inform the U. S. or the IAEA of any qualifying statement or exception to any of the data

contained in any of the other reporting forms required under the U.S./IAEA Safeguards Agreement. The use of Forms 740M, 741, and 741A, together with NUREG/BR-0006, the instructions for completing the forms, enables NRC to collect, retrieve, analyze as necessary, and submit the data to IAEA to fulfill its reporting responsibilities.

Submit comments that address the following by November 28, 1995.

1. Is the proposed collection of information necessary for the proper performance of the functions of the NRC, including whether the information will have practical utility?

2. Is the estimate of burden accurate?

3. Is there a way to enhance the quality, utility, and clarity of the information to be collected?

4. How can the burden of the collection of information be minimized, including the use of automated collection techniques?

A copy of the draft supporting statement may be obtained free of charge from the NRC Public Document Room, 2120 L Street NW, (lower level), Washington, DC. Members of the public who are in the Washington, DC, area can access this document within the first 30 days on the Public Document Room Bulletin Board (NRC's Advanced Copy Document Library), NRC subsystem on FedWorld at 703-321-3339. Members of the public who are located outside of the Washington, DC, area can dial FedWorld, 800-303-9672, or use the FedWorld Internet address: fedworld.gov (Telnet). The electronic copy of this document will be in the NRC PDR library that can be selected from any FedWorld library. The filename for this document will be yymmdd.omb, where yy, mm, and dd will be the year, month, and day of the signature date of this notice. If assistance is needed in accessing the document, please call the FedWorld help desk at 703-487-4608.

Comments and questions may be directed to the NRC Clearance Officer, Brenda Jo. Shelton, U.S. Nuclear Regulatory Commission, T-6 F33, Washington DC, 20555-0001, or by telephone at (301) 415-7233, or by Internet electronic mail at bjs1@nrc.gov.

Dated at Rockville, Maryland, this 22nd day of September, 1995.

For the Nuclear Regulatory Commission,  
Gerald F. Cranford,  
*Designated Senior Official for Information Resources Management.*

[FR Doc. 95-24225 Filed 9-28-95; 8:45 am]

BILLING CODE 7590-01-P

[Docket No. 50-220]

**Niagara Mohawk Power Corporation;  
Notice of Denial of Amendment To  
Facility Operating License and  
Opportunity for Hearing**

The U.S. Nuclear Regulatory Commission (the Commission) has denied a request by Niagara Mohawk Power Corporation, (licensee) for an amendment to Facility Operating License No. DPR-63 issued to the licensee for operation of Nine Mile Point Nuclear Station Unit No. 1, located in Oswego County, New York. Notice of Consideration of Issuance of this amendment was published in the Federal Register on October 12, 1994 (59 FR 51620).

The purpose of the licensee's amendment request was to revise the Technical Specifications (TSs) to change pressure/temperature limits in Section 3.2.2.

The NRC staff has concluded that the licensee's request cannot be granted. The licensee was notified of the Commission's denial of the proposed change by a letter dated September 22, 1995.

By October 30, 1995, the licensee may demand a hearing with respect to the denial described above. Any person whose interest may be affected by this proceeding may file a written petition for leave to intervene.

A request for hearing or petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Services Branch, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, by the above date.

A copy of any petitions should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to Mark J. Wetterhahn, Esquire, Winston & Strawn, 1400 L Street, NW., Washington, DC 20005-3502, attorney for the licensee.

For further details with respect to this action, see (1) the application for amendment dated September 1, 1994, as supplemented December 5 and 20, 1994, and (2) the Commission's letter to the licensee dated September 22, 1995.

These documents are available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room located at the Reference and Documents Department, Penfield Library, State University of New York, Oswego, New York 13126.

Dated at Rockville, Maryland, this 22th day of September 1995.

For The Nuclear Regulatory Commission.

Ledyard B. Marsh,

*Director, Project Directorate I-1, Division of Reactor Projects—I/II Office of Nuclear Reactor Regulation.*

[FR Doc. 95-24224 Filed 9-28-95; 8:45 am]

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## OFFICE OF THE FEDERAL REGISTER

### Procedures for Publication of Federal Register Documents During a Funding Hiatus

**AGENCY:** Office of the Federal Register.

**ACTION:** Notice of special procedures.

**SUMMARY:** Due to the possibility of a lapse in appropriations and in accordance with the provisions of the Antideficiency Act, as amended by Public Law No. 101-508, 104 Stat. 1388 (31 U.S.C. 1341), the Office of the Federal Register (OFR) announces special procedures for agencies submitting documents to be published in the Federal Register.

In the event of an appropriations lapse, the OFR would be required to publish documents directly related to the performance of governmental functions necessary to address imminent threats to the safety of human life or protection of property. Since it would be impracticable for the OFR to make case-by-case determinations as to whether certain documents are directly related to activities that qualify for an exemption under the Antideficiency Act, the OFR will place responsibility on agencies submitting documents to certify that their documents relate to emergency activities authorized under the Act.

During a funding hiatus affecting one or more Federal agencies, the OFR will remain open to accept and process documents authorized to be published in the daily Federal Register in the absence of continuing appropriations. An agency wishing to submit a document to the OFR during a funding hiatus must attach a transmittal letter to the document which states that publication in the Federal Register is necessary to safeguard human life, protect property, or provide other emergency services consistent with the performance of functions and services exempted under the Antideficiency Act.

Under the August 16, 1995 opinion of the Office of Legal Counsel of the Department of Justice, exempt functions and services would include activities such as those related to the constitutional duties of the President,

food and drug inspection, air traffic control, responses to natural or manmade disasters, law enforcement and supervision of financial markets. Documents related to normal or routine activities of Federal agencies, even if funded under prior year appropriations, will not be published.

At the onset of a funding hiatus, the OFR may suspend the regular three-day publication schedule to permit a limited number of exempt personnel to process emergency documents. Agency officials will be informed as to the schedule for filing and publishing individual documents.

**FOR FURTHER INFORMATION CONTACT:** Richard Claypoole or Michael White, (202) 523-4534.

#### Authority

The authority for this action is 44 U.S.C. 1502 and 1 CFR 2.4 and 5.1.

Dated: September 28, 1995.

Richard L. Claypoole,

*Director of the Federal Register.*

[FR Doc. 95-24535 Filed 9-28-95; 11:09 am]

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## OFFICE OF MANAGEMENT AND BUDGET

### Guidelines and Instructions for Implementing Section 204, "State, Local, and Tribal Government Input," of Title II of Public Law 104-4

**AGENCY:** Office of Management and Budget.

**ACTION:** Memorandum for Heads of Departments and Agencies.

**SUMMARY:** On March 22, 1995, the President signed into law the "Unfunded Mandates Reform Act of 1995" (P.L. 104-4). This notice provides guidance to agencies on the Act.

**FOR FURTHER INFORMATION CONTACT:** Jeff Hill, 395-7340.

Attached to this notice is the material for inclusion in the Federal Register.

Dated: September 25, 1995.

John B. Arthur,

*Assistant Director for Administration.*

Memorandum for the Heads of Departments and Agencies

*FROM:* Alice M. Rivlin, Director.

*SUBJECT:* Guidelines and Instructions and Implementing Section 204, "State, Local, and Tribal Government Input," of Title II of P.L. 104-4.

On March 22, 1995, President Clinton signed into law the "Unfunded Mandates Reform Act of 1995" (P.L. 104-4) (the "Act"). Section 204(a) of the Act requires that—

"Each agency shall, to the extent permitted in law, develop an effective process to permit elected officers of State, local, and tribal governments (or their designated employees with authority to act on their behalf) to provide meaningful and timely input in the development of regulatory proposals containing significant Federal intergovernmental mandates."<sup>1</sup>

Section 204(b) of the Act provides an exemption from the Federal Advisory Committee Act (5 U.S.C. App.) for intergovernmental consultations involving intergovernmental responsibilities or administration.

Section 204(c) requires the President to issue guidelines and instructions to Federal agencies "for appropriate implementation" of both of these provisions "consistent with applicable laws and regulations." In accordance with the President's delegation of authority,<sup>2</sup> OMB is today issuing those guidelines and instructions.<sup>3</sup>

#### I. The Process for Intergovernmental Consultation

It is important that this intergovernmental consultation process not only achieves meaningful input, but also builds a better understanding among Federal, State, local, and tribal governments. As described in Part II, below, the process required by the Federal Advisory Committee Act is not to act as a hindrance to full and effective intergovernmental consultation.

##### A. What Agencies Are Covered?

The process for intergovernmental consultation called for by Section 204(a) applies to all Federal agencies (as

<sup>1</sup> The Act's consultation requirement builds on that set forth by President Clinton on October 26, 1993, in Executive Order No. 12875. In order "reduce the imposition of unfunded mandates upon State, local, and tribal governments," the Executive order requires agencies, when they seek to impose unfunded mandates upon State, local, or tribal governments through a regulation, to provide to the Director of the Office of Management and Budget "a description of the extent of the agency's prior consultation with representatives of affected State, local, and tribal governments, the nature of their concerns, any written communications submitted to the agency by such units of government, and the agency's position supporting the need to issue the regulation containing the mandate" (Sec. 1(a)(2)).

<sup>2</sup> See 60 Fed. Reg. 45039 (August 29, 1995).

<sup>3</sup> Portions of these guidelines and instructions are based on OMB Memorandum M-94-10, entitled "Guidance for Implementing E.O. 12875, 'Reduction of Unfunded Mandates,'" issued by Director Leon E. Panetta on January 11, 1994. These guidelines and instructions are not intended, and should not be construed, to create any right or benefit, substantive or procedural, enforceable at law by a party against the United States, its agencies, its officers, or its employees. Neither are these guidelines and instructions intended, nor should they be construed, to limit the availability of any exclusion from the Federal Advisory Committee Act contained in that Act or any applicable regulations.