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Tuesday
January 9, 1996

Briefings on How To Use the Federal Register
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WHY: To provide the public with access to information necessary to research Federal agency regulations which directly affect them. There will be no discussion of specific agency regulations.

WASHINGTON, DC

[Two Sessions]

WHEN:	January 9, 1996 at 9:00 am and January 23, 1996 at 9:00 am
WHERE:	Office of the Federal Register Conference Room, 800 North Capitol Street, NW., Washington, DC (3 blocks north of Union Station Metro)
RESERVATIONS:	202–523–4538

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New Feature in the Reader Aids!
Beginning with the issue of December 4, 1995, a new listing will appear each day in the Reader Aids section of the Federal Register called ''Reminders''. The Reminders will have two sections: ''Rules Going Into Effect Today'' and ''Comments Due Next Week''. Rules Going Into Effect Today will remind readers about Rules documents published in the past which go into effect ''today''. Comments Due Next Week will remind readers about impending closing dates for comments on Proposed Rules documents published in past issues. Only those documents published in the Rules and Proposed Rules sections of the Federal Register will be eligible for inclusion in the Reminders.
The Reminders feature is intended as a reader aid only. Neither inclusion nor exclusion in the listing has any legal significance.
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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 95–SW–33–AD; Amdt. 39–9484; AD 96–01–08]

Airworthiness Directives; Bell Helicopter Textron, A Division of Textron Canada Ltd. Model 222, 222B, 222U, and 230 Helicopters

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment supersedes an existing priority letter airworthiness directive (AD) 95–23–02, applicable to certain serial-numbered Bell Helicopter Textron, A Division of Textron Canada Ltd. (BHT) Model 222, 222B, 222U, and 230 helicopters, that currently requires an initial check of both surfaces of each tail rotor blade (blade) for cracks; an inspection of the blade skin if a crack of a specified size or location is found in the paint; and replacement of the blade if a crack is found in the blade skin. This AD requires the same actions as required by the priority letter AD, but corrects some affected serial numbers (S/N) that were incorrectly stated in that AD. This amendment is prompted by two incidents in which a crack developed in the stainless steel blade skins on BHT Model 230 helicopters, which are similar in design to the Models 222, 222B and 222U helicopters. The actions specified by this AD are intended to prevent failure of a blade due to a fatigue crack, loss of the tail rotor and tail rotor gear box, and subsequent loss of control of the helicopter.

DATES: Effective January 24, 1996.

Comments for inclusion in the Rules Docket must be received on or before March 11, 1996.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Office of the Assistant Chief Counsel, Attention: Rules Docket No. 95–SW–33–AD, 2601 Meacham Blvd., room 663, Fort Worth, Texas 76137.

FOR FURTHER INFORMATION CONTACT: Mr. Charles Harrison, Aerospace Engineer, Rotorcraft Certification Office, Rotorcraft Directorate, FAA, Fort Worth, Texas 76193–0170, telephone (817) 222–5447, fax (817) 222–5960.

SUPPLEMENTARY INFORMATION: On November 3, 1995, the FAA issued priority letter AD 95–23–02, applicable to certain serial-numbered BHT Models 222, 222B, 222U, and 230 helicopters, to require an initial check of both surfaces of each blade for cracks; an inspection of the blade skin if a crack of a specified size or location is found in the paint; and replacement of the blade if a crack is found in the blade skin. That action was prompted by two incidents in which a crack developed in the stainless steel blade skins on BHT Model 230 helicopters. In one of these incidents, the blade failed during flight. Subsequent investigation revealed fatigue cracks originating from sanding marks on the blade skin. The cracks were located just outboard of the stainless steel blade doubler. That condition, if not corrected, could result in failure of a blade due to a fatigue crack, loss of the tail rotor and tail rotor gear box, and subsequent loss of control of the helicopter.

Since the issuance of that AD, the FAA has discovered that an error was made in the applicability paragraph of the priority letter AD, which incorrectly stated the S/N of one of the affected models. The Model 230 helicopters affected by the AD include S/N 23001 through 23038. The priority letter AD incorrectly stated S/N 23001 through 23034.

Since the unsafe condition described is likely to exist or develop on other BHT Models 222, 222B, 222U, and 230 helicopters of the same type design, this AD supersedes priority letter AD 95–23–02 to require, before further flight, an initial visual check of both painted surfaces of each blade for cracks. If a crack of a specified size and location is found in the paint, removal of the paint and a visual inspection using a 10-power or higher magnifying glass is required before further flight. If this closer inspection reveals a crack in the blade skin, replacement of the blade with an airworthy blade is required. If no crack is found in the blade skin, the area from which the paint was removed is coated with a light-weight oil or an equivalent corrosion preventive compound, and then repetitive visual checks are required at intervals not to exceed 3 hours time-in-service (TIS). The initial visual check that is required before further flight and the repetitive checks may be performed by a pilot, but must be entered into the aircraft records showing compliance with paragraph (a) of this AD in accordance with sections 43.11 and 91.417(a)(2)(v) of the Federal Aviation Regulations. This AD allows a pilot to perform this check because it involves only a visual check for cracking in the painted surface of the blade skin, and can be performed equally well by a pilot or a mechanic.

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and opportunity for public comment hereon are impracticable, and that good cause exists for making this amendment effective in less than 30 days.

Comments Invited

Although this action is in the form of a final rule that involves requirements affecting flight safety and, thus, was not preceded by notice and an opportunity for public comment, comments are invited on this rule. Interested persons are invited to comment on this rule by submitting such written data, views, or arguments as they may desire. Communications should identify the Rules Docket number and be submitted in triplicate to the address specified under the caption **ADDRESSES**. All communications received on or before the closing date for comments will be considered, and this rule may be amended in light of the comments received. Factual information that supports the commenter's ideas and suggestions is extremely helpful in evaluating the effectiveness of the AD action and determining whether additional rulemaking action would be needed.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to modify the rule. All comments submitted will be available, both before

and after the closing date for comments, in the Rules Docket for examination by interested persons. A report that summarizes each FAA-public contact concerned with the substance of this AD will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. 95–SW–33–AD.'' The postcard will be date stamped and returned to the commenter.

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the National government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

The FAA has determined that this regulation is an emergency regulation that must be issued immediately to correct an unsafe condition in aircraft, and that it is not a ''significant regulatory action'' under Executive Order 12866. It has been determined further that this action involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). If it is determined that this emergency regulation otherwise would be significant under DOT Regulatory Policies and Procedures, a final regulatory evaluation will be prepared and placed in the Rules Docket. A copy of it, if filed, may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive (AD), Amendment 39–9484, to read as follows:

AD 96–01–08 Bell Helicopter Textron, a Division of Textron Canada Ltd.: Amendment 39–9484. Docket No. 95–SW–33–AD. Supersedes Priority Letter AD 95–23–02, issued November 3, 1995, Docket No. 95–SW–31–AD.

Applicability: Model 222 helicopters, serial numbers (S/N) 47006 through 47089, and Model 222B helicopters, S/N 47131 through 47156, with tail rotor blades, part numbers (P/N) 222–016–001–101, –107, –111, and –113; Model 222U helicopters, S/N 47501 through 47574, with tail rotor blades, P/N 222–016–001–107 and –111; and Model 230 helicopters, S/N 23001 through 23038, with tail rotor blades, P/N 222–016–001–111, installed, certificated in any category.

Note 1: This AD applies to each helicopter identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For helicopters that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must use the authority provided in paragraph (g) to request approval from the FAA. This approval may address either no action, if the current configuration eliminates the unsafe condition, or different actions necessary to address the unsafe condition described in this AD. Such a request should include an assessment of the effect of the changed configuration on the unsafe condition addressed by this AD. In no case does the presence of any modification, alteration, or repair remove any helicopter from the applicability of this AD.

Compliance: Required before further flight, unless accomplished previously. To prevent failure of a tail rotor blade (blade) due to a fatigue crack (see Figure 1), loss of the tail rotor and tail rotor gear box, and subsequent loss of control of the helicopter, accomplish the following:

(a) Clean the painted surfaces of the blades in an area approximately 6 inches spanwise on either side of the doubler tip. Visually check both surfaces of each blade for cracks by pushing the blade tip away from the surface being checked until it contacts the flapping stop and then holding the blade firmly against the stop. Pay particular attention to the area reaching from the doubler tip to 1 inch outboard, centering on an area 2 inches aft of the blade leading edge (see Figure 2).

(b) The visual check required by paragraph (a) may be performed by an owner/operator (pilot) holding at least a private pilot certificate, and must be entered into the aircraft records showing compliance with paragraph (a) of this AD in accordance with sections 43.11 and 91.417(a)(2)(v) of the Federal Aviation Regulations.

(c) If the visual check described in paragraph (a) reveals any crack outboard of the doubler tip (Station 14.250), or any chordwise crack inboard of the doubler tip that is longer than 1 inch (see Figure 3), accomplish the following:

(1) Remove the paint from the skin in the cracked area using the following procedures (see Figure 4):

Note 2: Paint cracking that follows the contour of the doubler is common and is of no concern.

(2) Using a 180 or 220 grit abrasion paper, sand by hand with spanwise strokes until greenish- or yellow-colored primer or bare metal begins to be exposed.

(3) Using spanwise or circular sanding motions, continue hand-sanding the remaining greenish- or yellow-colored primer in the cracked area using a 320 or 400 grit paper until sufficient metal has been exposed to allow inspection (see area indicated in Figure 4).

(d) Inspect the blade skin for cracks in the area that was exposed in accordance with paragraph (c) using a 10-power or higher magnifying glass.

(1) If no crack is found in the blade skin, coat the bare metal area with a lightweight oil or an equivalent corrosion preventive compound.

(2) If any crack is discovered, remove the blade and replace it with an airworthy blade.

(e) Perform the requirements of this AD upon installation of a replacement blade.

(f) Perform the visual checks of paragraph (a) of this AD and the subsequent inspections, if appropriate, at intervals not to exceed 3 hours TIS.

Note 3: A lightweight oil or equivalent corrosion preventive compound may be applied after accomplishing the repetitive requirements of paragraph (f) of this AD.

(g) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used when approved by the Manager, Rotorcraft Certification Office, Rotorcraft Directorate, FAA. Operators shall submit their requests through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, Rotorcraft Certification Office.

Note 4: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Rotorcraft Certification Office.

BILLING CODE 4910–13–U

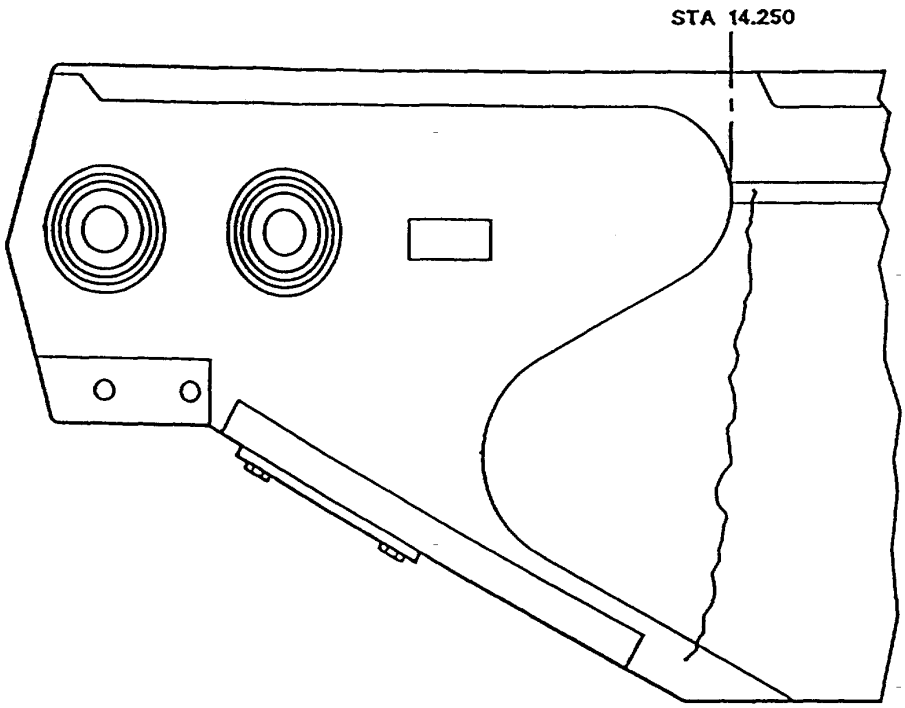

FIGURE 1. SKIN CRACK IN TAIL ROTOR BLADE

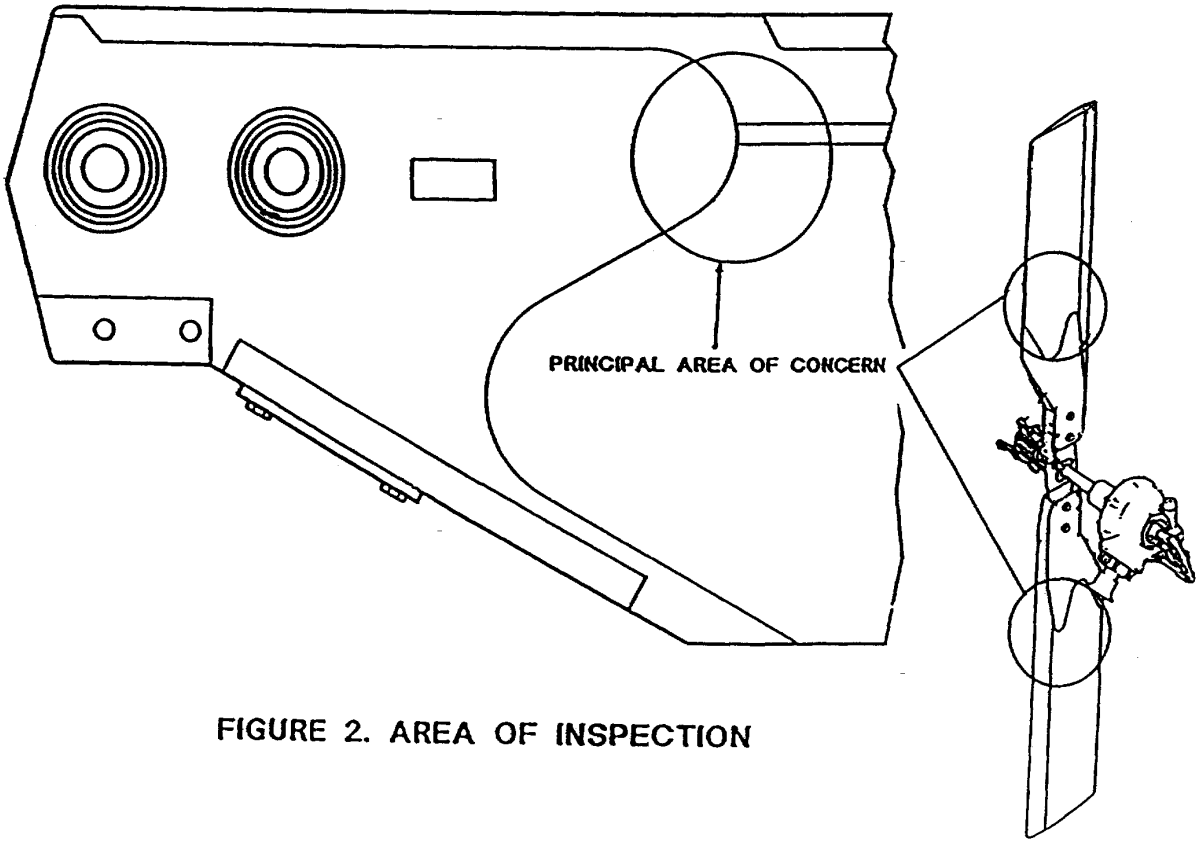

FIGURE 2. AREA OF INSPECTION

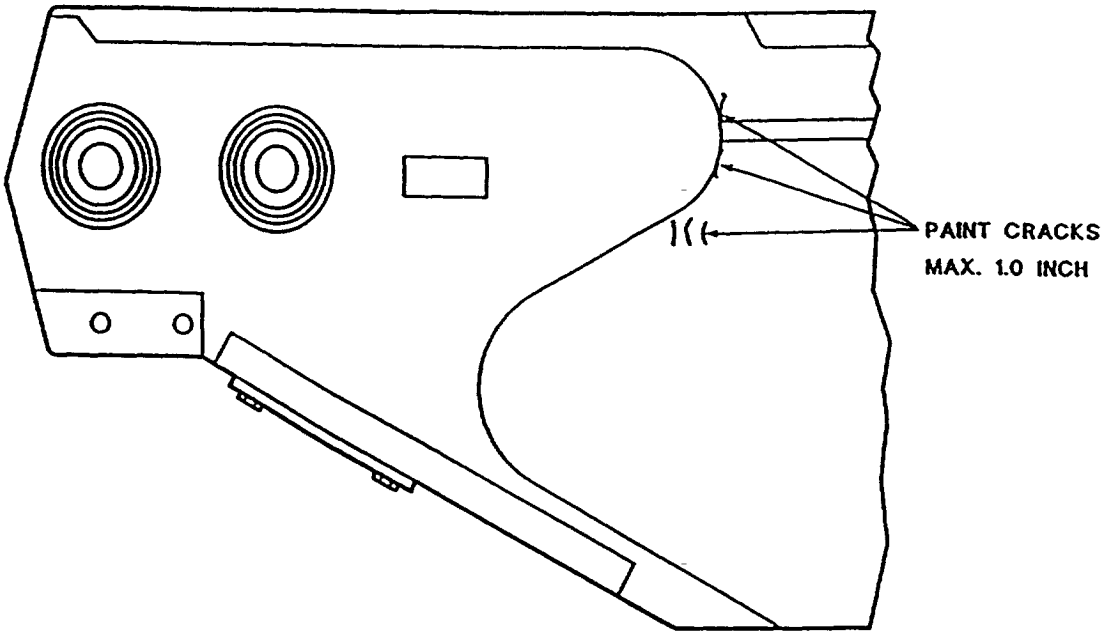

FIGURE 3.

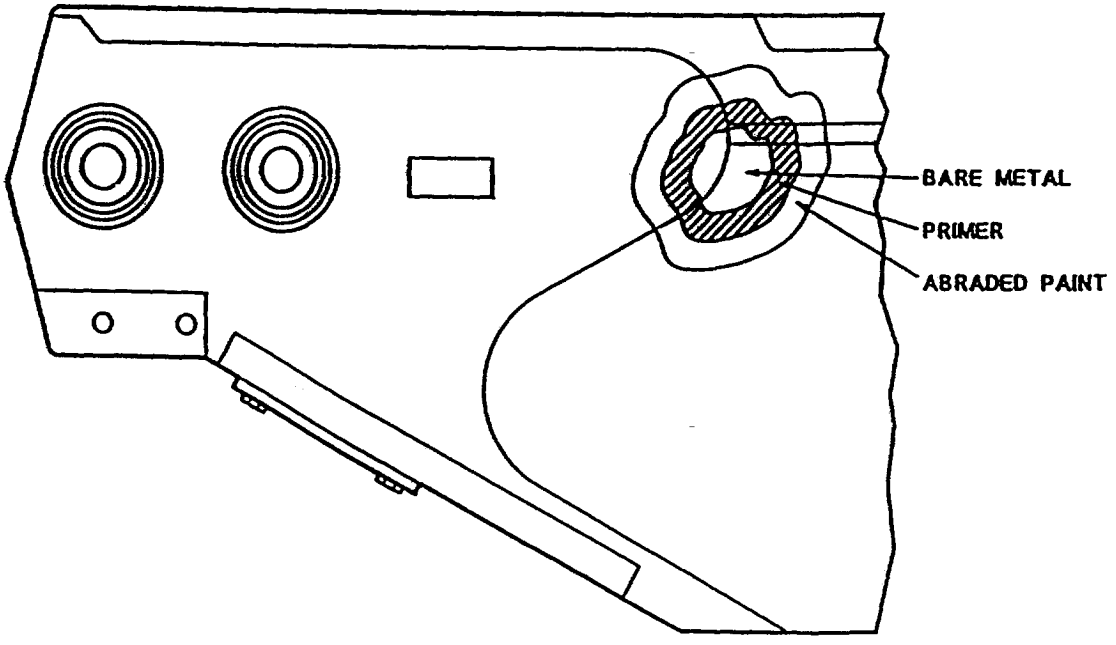

FIGURE 4.

BILLING CODE 4910–13–C

(h) Special flight permits to accomplish the requirements of this AD will not be issued.

(i) This amendment becomes effective on January 15, 1996.

Issued in Fort Worth, Texas, on December 21, 1995.

Eric Bries,

Acting Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 96–259 Filed 1–8–96; 8:45 am]

BILLING CODE 4910–13–U

14 CFR Part 39

[Docket No. 95–ANE–73; Amendment 39–9477, AD 96–01–01]

Airworthiness Directives; Hamilton Standard Propellers Models 14RF–9, 14RF–19, 14RF–21; and 14SF–5, 14SF–7, 14SF–11, 14SFL11, 14SF–15, 14SF–17, 14SF–19, and 14SF–23; and Hamilton Standard/British Aerospace 6/5500/F

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that is applicable to Hamilton Standard Propeller Models 14RF–9, 14RF–19, 14RF–21; and 14SF–5, 14SF–7, 14SF–11, 14SFL11, 14SF–15, 14SF–17, 14SF–19, and 14SF–23; and Hamilton Standard/British Aerospace 6/5500/F. This action supersedes priority letter AD 95–18–06R1, that was issued on August 30, 1995, that currently requires ultrasonic shear wave inspection on all Hamilton Standard 14RF–9 propeller blades, and ultrasonic shear wave inspection on certain Hamilton Standard Propeller Models 14RF–19, 14RF–21; and 14SF–5, 14SF–7, 14SF–11, 14SFL11, 14SF–15, 14SF–17, 14SF–19, and 14SF–23; and Hamilton Standard/British Aerospace 6/5500/F propeller blades. This action requires that all blades of applicable Hamilton Standard propellers be calibrated for ultrasonic transmissibility before conducting the ultrasonic shear wave inspection. This action improves the crack detection capability of the ultrasonic shear wave inspection. This action also decreases the repetitive inspection interval for the 14RF–9, 14SF–5, –7, –11, –15, –17, –19, and –23 from 1,250 flight cycles to 500 flight cycles. This action also establishes a new ultrasonic shear wave inspection interval of 1,000 flight cycles for the 14RF–19 and 2,500 flight cycles for the 14RF–21 and the 6/5500/F. This AD also removes 14SFL11 propellers from service. This AD is prompted by reports that the existing ultrasonic shear wave inspection may not detect cracks as originally determined with some blades due to geometric differences. The actions specified by this AD are intended to prevent separation of a propeller blade due to cracks initiating in the blade taper bore, that can result in aircraft damage, and possible loss of the aircraft.

DATES: Effective January 19, 1996.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of January 19, 1996.

Comments for inclusion in the Rules Docket must be received on or before January 29, 1996.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), New England Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 95–ANE–73, 12 New England Executive Park, Burlington, MA 01803–5299.

The service information referenced in this AD may be obtained from Hamilton Standard, One Hamilton Road, Windsor Locks, CT 06096–1010; telephone (203) 654–6876. This information may be examined at the FAA, New England Region, Office of the Assistant Chief Counsel, 12 New England Executive Park, Burlington, MA; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Frank Walsh, Aerospace Engineer, Boston Aircraft Certification Office, FAA, Engine & Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803, telephone (617) 238–7152, fax: (617) 238–7199.

SUPPLEMENTARY INFORMATION: On August 30, 1995, the Federal Aviation Administration (FAA) issued priority letter airworthiness directive (AD) 95–18–06R1 applicable to Hamilton Standard Propeller Models 14RF–9, 14RF–19, 14RF–21; and 14SF–5, 14SF–7, 14SF–11, 14SFL11, 14SF–15, 14SF–17, 14SF–19, and 14SF–23; and Hamilton Standard/British Aerospace 6/5500/F propellers, which requires ultrasonic shear wave inspection on all Hamilton Standard 14RF–9 propeller blades, and ultrasonic shear wave inspection on certain Hamilton Standard Models 14RF–19, –21; and 14SF–5, –7, –11, L11, –15, –17, –19, and –23; and Hamilton Standard/British Aerospace 6/5500/F propeller blades. That AD action was prompted by a report of a Hamilton Standard 14RF–9 propeller blade installed on an Embraer EMB–120 aircraft that had separated inflight.

Since the issuance of that priority letter AD, the FAA and Hamilton Standard have been working to improve the crack detection capability of the ultrasonic inspection method as well as working to refine the crack growth rate prediction methodology. The results of this work form the basis for the new inspection method and the change in repetitive inspection interval. This AD will require that propeller blades be calibrated for ultrasonic transmissibility before conducting an ultrasonic shear wave inspection, thereby improving the detection capability of the ultrasonic shear wave inspection technique. This action will also decrease the repetitive inspection interval for the 14RF–9, 14SF–5, –7, –11, –15, –17, –19, and –23 from 1,250 flight cycles to 500 flight cycles. This action will further establish a new ultrasonic shear wave inspection interval of 1,000 flight cycles for the 14RF–19 and 2,500 flight cycles for the 14RF–21 and the 6/5500/F propeller models. This AD also requires removal of the life limited 14SFL11 propellers currently in service, approximately four propellers. These 14SFL11 propellers will be replaced with the Hamilton Standard Model 247F propellers. The actions specified by this AD are intended to prevent the separation of a propeller blade due to cracks initiating in the blade taper bore, that can result in aircraft damage, and possible loss of aircraft control.

This AD references two ultrasonic inspection methods, one that can be accomplished without removing the lead from the taper bore which permits an on wing inspection and a second inspection that requires the blade be removed and inspected at an FAA approved facility. The inspection that is conducted without removing the lead from the taper bore cannot be accomplished on some blades because of ultrasonic transmissibility problems caused by the lead wool absorbing the signal. These blades must be removed and inspected at an FAA approved facility where the lead wool will be extracted.

The FAA has reviewed and approved the technical contents of the following Hamilton Standard Alert Service Bulletins (ASB's): No. 14RF–9–61–A91, No. 14RF–19–61–A55, No. 14RF–21–61–A73, No. 14SF–61–A93, and No. 6/5500/F–61–A41, all dated December 7, 1995, and No. 14RF–9–61–A91, Rev 1, No. 14RF–19–61–A55, Rev 1, No. 14RF–21–61–A73, Rev 1, No. 14SF–61–A93, Rev 1, and No. 6/5500/F–61–A41, Rev 1, all dated December 15, 1995, that describe procedures for ultrasonic shear wave inspections of the blade taper bores for cracks after the lead wool has

been removed. The Rev. 1 ASB's permit the installation of a plastic cone in the taper bore that will enhance resistance to corrosion and mechanical damage. Inspection procedures are the same.

In addition the FAA has approved ASB's No. 14RF–9–61–A95, No. 14RF–19–61–A57, No. 14RF–21–61–A75, No. 14SF–61–A95, and No. 6/5500/F–61–A43, all dated December 18, 1995, and No. 14RF–9–61–A95, Rev 1, No. 14RF–19–61–A57, Rev 1, No. 14RF–21–61–A75, Rev 1, No. 14SF–61–A95, Rev 1, and No. 6/5500/F–61–A43, Rev 1, all dated December 21, 1995, that describe ultrasonic shear wave inspection that can be accomplished without removing the lead from the taper bore which permits an on-wing inspection of the blade taper bores for cracks. The Rev. 1 ASB's do not require immediate removal of the blades that cannot be inspected for cracks due to the lead wool absorbing the ultrasonic signal. These blades may be removed at any time within the applicable compliance period. Inspection procedures are the same.

Since an unsafe condition has been identified that is likely to exist or develop on other propellers of this same type design, this AD supersedes priority letter AD 95–18–06R1 to require all Hamilton Standard Model 14RF–9, –19, –21; and 14SF–5, –7, –11, –15, –17, –19, and –23; and Hamilton Standard/British Aerospace 6/5500/F propeller blades be calibrated for ultrasonic transmissibility before conducting an ultrasonic shear wave inspection. The actions and inspection intervals for each propeller model are required to be accomplished in accordance with the service bulletins described previously.

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and opportunity for prior public comment hereon are impracticable, and that good cause exists for making this amendment effective in less than 30 days.

Comments Invited

Although this action is in the form of a final rule that involves requirements affecting flight safety and, thus, was not preceded by notice and an opportunity for public comment, comments are invited on this rule. Interested persons are invited to comment on this rule by submitting such written data, views, or arguments as they may desire. Communications should identify the Rules Docket number and be submitted in triplicate to the address specified under the caption **ADDRESSES**. All communications received on or before the closing date for comments will be considered, and this rule may be amended in light of the comments received. Factual information that supports the commenter's ideas and suggestions is extremely helpful in evaluating the effectiveness of the AD action and determining whether additional rulemaking action would be needed.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to modify the rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report that summarizes each FAA-public contact concerned with the substance of this AD will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 95–ANE–73.'' The postcard will be date stamped and returned to the commenter.

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

The FAA has determined that this regulation is an emergency regulation that must be issued immediately to correct an unsafe condition in aircraft, and is not a ''significant regulatory action'' under Executive Order 12866. It has been determined further that this action involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). If it is determined that this emergency regulation otherwise would be significant under DOT Regulatory Policies and Procedures, a final regulatory evaluation will be prepared and placed in the Rules Docket. A copy of it, if filed, may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 USC 106(g), 40101, 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

96–01–01 Hamilton Standard: Amendment 39–9477. Docket No. 95–ANE–73. Supersedes AD 95–18–06R1.

Applicability: Hamilton Standard Models 14RF–9, –14RF–19, 14RF–21; and 14SF–5, 14SF–7, 14SF–11, 14SFL11, 14SF–15, 14SF–17, 14SF–19, and 14SF–23; and Hamilton Standard/British Aerospace 6/5500/F propellers installed on but not limited to Embraer EMB–120, EMB–120RT; Aerospatiale ATR42–100, ATR42–300, ATR42–320, ATR72, ATR72–210; deHavilland DHC–8–100 series, DHC–8–200 series, DHC–8–300 series; SAAB–SCANIA SF 340B; Canadair CL–215T, CL–415; Construcciones Aeronauticas SA (CASA) CN–235 series; and British Aerospace ATP aircraft.

Note: This airworthiness directive (AD) applies to each propeller identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For propellers that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must use the authority provided in paragraph (n) to request approval from the Federal Aviation Administration (FAA). This approval may address either no action, if the current configuration eliminates the unsafe condition, or different actions necessary to address the unsafe condition described in this AD. Such a request should include an assessment of the effect of the changed configuration on the unsafe condition addressed by this AD. In no case does the presence of any modification, alteration, or repair remove any propeller from the applicability of this AD.

Compliance: Required as indicated, unless accomplished previously.

To prevent separation of a propeller blade due to cracks initiating in the blade taper bore, that can result in aircraft damage, and possible loss of aircraft control, accomplish the following:

(a) For Hamilton Standard Model 14RF–9 propeller blades, with Serial Numbers less than 882038 and listed in Hamilton Standard Alert Service Bulletins (ASB's) No. 14RF–9–61–A95, dated December 18, 1995, or No. 14RF–9–61–A95, Rev 1, dated December 21, 1995, installed on but not limited to Embraer EMB–120 and EMB–120RT series aircraft, accomplish the following:

(1) Within the next 150 flight cycles, after the effective date of this AD, perform an ultrasonic shear wave inspection for cracks in the blade taper bore in accordance with the Accomplishment Instructions of Hamilton Standard ASB's No. 14RF–9–61–A95, dated December 18, 1995, or No. 14RF–9–61–A95, Rev 1, dated December 21, 1995.

(2) For propeller blades that have been previously inspected in accordance with Hamilton Standard ASB's No. 14RF–9–61–A91, dated December 7, 1995, or No. 14RF–9–61–A91, Rev 1, dated December 15, 1995, perform an ultrasonic shear wave inspection in accordance with the Accomplishment Instructions of Hamilton Standard ASB's No. 14RF–9–61–A95, dated December 18, 1995, or No. 14RF–9–61–A95, Rev 1, dated December 21, 1995, within 500 flight cycles since last inspection or 150 flight cycles after the effective date of this AD, whichever occurs later.

(3) Propeller blades that cannot be inspected for cracks in accordance with Hamilton Standard ASB's No. 14RF–9–61–A95, dated December 18, 1995, or No. 14RF–9–61–A95, Rev 1, dated December 21, 1995, due to the lead wool absorbing the ultrasonic signal, must be inspected in accordance with the Accomplishment Instructions of Hamilton Standard ASB's No. 14RF–9–61–A91, dated December 7, 1995, or No. 14RF–9–61–A91, Rev 1 dated December 15, 1995, within the next 150 flight cycles after the effective date of this AD.

(4) Propeller blades that have ultrasonic shear wave indications that exceed the limits specified in Hamilton Standard ASB's No. 14RF–9–61–A95, dated December 18, 1995, or No. 14RF–9–61–A95, Rev 1, dated December 21, 1995, must be inspected in accordance with the Accomplishment Instructions of Hamilton Standard ASB's No. 14RF–9–61–A91 dated December 7, 1995, or No. 14RF–9–61–A91, Rev 1 dated December 15, 1995.

(5) Thereafter, perform repetitive ultrasonic shear wave inspections at intervals not to exceed 500 flight cycles in accordance with the applicable SB's.

(6) Propeller blades that have ultrasonic shear wave indications that exceed the limits specified in Hamilton Standard ASB's No. 14RF–9–61–A91, dated December 7, 1995, or No. 14RF–9–61–A91, Rev 1, dated December 15, 1995, must be removed from service, and replaced with a serviceable part prior to further flight.

(b) For Hamilton Standard Models 14SF–5, –7, –11, –15, and –23 propeller blades with Serial Numbers less than 882038 and listed in Hamilton Standard ASB's No. 14SF–61–A95, dated December 18, 1995, or No. 14SF–61–A95, Rev 1, dated December 21, 1995, installed on but not limited to Aerospatiale ATR42–100, ATR42–300, ATR42–320, ATR72 and deHavilland DHC–8–100, DHC–8–200, DHC–8–300 series aircraft, accomplish the following:

(1) Within the next 150 flight cycles, after the effective date of this AD, perform an ultrasonic shear wave inspection for cracks in the blade taper bore in accordance with the Accomplishment Instructions of Hamilton Standard ASB's No. 14SF–61–A95, dated December 18, 1995, or No. 14SF–61–A95, Rev 1, dated December 21, 1995.

(2) For propeller blades that have been previously inspected in accordance with Hamilton Standard ASB's No. 14SF–61–A93, dated December 7, 1995, or No. 14SF–61–A93, Rev 1, dated December 15, 1995, perform an ultrasonic shear wave inspection in accordance with the Accomplishments Instructions of Hamilton Standard ASB's No. 14SF–61–A95, dated December 18, 1995, or No. 14SF–61–A95, Rev 1, dated December 21, 1995, within 500 flight cycles since last inspection or 150 flight cycles after the effective date of this AD, whichever occurs later.

(3) Propeller blades that cannot be inspected for cracks in accordance with Hamilton Standard ASB's No. 14SF–61–A95, dated December 18, 1995, or No. 14SF–61–A95, Rev 1, dated December 21, 1995, due to the lead wool absorbing the ultrasonic signal, must be inspected in accordance with the Accomplishment Instructions of Hamilton Standard ASB's No. 14SF–61–A93, dated December 7, 1995, or No. 14SF–61–A93, Rev 1, dated December 15, 1995, within the next 150 flight cycles after the effective date of this AD.

(4) Propeller blades that have ultrasonic shear wave indications that exceed the limits specified in Hamilton Standard ASB's No. 14SF–61–A95, dated December 18, 1995, or No. 14SF–61–A95, dated December 21, 1995, must be inspected in accordance with the Accomplishment Instructions of Hamilton Standard ASB's No. 14SF–61–A93, dated December 7, 1995, or No. 14SF–61–A93, Rev 1, dated December 15, 1995.

(5) Thereafter, perform repetitive ultrasonic shear wave inspections at intervals not to exceed 500 flight cycles in accordance with the applicable SB's.

(6) Propeller blades that have ultrasonic shear wave indications that exceed the limits specified in Hamilton Standard ASB's No. 14SF–61–A93, dated December 7, 1995, or No. 14SF–61–A93, Rev 1, dated December 15, 1995, must be removed from service and replaced with a serviceable part prior to further flight.

(c) For Hamilton Standard Model 14RF–9 propeller blades with Serial Numbers less than 882038 and not listed in Hamilton Standard ASB's No. 14RF–9–61–A95, dated December 18, 1995, or No. 14RF–9–61–A95, Rev 1, dated December 21, 1995, installed on but not limited to Embraer EMB 120 and EMB 120RT series aircraft, accomplish the following:

(1) Within the next 300 flight cycles, after the effective date of this AD, perform an ultrasonic shear wave inspection for cracks in the blade taper bore in accordance with the Accomplishment Instructions of Hamilton Standard ASB's No. 14RF–9–61–A95, dated December 18, 1995, or No. 14RF–61–A95, Rev 1, dated December 21, 1995.

(2) For propeller blades that have been previously inspected in accordance with Hamilton Standards ASB's No. 14RF–9–61–A91, dated December 7, 1995, or No. 14RF–9–61–A91, Rev 1, dated December 15, 1995, perform an ultrasonic shear wave inspection in accordance with the Accomplishment Instructions of Hamilton Standard ASB's No. 14RF–9–61–A95, dated December 18, 1995, or No. 14RF–9–61–A95, Rev 1, dated December 21, 1995, within 300 flight cycles since last inspection or 150 flight cycles after the effective date of this AD, whichever occurs later.

(3) Propeller blades that cannot be inspected for cracks in accordance with Hamilton Standard ASB's No. 14RF–9–61–A95, dated December 18, 1995, or No. 14RF–9–61–A95, Rev. 1, dated December 21, 1995, due to the lead wool absorbing the ultrasonic signal, must be inspected in accordance with the Accomplishment Instructions of Hamilton Standard ASB's No. 14RF–9–61–A91, dated December 7, 1995, or No. 14RF–9–61–A91, Rev. 1, dated December 15, 1995, within the next 300 flight cycles after the effective date of this AD.

(4) Propeller blades that have ultrasonic shear wave indications that exceed the limits specified in Hamilton Standard ASB's No. 14RF–9–61–A95, dated December 18, 1995, or No. 14RF–9–61–A95, dated December 21, 1995, must be inspected in accordance with the Accomplishment Instructions of Hamilton Standard ASB's No. 14RF–9–61–A91, dated December 7, 1995, or No. 14RF–9–61–A91 Rev. 1, dated December 15, 1995.

(5) Thereafter, perform repetitive ultrasonic shear wave inspections at intervals not to exceed 500 flight cycles in accordance with the applicable SB's.

(6) Propeller blades that have ultrasonic shear wave indications that exceed the limits specified in Hamilton Standard ASB's No. 14RF–9–61–A91, dated December 7, 1995, or No. 14RF–9–61–A91, Rev. 1, dated December 15, 1995, must be removed from service and replaced with a serviceable part prior to further flight.

(d) For Hamilton Standard Models 14SF–5, –7, –11, –15, –17, –19, and –23 propeller blades with Serial Numbers less than 882038 and not listed in ASB's No. 14SF–61–A95, dated December 18, 1995, or No. 14SF–61–A95, Rev. 1, dated December 21, 1995, installed on but not limited to Aerospatiale ATR42–100, ATR42–300, ATR42–320, ATR72, ATR72–210 and deHavilland DHC–8–100, DHC–8–200, DHC–8–300 series aircraft, accomplish the following:

(1) Within the next 300 flight cycles, after the effective date of this AD, perform an ultrasonic shear wave inspection for cracks in the blade taper bore in accordance with the Accomplishment Instructions of Hamilton Standard ASB's No. 14SF–61–A95, dated December 18, 1995, or No. 14SF–61–A95 Rev. 1, dated December 21, 1995.

(2) For propeller blades that have been previously inspected in accordance with Hamilton Standards ASB's No. 14SF–61–A93, dated December 7, 1995, or No. 14SF–61–A93, Rev. 1, dated December 15, 1995, perform an ultrasonic shear wave inspection in accordance with the Accomplishment Instructions of Hamilton Standard ASB's No. 14SF–61–A95, dated December 18, 1995, or No. 14SF–61–A95, Rev. 1, dated December 21, 1995, within 500 flight cycles since last inspection or 300 flight cycles after the effective date of this AD, whichever occurs later.

(3) Propeller blades that cannot be inspected for cracks in accordance with Hamilton Standard ASB's No. 14SF–61–A95, dated December 18, 1995, or No. 14SF–61–

A95, Rev. 1, dated December 21, 1995, due to the lead wool absorbing the ultrasonic signal, must be inspected in accordance with the Accomplishment Instructions of Hamilton Standard ASB's No. 14SF–61–A93, dated December 7, 1995, or No. 14SF–61–A93, Rev. 1, dated December 15, 1995, within the next 300 flight cycles after the effective date of this AD.

(4) Propeller blades that have ultrasonic shear wave indications that exceed the limits specified in Hamilton Standard ASB's No. 14SF–61–A95, dated December 18, 1995, or No. 14SF–61–A95, Rev. 1, dated December 21, 1995, must be inspected in accordance with the Accomplishment Instructions of Hamilton Standard ASB's No. 14SF–61–A93, dated December 7, 1995, or No. 14SF–61–A93, Rev. 1, dated December 15, 1995.

(5) Thereafter, perform repetitive ultrasonic shear wave inspections at intervals not to exceed 500 flight cycles in accordance with the applicable SB's.

(6) Propeller blades that have ultrasonic shear wave indications that exceed the limits specified in Hamilton Standard ASB's No. 14SF–61–A93, dated December 7, 1995, or No. 14SF–61–A93, Rev. 1, dated December 15, 1995, must be removed from service and replaced with a serviceable part prior to further flight.

(e) For all Hamilton Standard Models 14SF–17, and –19 propeller blades with Serial Numbers less than 882038, installed on but not limited to Canadair CL–215T and CL–415 series aircraft, accomplish the following:

(1) Within the next 300 flight cycles, after the effective date of this AD, perform an ultrasonic shear wave inspection for cracks in the blade taper bore in accordance with the Accomplishment Instructions of Hamilton Standard ASB's No. 14SF–61–A95, dated December 18, 1995, or No. 14SF–61–A95, Rev. 1, dated December 21, 1995.

(2) For propeller blades that have been previously inspected in accordance with Hamilton Standards ASB's No. 14SF–61–A93, dated December 7, 1995, or No. 14SF–61–A93, Rev. 1, dated December 15, 1995, perform an ultrasonic shear wave inspection in accordance with the Accomplishment Instructions of Hamilton Standard ASB's No. 14SF–61–A95, dated December 18, 1995, or No. 14SF–61–A95, Rev. 1, dated December 21, 1995, within 500 flight cycles since last inspection or 300 flight cycles after the effective date of this AD, whichever occurs later.

(3) Propeller blades that cannot be inspected for cracks in accordance with Hamilton Standard ASB's No. 14SF–61–A95, dated December 18, 1995, or No. 14SF–61–A95, Rev. 1, dated December 21, 1995, due to the lead wool absorbing the ultrasonic signal, must be inspected in accordance with the Accomplishment Instructions of Hamilton Standard ASB's No. 14SF–61–A93 dated December 7, 1995, or No. 14SF–61–A93, Rev. 1, dated December 15, 1995, within the next 300 flight cycles after the effective date of this AD.

(4) Propeller blades that have ultrasonic shear wave indications that exceed the limits specified in Hamilton Standard ASB's No. 14SF–61–A95, dated December 18, 1995, or No. 14SF–61–A95 Rev. 1, dated December 21, 1995, must be removed from service and inspected in accordance with the Accomplishment Instructions of Hamilton Standard ASB's No. 14SF–61–A93, dated December 7, 1995, or No. 14SF–61–A93 Rev. 1, dated December 15, 1995.

(5) Thereafter, perform repetitive ultrasonic shear wave inspections at intervals not to exceed 500 flight cycles in accordance with the applicable SB's.

(6) Propeller blades that have ultrasonic shear wave indications that exceed the limits specified in Hamilton Standard ASB's No. 14SF–61–A93, dated December 7, 1995, or No. 14SF–61–93, Rev. 1, dated December 15, 1995, must be removed from service and replaced with a serviceable part prior to further flight.

(f) For all Hamilton Standard Models 14RF–19 propeller blades with Serial Numbers less than 882038, installed on but not limited to SAAB–SCANIA SF 340B series aircraft, accomplish the following:

(1) Within the next 300 flight cycles, after the effective date of this AD, perform an ultrasonic shear wave inspection for cracks in the blade taper bore in accordance with the Accomplishment Instructions of Hamilton Standard ASB's No. 14RF–19–61–A57, dated December 18, 1995, or No. 14RF–19–61–A57, Rev. 1, dated December 21, 1995.

(2) For propeller blades that have been previously inspected in accordance with Hamilton Standards ASB's No. 14RF–19–61–A55, dated December 7, 1995, or No. 14RF–19–61–A55, Rev. 1, dated December 15, 1995, perform an ultrasonic shear wave inspection in accordance with the Accomplishment Instructions of Hamilton Standard ASB's No. 14RF–19–61–A57, dated December 18, 1995, or No. 14RF–19–61–A57 Rev. 1, dated December 21, 1995, within 1,000 flight cycles since last inspection or 300 flight cycles after the effective date of this AD, whichever occurs later.

(3) Propeller blades that cannot be inspected for cracks in accordance with Hamilton Standard ASB's No. 14SF–61–A95, dated December 18, 1995, or No. 14SF–61–A95 Rev. 1, dated December 21, 1995, due to the lead wool absorbing the ultrasonic signal inspect in accordance with the Accomplishment Instructions of Hamilton Standard ASB's No. 14SF–61–A93, dated December 7, 1995, or No. 14SF–61–A93, Rev. 1, dated December 15, 1995, within the next 300 flight cycles after the effective date of this AD.

(4) Propeller blades that have ultrasonic shear wave indications that exceed the limits specified in Hamilton Standard ASB's 14RF–19–61–A57, dated December 18, 1995, or No. 14RF–19–61–A57, Rev. 1, dated December 21, 1995, must be inspected in accordance with the Accomplishment Instructions of Hamilton Standard ASB's No. 14RF–19–61–A55, dated December 7, 1995, or No. 14RF–19–61–A55, Rev. 1, dated December 15, 1995.

(5) Thereafter, perform repetitive ultrasonic shear wave inspections at intervals not to exceed 1,000 flight cycles in accordance with the applicable SB's.

(6) Propeller blades that have ultrasonic shear wave indications that exceed the limits specified in Hamilton Standard ASB's No. 14RF–19–61–A55, dated December 7, 1995, or No. 14RF–19–61–A55, Rev. 1, dated December 15, 1995, must be removed from service and replaced with a serviceable part prior to further flight.

(g) For all Hamilton Standard Model 14RF–21 propeller blades with Serial Numbers less than 882038, installed on but not limited to Construcciones Aeronautic SA (CASA) CN–235 series aircraft, accomplish the following:

(1) Within the next 300 flight cycles, after the effective date of this AD, perform an ultrasonic shear wave inspection for cracks in the blade taper bore in accordance with the Accomplishment Instructions of Hamilton Standard ASB's No. 14RF–21–61–A75, dated December 18, 1995, or No. 14RF–61–A75, Rev. 1, dated December 21, 1995.

(2) For propeller blades that have been previously inspected in accordance with Hamilton Standard ASB's No. 14RF–19–61–A55, dated December 7, 1995, or No. 14RF–19–61–A55, Rev. 1, dated December 15, 1995, perform an ultrasonic shear wave inspection in accordance with the Accomplishment Instructions of Hamilton Standard ASB's No. 14RF–19–61–A57, dated December 18, 1995, or No. 14RF–19–61–A57, Rev. 1, dated December 21, 1995, within 1,000 flight cycles since last inspection or 300 flight cycles after the effective date of this AD, whichever occurs later.

(3) Propeller blades that cannot be inspected for cracks in accordance with Hamilton Standard ASB's No. 14RF–21–61–A75, dated December 18, 1995, or No. 14RF–61–A75, Rev. 1, dated December 21, 1995, due to the lead wool absorbing the ultrasonic signal, must be inspected in accordance with the Accomplishment Instructions of Hamilton Standard ASB's No. 14RF–21–61–A73, dated December 7, 1995, or No. 14RF–21–61–A73, Rev. 1, dated December 15, 1995, within the next 300 flight cycles after the effective date of this AD.

(4) Propeller blades that have ultrasonic shear wave indications that exceed the limits specified in Hamilton Standard ASB's No. 14RF–21–61–A75, dated December 18, 1995, or No. 14RF–21–61–A75, Rev. 1, dated December 21, 1995, must be inspected in accordance with the Accomplishment Instructions of Hamilton Standard ASB's No. 14RF–21–61–A73, dated December 7, 1995, or No. 14RF–21–61–A73, Rev. 1, dated December 15, 1995.

(5) Thereafter, perform repetitive ultrasonic shear wave inspections at intervals not to exceed 2,500 flight cycles in accordance with the applicable SB's.

(6) Propeller blades that have ultrasonic shear wave indications that exceed the limits specified in Hamilton Standard ASB's No. 14RF–21–61–A73, dated December 7, 1995, or No. 14RF–21–61–A73, Rev. 1, dated December 15, 1995, must be removed from service and replaced with a serviceable part prior to further flight.

(h) For all Hamilton Standard/British Aerospace 6/5500/F propeller blades, with Serial Numbers less than 882038, installed on but not limited to British Aerospace ATP series aircraft, accomplish the following:

(1) Within the next 300 flight cycles, after the effective date of this AD, perform an ultrasonic shear wave inspection for cracks

in the blade taper bore in accordance with the Accomplishment Instructions of Hamilton Standard ASB's No. 6/5500/F–61–A43, dated December 18, 1995, or No. 6/5500/F–61–A43, Rev. 1, dated December 21, 1995.

(2) For propeller blades that have been previously inspected in accordance with Hamilton Standard ASB's No. 6/5500/F–61–A41, dated December 7, 1995, or No. 6/5500/F–61–A41, Rev. 1, dated December 18, 1995, perform an ultrasonic shear wave inspection in accordance with the Accomplishment Instructions of Hamilton Standard ASB's No. 6/5500/F–61–A43, or No. 6/5500/F–61–A43, Rev. 1, dated December 21, 1995, as applicable within 2,500 flight cycles since last inspection or 300 flight cycles after the effective date of this AD, whichever occurs later.

(3) Propeller blades that cannot be inspected for cracks in accordance with Hamilton Standard ASB's No. 6/5500/F–61–A43, dated December 18, 1995, or No. 6/5500/F–61–A43, Rev. 1, dated December 21, 1995, due to the lead wool absorbing the ultrasonic signal, must be inspected in accordance with the Accomplishment Instructions of Hamilton Standard ASB's No. 6/5500/F–61–A41, dated December 7, 1995, or No. 6/5500/F–61–A41, Rev. 1, dated December 18, 1995, within the next 300 flight cycles after the effective date of this AD.

(4) Propeller blades that have ultrasonic shear wave indications that exceed the limits specified in Hamilton Standard ASB's No. 6/5500/F–61–A43, dated December 18, 1995, or No. 6/5500/F–61–A43, Rev. 1, dated December 21, 1995, must be inspected in accordance with the Accomplishment Instructions of Hamilton Standard ASB's No. 6/5500/F–61–A41, dated December 7, 1995, or No. 6/5500/F–61–A41, Rev. 1, dated December 18, 1995.

(5) Thereafter, perform repetitive ultrasonic shear wave inspections at intervals not to exceed 2,500 flight cycles in accordance with the applicable SB's.

(6) Propeller blades that have ultrasonic shear wave indications that exceed the limits specified in Hamilton Standard ASB's No. 6/5500/F–61–A41, dated December 7, 1995, or No. 6/5500/F–61–A41, Rev. 1, dated December 18, 1995, must be removed from service and replaced with a serviceable part prior to further flight.

(i) For all currently installed Hamilton Standard Model 14SFL11 propellers installed on Aerospatiale ATR72–210 series aircraft remove all 14SFL11 propellers from service within the next 150 flight cycles, after the effective date of this AD, and replace with serviceable Hamilton Standard 247F propellers.

(j) The ultrasonic inspection of the propeller blade taper bore must be performed by a Level II inspector who is qualified under the guidelines established by the American Society of Nondestructive Testing or MIL–STD–410 or FAA approved equivalent, and must be trained by Hamilton Standard approved personnel on how to do this inspection procedure. The individual returning the aircraft to service is required to verify that the ultrasonic inspection was accomplished in accordance with the requirements of this paragraph.

(k) For repetitive inspections, propeller blades may be evaluated to determine if the lead wool is absorbing the ultrasonic signal at any time during the 500 flight cycle repetitive inspection interval to determine if the lead wool removal is required to complete the ultrasonic shear wave inspection.

(l) For the purpose of this AD, a flight cycle is defined as one takeoff and the next landing of an aircraft. In addition, each touch and go is defined as a flight cycle, and each water load pickup for amphibian aircraft operation is defined as a flight cycle.

(m) Propeller blades removed from service after inspections performed in accordance with AD 95–18–06R1, and subsequently inspected in accordance with the requirements of this AD and found to be serviceable, may be returned to service.

(n) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Boston Aircraft Certification Office. The request should be forwarded through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Boston Aircraft Certification Office.

Note: Information concerning the existence of approved alternative methods of compliance with this airworthiness directive, if any, may be obtained from the Boston Aircraft Certification Office.

(o) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the aircraft to a location where the requirements of this AD can be accomplished.

(p) The ultrasonic shear wave inspections and removal and replacement of propeller blades shall be done in accordance with the following Hamilton Standard Alert Service Bulletins:

Document No.	Revision	Date
No. 14RF–9–61–A91; Total Pages:40	.....	Dec. 7, 1995.
No. 14RF–9–61–A91; Total Pages: 42	1	Dec. 15, 1995.
No. 14RF–19–61–A55; Total Pages: 40	.....	Dec. 7, 1995.
No. 14RF–19–61–A55; Total Pages: 42	1	Dec. 15, 1995.
No. 14RF–21–61–A73; Total Pages: 40	.....	Dec. 7, 1995.
No. 14RF–21–61–A73; Total Pages: 42	1	Dec. 15, 1995.
No. 14SF–61–A93; Total Pages: 40	.....	Dec. 7, 1995.
No. 14SF–61–A93, Total Pages: 42	1	Dec. 15, 1995.
No. 6/5500/F–61–A41; Total Pages: 40	.....	Dec. 7, 1995.
No. 6/5500/F–61–A41; Total Pages: 42	1	Dec. 18, 1995.
No. 14RF–9–61–A95; Total Pages: 36	.....	Dec. 18, 1995.
No. 14RF–9–61–A95; Total Pages: 36	1	Dec. 21, 1995.
No. 14RF–19–61–A57; Total Pages: 35	.....	Dec. 18, 1995.
No. 14RF–19–61–A57; Total Pages: 35	1	Dec. 21,1995.
No. 14RF–21–61–A75, Total Pages: 35	.....	Dec. 18, 1995.
No. 14RF–21–61–A75; Total Pages: 35	1	Dec. 21,1995.
No. 14SF–61–A95; Total Pages: 37	.....	Dec. 18, 1995.
No. 14SF–61–A95; Total Pages: 37	1	Dec. 21, 1995.
No. 6/5500/F–61–A43; Total Pages: 35	.....	Dec. 18, 1995.
No. 6/5500/F–61–A43; Total Pages: 35	1	Dec. 21, 1995.

This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Hamilton Standard, One Hamilton Road, Windsor Locks, CT 06096–1010; telephone (203) 654–6876. This information may be inspected at the FAA, New England Region, Office of the Assistant Chief Counsel, 12 New England Executive Park, Burlington, MA; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(q) This amendment supersedes priority letter AD 95–18–06R1, issued August 30, 1995.

(r) This amendment becomes effective on January 19, 1996.

Issued in Burlington, Massachusetts, on December 26, 1995.

Jay J. Pardee,

Manager, Engine and Propeller Directorate, Aircraft Certification Service.

[FR Doc. 96–268 Filed 1–8–96; 8:45 am]

BILLING CODE 4910–13–U

14 CFR Part 39

[Docket No. 94–NM–237–AD; Amdt. 39–9468; AD 95–26–10]

Airworthiness Directives; Jetstream Model 4101 Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment supersedes an existing airworthiness directive (AD), applicable to certain Jetstream Model 4101 airplanes, that currently requires repetitive purging of the hydraulic system and installation of a spoiler actuator that has been previously certified. That AD was prompted by a report of damage to the locking mechanisms on some pistons of the spoiler actuators. The actions specified by the AD are intended to prevent uncommanded extension of the lift spoiler in the event of loss of hydraulic pressure in the spoiler actuator. This amendment establishes an increased life limit for certain spoiler actuators, and provides an optional terminating action for the requirements of that AD. This amendment also limits the applicability of the rule to fewer airplanes.

DATES: Effective February 8, 1996.

The incorporation by reference of Jetstream Alert Service Bulletin J41–A27–034, Revision 1, dated October 28, 1994, as listed in the regulations, is approved by the Director of the Federal Register as of February 8, 1996.

The incorporation by reference of Jetstream Alert Service Bulletin J41–A27–034, dated June 9, 1994, as listed in the regulations, was approved previously by the Director of the Federal Register as of September 6, 1994 (59 FR 43025, August 22, 1994).

ADDRESSES: The service information referenced in this AD may be obtained from Jetstream Aircraft, Inc., P.O. Box 16029, Dulles International Airport, Washington, DC 20041–6029. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: William Schroeder, Aerospace Engineer, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (206) 227–2148; fax (206) 227–1149.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) by superseding AD 94–17–12, amendment 39–9007 (59 FR 43025, August 22, 1994), which is applicable to certain Jetstream Model 4101 airplanes, was published in the Federal Register on September 8, 1995 (60 FR 46792). The action proposed to continue to require repetitive purging of the hydraulic system and installation of an actuator that has been previously certified marked with an ''R'' after the serial number. The action also proposed to establish an increased life limit for certain spoiler actuators, and provide an optional terminating action for the requirements of the AD. Additionally, the action proposed to limit the applicability of the rule to fewer airplanes.

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the single comment received.

The commenter supports the proposed rule.

After careful review of the available data, including the comment noted above, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

The FAA estimates that approximately 17 airplanes of U.S. registry will be affected by this AD.

The repetitive purging and installation actions that are currently required by AD 94–17–12 take approximately 6 work hours per airplane to accomplish, at an average labor rate of $60 per work hour. Based on these figures, the cost impact on U.S. operators of the actions currently required is estimated to be $6,120, or $360 per airplane.

Replacement of the spoiler actuator at the newly established life limit will add no new costs to affected operators. In fact, it will reduce the economic burden for most operators, since: (1) Repetitive purging of the actuators will be eliminated, and (2) replacement of the actuators will not have to be accomplished as often as was previously required. Additionally, some of the replacement actuators will be provided to operators free of charge by the manufacturer.

Further, since this AD is applicable to fewer airplanes than was AD 94–17–12, the cost impact of the AD will be reduced by the amount of labor and parts costs that would previously have been applied to those additional airplanes.

The cost impact figures discussed above are based on assumptions that no operator has yet accomplished any of the requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted.

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action: (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) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES.**

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 USC 106(g), 40101, 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by removing amendment 39–9007 (59 FR 43025, August 22, 1994), and by adding

a new airworthiness directive (AD), amendment 39–9468, to read as follows:

95–26–10 Jetstream Aircraft, Limited: Amendment 39–9468. Docket 94–NM–237–AD. Supersedes AD 94–17–12, Amendment 39–9007.

Applicability: Model 4101 airplanes; having constructors numbers 41004 through 41015 inclusive, 41018 through 41026 inclusive, 41028 through 41030 inclusive, and 41032; certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must use the authority provided in paragraph (d) of this AD to request approval from the FAA. This approval may address either no action, if the current configuration eliminates the unsafe condition; or different actions necessary to address the unsafe condition described in this AD. Such a request should include an assessment of the effect of the changed configuration on the unsafe condition addressed by this AD. In no case does the presence of any modification, alteration, or repair remove any airplane from the applicability of this AD.

Compliance: Required as indicated, unless accomplished previously.

To prevent uncommanded extension of the lift spoiler in the event of loss of hydraulic pressure in the spoiler actuator, accomplish the following:

(a) Within 21 days after September 6, 1994 (the effective date of AD 94–17–12, amendment 39–9007), remove the spoiler actuators in accordance with Jetstream Alert Service Bulletin J41–A27–034, dated June 9, 1994, or Jetstream Alert Service Bulletin J41–A27–034, Revision 1, dated October 28, 1994. Following removal of the actuators, accomplish the requirements of paragraphs (a)(1) and (a)(2) of this AD, in accordance with the service bulletin. Thereafter, repeat the requirements of this paragraph at intervals not to exceed 500 landings.

(1) Prior to further flight, purge the hydraulic system to ensure that there is no contamination.

(2) Prior to further flight, install a spoiler actuator that has been previously certified and marked with an ''R'' after the serial number on the nameplate of the actuator.

(b) For spoiler actuators having Lucas Aerospace part number (P/N) TY1763–01A or P/N TY1763–01B: Prior to the accumulation of 5,000 total hours time-in-service on the spoiler actuator, or within 30 days after the effective date of this AD, whichever occurs later, replace the actuator with a new or serviceable part, in accordance with Jetstream Service Bulletin J41–A27–034, Revision 1, dated October 28, 1994. Thereafter, prior to the accumulation of 5,000 hours time-in-service on the spoiler actuator, replace the actuator with a new or serviceable part, in accordance with the service bulletin. Such replacement constitutes terminating action for the repetitive purging and repetitive installation requirements of paragraph (a) of this AD.

(c) Installation of improved spoiler actuators (Modification JM 41381) on the left and right wings, in accordance with Jetstream Service Bulletin J41–27–037, dated November 7, 1994, constitutes terminating action for the requirements of paragraphs (a) and (b) of this AD.

(d) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Standardization Branch, ANM–113.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Standardization Branch, ANM–113.

(e) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

(f) The actions shall be done in accordance with Jetstream Alert Service Bulletin J41–A27–034, dated June 9, 1994, or Jetstream Alert Service Bulletin J41–A27–034, Revision 1, dated October 28, 1994. The incorporation by reference of Jetstream Alert Service Bulletin J41–A27–034, dated June 9, 1994, was approved previously by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51 as of September 6, 1994 (59 FR 43025, August 22, 1994). The incorporation by reference of Jetstream Alert Service Bulletin J41–A27–034, Revision 1, dated October 28, 1994, is approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Jetstream Aircraft, Inc., P.O. Box 16029, Dulles International Airport, Washington, DC 20041–6029. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(g) This amendment becomes effective on February 8, 1996.

Issued in Renton, Washington, on December 18, 1995.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 96–269 Filed 1–8–96; 8:45 am]

BILLING CODE 4910–13–U

14 CFR Part 39

[Docket No. 95–CE–97–AD; Amendment 39–9476; AD 95–26–18]

Airworthiness Directives; Maule Aerospace Technology, Inc. M–4, M–5, M–6, M–7, MX–7, MXT–7 Series and Models MT–7–235 and M–8–235 Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that applies to certain Maule Aerospace Technology (Maule) M–4, M–5, M–6, M–7, MX–7, MXT–7 series and Models MT–7–235, and M–8–235 airplanes. This action requires a one-time inspection of certain wing lift struts for internal corrosion and replacement of the struts if corrosion is detected. An accident involving a wing separating from a Maule airplane in flight prompted this action. The actions specified by this AD are intended to prevent corrosion of the wing lift strut, which, if not detected and corrected, could cause the wing to separate from the airplane.

DATES: Effective January 26, 1996.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of January 26, 1996.

Comments for inclusion in the Rules Docket must be received on or before February 28, 1996.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket 95–CE–97–AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Service information that applies to this AD may be obtained from Maule Aerospace Technology, Inc., 2099 GA. Hwy., 133 South, Moultrie, Georgia 31768, telephone (912) 985–2045. This information may also be examined at the Federal Aviation Administration (FAA), Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket 95–CE–97–AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Cindy Lorenzen, Aerospace Engineer, FAA, Atlanta Aircraft Certification Office, Campus Building, 1701 Columbia Avenue, suite 2–160, College

Park, Georgia 30337–2748; telephone (404) 305–7357; facsimile (404) 305–7348.

SUPPLEMENTARY INFORMATION: The FAA received a report involving a wing separating from a Maule airplane while it was in flight. Investigation of the accident revealed that the right forward unsealed wing lift strut failed 8 to 12 inches above the lower fitting. Upon examination of the lift strut, investigators found internal corrosion. This condition, if not detected and corrected, could result in failure of the wing lift strut and separation of the wing from the airplane, causing loss of the airplane.

Maule Service Bulletin (SB) No. 11, Issued: October 30, 1995, specifies procedures for inspecting the wing lift strut for internal corrosion and replacing the wing lift strut.

After examining the circumstances and reviewing all available information related to the accident described above, including the referenced service bulletin, the FAA has determined that AD action should be taken in order to prevent corrosion of the wing lift strut, which could cause the wing to separate from the airplane.

Since an unsafe condition has been identified that is likely to exist or develop in other Maule Model M–4, M–5, M–6, M–7, MX–7, MXT–7 series and Models M–7–235 and M–8–235 airplanes of the same type design equipped with unsealed wing lift struts, this AD requires inspecting the wing lift struts for internal corrosion damage and replacing the wing lift struts if corrosion damage is detected. This action shall be accomplished in accordance with Maule SB No. 11, dated October 30, 1995. In future rulemaking actions, the FAA may impose additional procedures on the unsealed wing lift struts and require additional modifications.

The compliance time for this AD is presented in calendar time instead of hours time-in-service. The FAA has determined that a calendar time for compliance is the most desirable method because the unsafe condition described by this AD is caused by corrosion. Corrosion can occur on airplanes regardless of whether the airplane is in service or on the ground.

Since a situation exists (wing lift strut corrosion and possible loss of a wing) that requires the immediate adoption of this regulation, it is found that notice and opportunity for public prior comment hereon are impracticable, and that good cause exists for making this amendment effective in less than 30 days.

Comments Invited

Although this action is in the form of a final rule that involves requirements affecting immediate flight safety and, thus, was not preceded by notice and opportunity to comment, comments are invited on this rule. Interested persons are invited to comment on this rule by submitting such written data, views, or arguments as they may desire. Communications should identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments will be considered, and this rule may be amended in light of the comments received. Factual information that supports the commenter's ideas and suggestions is extremely helpful in evaluating the effectiveness of the AD action and determining whether additional rulemaking action would be needed.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to modify the rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report that summarizes each FAA-public contact concerned with the substance of this AD will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. 95–CE–97–AD.'' The postcard will be date stamped and returned to the commenter.

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

The FAA has determined that this regulation is an emergency regulation that must be issued immediately to correct an unsafe condition in aircraft, and that it is not a ''significant regulatory action'' under Executive Order 12866. It has been determined further that this action involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). If it is determined that this emergency regulation otherwise would be significant under DOT Regulatory Policies and Procedures, a final regulatory evaluation will be prepared and placed in the Rules Docket (otherwise, an evaluation is not required). A copy of it, if filed, may be obtained from the Rules Docket.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40101, 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding a new airworthiness directive (AD) to read as follows:

95–26–18 Maule Aerospace Technology, Inc.: Amendment 39–9476; Docket No. 95–CE–97–AD.

Applicability: M–4, M–5, M–6, M–7, MX–7, MXT–7 Series and Models MT–7–235, and M–8–235 Airplanes (all serial numbers), certificated in any category that are equipped with part number (P/N) 2079E rear wing lift struts and P/N 2080E front wing lift struts.

Note 1: This AD applies to each airplane identified in the preceding applicability revision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (b) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it. Compliance: Required within the next 30 calendar days after the effective date of this AD, unless already accomplished.

Note 2: The compliance times and inspection intervals indicated in this AD take precedence over the compliance times and inspection intervals called for in the Maule Service Bulletin (SB) No. 11, Issued: October 30, 1995.

Note 3: The paragraph structure of this AD is as follows:

Level 1: (a), (b), (c), etc.
Level 2: (1), (2), (3), etc.
Level 3: (i), (ii), (iii), etc.

Level 2 and Level 3 structures are designations of the Level 1 paragraph they immediately follow.

To prevent corrosion of the wing lift strut, which, if not detected and corrected, could cause the wing to separate from the airplane, accomplish the following:

(a) Inspect the two rear wing lift struts, (P/N 2079E) and the two front wing lift struts (P/N 2080E) for internal corrosion in accordance with the *INSTRUCTIONS* and *INSPECTION PROCEDURE* sections specified in Maule SB No. 11, Issued: October 30, 1995.

(1) If evidence of corrosion damage is found, prior to further flight, accomplish one of the following:

(i) Replace the damaged strut with an airworthy strut of the same part number that has been treated internally with corrosion preventative in accordance with the *INSPECTION PROCEDURE* section specified in Maule SB No. 11, Issued October 30, 1995, or

(ii) Replace the damaged strut with a sealed wing lift strut, P/N 2200E or P/N 2201E, as applicable, in accordance with the instructions specified in PART II of the INSTRUCTIONS section of Maule SB No. 11, Issued October 30, 1995.

(2) If no evidence of corrosion damage is found, prior to further flight, treat the strut internally with corrosion preventative in accordance with the NOTE in the *INSPECTION PROCEDURE* section in Maule SB No. 11, Issued October 30, 1995.

(b) An alternative method of compliance or adjustment of the compliance time that provides an equivalent level of safety may be approved by the Manager, FAA, Atlanta Aircraft Certification Office, Campus Building, 1701 Columbia Avenue, suite 2–160, College Park, Georgia 30337–2748. The request shall be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Atlanta Aircraft Certification Office.

Note 4: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Atlanta Aircraft Certification Office.

(c) The inspection and possible replacements required by this AD shall be done in accordance with Maule Service Bulletin No. 11, Issued: October 30, 1995. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Maule Aerospace Technology, Inc., 2099 GA Hwy., 133 South, Moultrie, Georgia, 31768. Copies may be inspected at the FAA, Central Region, Office of the Assistant Chief Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri, or at the Office of the Federal Register, 800 North Capitol Street, NW., 7th Floor, suite 700, Washington, DC.

(d) This amendment (39–9476) becomes effective on January 26, 1996.

Issued in Kansas City, Missouri, on December 22, 1995.

Dwight A. Young,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 96–270 Filed 1–8–96; 8:45 am]

BILLING CODE 4910–13–U

14 CFR Part 39

[Docket No. 94–ANE–63; Amendment 39–9458; AD 95–03–10]

Airworthiness Directives; Textron Lycoming O–235 Series Reciprocating Engines

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule, request for comments.

SUMMARY: This document publishes in the Federal Register an amendment adopting airworthiness directive (AD) 95–03–10 that was sent previously to all known U.S. owners and operators of Textron Lycoming O–235 series reciprocating engines by individual letters. This AD requires a one-time inspection within the next 5 hours time in service to determine the part number (P/N) and revision letter of the push rod installed on the engine. All push rods with P/N 73806 and revision letters ''V'' or ''W'' must be replaced with serviceable parts. This amendment is prompted by reports of several failures of push rods. The actions specified by this AD are intended to prevent engine roughness and power loss, which could result in loss of the aircraft.

DATES: Effective January 24, 1996, to all persons except those persons to whom it was made immediately effective by priority letter AD 95–03–10, issued on February 7, 1995, which contained the requirements of this amendment.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of January 24, 1996.

Comments for inclusion in the Rules Docket must be received on or before March 11, 1996.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), New England Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 94–ANE–63, 12 New England Executive Park, Burlington, MA 01803–5299.

The applicable service information may be obtained from Textron Lycoming, 652 Oliver Street, Williamsport, PA 17701; telephone (717) 327–7278, fax (717) 327–7022. This information may be examined at the FAA, New England Region, Office of the Assistant Chief Counsel, 12 New England Executive Park, Burlington, MA; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Nick Minniti, Aerospace Engineer, New York Aircraft Certification Office, FAA, Engine and Propeller Directorate, 10 Fifth St., Valley Stream, NY 11581; telephone (516) 256–7510, fax (516) 568–2716.

SUPPLEMENTARY INFORMATION: On February 7, 1995, the Federal Aviation Administration (FAA) issued priority letter airworthiness directive (AD) 95–03–10, applicable to Textron Lycoming O–235 series reciprocating engines, which requires a one-time inspection within the next 5 hours time in service to determine the part number (P/N) and revision letter of the push rod installed on the engine. All push rods with P/N 73806 and revision letters ''V'' or ''W'' must be replaced with serviceable parts. That action was prompted by reports of several failures of push rods, P/N 73806, installed in Textron Lycoming O–235 series reciprocating engines. The manufacturer's investigation has determined that the failures initiated from scoring on the inner diameter (I.D.) of the push rod tube. The scoring was introduced during the extrusion of the tube at the supplier. These push rods were installed in engines shipped from the factory between February 22, 1993, and September 2, 1994, or were installed as serviceable parts on or after February 22, 1993. This condition, if not corrected, could result in engine roughness and power loss, which could result in loss of the aircraft.

Since publication of the priority letter AD, the FAA has received reports of confusion regarding whether a previous AD, 80–25–02 R2, also applicable to pushrod P/N 73806, remains in effect. This final rule AD clarifies in a note that compliance with AD 80–25–02 R2 is still mandatory.

The FAA has reviewed and approved the technical contents of Textron Lycoming Mandatory Service Bulletin No. 552, dated November 1, 1994, that lists by serial number engines shipped from the factory between February 22, 1993, and September 2, 1994, and describes procedures for inspection of push rods to determine if they require replacement.

Since the unsafe condition described is likely to exist or develop on other engines of the same type design, the FAA issued priority letter AD 95–03–10 to prevent engine roughness and power loss, which could result in loss of the

aircraft. The AD requires a one-time inspection within the next 5 hours time in service to determine the P/N and revision letter of the push rod installed on the engine. All push rods with P/N 73806 and revision letters ''V'' or ''W'' must be replaced with serviceable parts. Textron Lycoming has determined that it is not possible to visually inspect the push rod tube for I.D. scoring that can cause the part to fail. The actions are required to be accomplished in accordance with the service bulletin described previously.

Since it was found that immediate corrective action was required, notice and opportunity for prior public comment thereon were impracticable and contrary to the public interest, and good cause existed to make the AD effective immediately by individual letters issued on February 7, 1995, to all known U.S. owners and operators of Textron Lycoming O–235 series reciprocating engines. These conditions still exist, and the AD is hereby published in the Federal Register as an amendment to Section 39.13 of part 39 of the Federal Aviation Regulations (14 CFR part 39) to make it effective to all persons.

Comments Invited

Although this action is in the form of a final rule that involves requirements affecting flight safety and, thus, was not preceded by notice and an opportunity for public comment, comments are invited on this rule. Interested persons are invited to comment on this rule by submitting such written data, views, or arguments as they may desire. Communications should identify the Rules Docket number and be submitted in triplicate to the address specified under the caption **ADDRESSES.** All communications received on or before the closing date for comments will be considered, and this rule may be amended in light of the comments received. Factual information that supports the commenter's ideas and suggestions is extremely helpful in evaluating the effectiveness of the AD action and determining whether additional rulemaking action would be needed.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to modify the rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report that summarizes each FAA-public contact concerned with the substance of this AD will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 94–ANE–63.'' The postcard will be date stamped and returned to the commenter.

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

The FAA has determined that this regulation is an emergency regulation that must be issued immediately to correct an unsafe condition in aircraft, and is not a ''significant regulatory action'' under Executive Order 12866. It has been determined further that this action involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). If it is determined that this emergency regulation otherwise would be significant under DOT Regulatory Policies and Procedures, a final regulatory evaluation will be prepared and placed in the Rules Docket. A copy of it, if filed, may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES.**

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40101, 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

95–03–10 Textron Lycoming: Amendment 39–9458 Docket 94–ANE–63.

Applicability: Textron Lycoming O–235 series reciprocating engines, shipped from the factory between February 22, 1993, and September 2, 1994, and identified by serial number in Textron Lycoming Mandatory Service Bulletin (MSB) No. 522, dated November 1, 1994; and all Textron Lycoming O–235 series reciprocating engines that have had push rods, part number (P/N) 73806, installed as service parts on or after February 22, 1993. These engines are installed on but not limited to the following aircraft: Piper PA–11, –12, –18, –22, –28, –38; Cessna 152, A152; Beech 77; Taylorcraft F–21; and Gulfstream American AA1 series aircraft.

Note 1: This airworthiness directive (AD) applies to each engine identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For engines that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must use the authority provided in paragraph (b) to request approval from the Federal Aviation Administration (FAA). This approval may address either no action, if the current configuration eliminates the unsafe condition, or different actions necessary to address the unsafe condition described in this AD. Such a request should include an assessment of the effect of the changed configuration on the unsafe condition addressed by this AD. In no case does the presence of any modification, alteration, or repair remove any engine from the applicability of this AD.

Note 2: This amendment does not supersede AD 80–25–02 R2, which also applies to pushrod P/N 73806. AD 80–25–02 R2 continues in effect and must be complied with.

Compliance: Required as indicated, unless accomplished previously.

To prevent engine roughness and power loss, which could result in loss of the aircraft, accomplish the following:

(a) Within 5 hours time in service (TIS) after the effective date of this AD, inspect push rods for P/N and revision letter. All push rods with P/N 73806 and revision letter ''V'' or ''W'' must be replaced with serviceable parts in accordance with Textron Lycoming MSB No. 522, dated November 1, 1994.

(b) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, New York Aircraft Certification Office. The request should be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, New York Aircraft Certification Office.

Note: Information concerning the existence of approved alternative methods of compliance with this airworthiness directive, if any, may be obtained from the New York Aircraft Certification Office.

(c) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the aircraft to a location where the inspection required by this AD can be accomplished.

(d) The actions required by this AD shall be done in accordance with the following MSB:

Document No.	Page	Date
Textron Lycoming MSB No. 522. Total pages: 2.	1–2	November 1, 1994.

This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Textron Lycoming, 652 Oliver Street, Williamsport, PA 17701; telephone (717) 327–7278, fax (717) 327–7022. Copies may be inspected at the FAA, New England Region, Office of the Assistant Chief Counsel, 12 New England Executive Park, Burlington, MA; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(e) This amendment becomes effective January 24, 1996, to all persons except those persons to whom it was made immediately effective by priority letter AD 95–03–10, issued February 7, 1995, which contained the requirements of this amendment.

Issued in Burlington, Massachusetts, on December 8, 1995.

Jay J. Pardee,

Manager, Engine and Propeller Directorate, Aircraft Certification Service.

[FR Doc. 96–272 Filed 1–8–96; 8:45 am]

BILLING CODE 4910–13–U

14 CFR Part 39

[Docket No. 95–ANE–67; Amendment 39–9460, AD 95–26–02]

Airworthiness Directives; Textron Lycoming Reciprocating Engines

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that is applicable to certain Textron Lycoming reciprocating engines installed on certain aircraft identified by registration numbers. This action supersedes priority letter AD 94–14–13 that currently requires engines certified to operate on 91 octane or higher aviation gasoline (avgas) to undergo a teardown and analytical inspection for detonation damage, and engines certified to operate on 80 octane avgas to undergo inspection for evidence of possible internal engine damage. This action revises incorrect engine model numbers and aircraft registration numbers listed in the priority letter AD. This amendment is prompted by the Federal Aviation Administration (FAA) receiving more accurate information concerning which aircraft were fueled with the contaminated mixture at the affected airports. The actions specified by this AD are intended to prevent detonation due to low octane, which can result in severe engine damage and subsequent failure.

DATES: Effective January 24, 1996.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of January 24, 1996.

Comments for inclusion in the Rules Docket must be received on or before March 11, 1996.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), New England Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 95–ANE–67, 12 New England Executive Park, Burlington, MA 01803–5299.

The service information referenced in this AD may be obtained from Textron Lycoming, Reciprocating Engine Division, 652 Oliver St., Williamsport, PA 17701; telephone (717) 327–7278, fax (717) 327–7022. This information may be examined at the FAA, New England Region, Office of the Assistant Chief Counsel, 12 New England Executive Park, Burlington, MA; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Locke Easton, Aerospace Engineer, Engine and Propeller Standards Staff, FAA, Engine and Propeller Directorate, 12 New England Executive Park; telephone (617) 238–7113, fax (617) 238–7199.

SUPPLEMENTARY INFORMATION: On June 23, 1994, the Federal Aviation Administration (FAA) issued priority letter airworthiness directive (AD) 94–14–13, applicable to Textron Lycoming (formerly Avco Lycoming) O–235–12C, O–235–L, O–320–A, O–320–B2C, O–320–E, O–320–E2A, O–320–E2D, O–320–E20, O–320–D2J, O–320–D3G, O–320–H2AD, IO–320–B, IO–320–B, IO–320–C, LO–320–A4K, LO–320–D1D, O–360–A, O–360–A4M, O–360–F, IO–360–A, IO–360–BIB, IO–360–C, LO–360–A1A, LO–360–A1D, LIO–360–A1A, LIO–360–A3B6D, TIO–360–C, TVO–435–AIA, O–540–E, O–540–C, O–540–J, IO–540–C, IO–540–D, IO–540 E 290, IO–540–K, TIO–540–F, TIO–540–J, TIO–540–S, 165D–540–B 380, and R–680 series reciprocating engines, installed on the following U.S. registered aircraft: N1010F, N106RE, N1068M, N110MP, N1285X, N1317P, N1344V, N14006, N15851, N1666C, N177DT, N1920F, N1928Q, N20HT, N20NC, N20ND, N207X, N2040Q, N2128W, N2165M, N2185K, N2232Z, N22874, N2300R, N2346G, N2394Q, N24395, N24627, N24860, N250M, N2555V, N25562, N2578L, N2603Y, N26602, N28FG, N2811R, N2815F, N2817Q, N2819A, N2848Q, N28683, N2927M, N2964K, N3060M, N32388, N33696, N34242, N36358, N3737U, N37500, N3945K, N40ES, N40VF, N400JM, N4222J, N4293Y, N4316T, N4320F, N4497U, N4515P, N4602S, N4674S, N4687P, N47SG, N4796V, N47964, N48ES, N494FL, N5199U, N52015, N5217L, N5254K, N5344K, N5418W, N54228, N54661, N5547Q, N55521, N56GS, N56884, N59850, N6005Z, N6045M, N61569, N6239H, N62801, N6286W, N6297V, N63R, N6370P, N6412D, N64120, N6480D, N6483Q, N6493Q, N65425, N671A, N67615, N67975, N68SC, N68937, N6905V, N7ZX, N70416, N71RJ, N711PG, N714ZU, N7157V, N7195G, N7213P, N7230F, N7230Q, N7248H, N73064, N733WH, N734TA, N7361R, N737CM, N737NV, N738GX, N738KC, N738KF, N738KK, N738RC, N738ZL, N739RF, N75381, N755GA, N756RV, N757SK, N757SX, N757TU, N7724M, N777EE, N78887, N78901, N7894V, N792BW, N804EH, N8070P, N8094Q, N81RP, N81203, N8144G, N8149E, N8184X, N8201B, N82182, N8223W, N8264W, N8286W, N8306D, N8372L, N8494E, N8537J, N8579H, N8691Y, N8810P, N8961P, N9114H, N9140J, N9157S, N9296P, N9407K, N9444R, N9451B, N95WT, N9574L, N96TB, N96134, N9666V, N9673L, N9728U, N9783L, N9808J and N9864C. That action requires teardown and analytical inspection for engines certified to operate on 91 or higher octane aviation gasoline (avgas), and differential compression test and examination of the oil filter for engines certified to operate on 80 octane avgas. That action was prompted by reports of reports of aviation gasoline (avgas) being contaminated by Jet A fuel. After investigation, the source of the contamination has been determined to be the refiner of the avgas. Through its distribution system, the refiner inadvertently caused Jet A fuel to be loaded into distribution tanks intended for avgas. Contaminated avgas from these distribution tanks was then shipped to local fuel distributors. The FAA has determined that aircraft with certain Textron Lycoming engines installed were fueled with this contaminated mixture between May 22 and June 2, 1994, at Sacramento Executive (SAC) airport, or between May 18 and June 2, 1994, at Sacramento Metro (SMF) airport. The list of U.S.

registered aircraft specified in the applicability paragraph of this AD is based on investigation of fueling records secured from the two affected airports, which the FAA has determined to represent the population of affected engines. That condition, if not corrected, could result in detonation due to low octane, which can result in severe engine damage and subsequent failure.

This AD requires engines certified to operate on 91 octane or higher avgas to undergo a teardown and analytical inspection for detonation damage, and engines certified to operate on 80 octane avgas to undergo inspection for evidence of possible internal engine damage. Engineering analysis of operating these engines with avgas contaminated with Jet A fuel indicates that actual damage to the engine may range from unnoticeable to very severe, according to the duration of run, engine power level, and level of contamination. Damage may be characterized by increased operating temperatures resulting in damaged intake valves and burned pistons, and excessive loads imposed by detonation. Since internal damage may not be assessed by any other method, engines certified to operate on 91 octane or higher avgas must undergo a teardown and analytical inspection and any parts showing signs of detonation damage must be replaced. Investigation revealed the lowest octane level of the contaminated fuel to be 83 octane, therefore engines certified to operate on 80 octane avgas need not undergo a teardown and analytical inspection unless evidence of internal engine damage is present by the required differential compression test and examination of the oil filter for metal particles. The refiner has advised the FAA that it may pay for any reasonable expense associated with the inspection and/or disassembly in accordance with the mechanic's and manufacturer's recommendations.

Since the issuance of that priority letter AD, the FAA has received more accurate information concerning which aircraft were fueled with the contaminated mixture at the affected airports. This AD therefore corrects certain engine model numbers and aircraft registration numbers for aircraft that were fueled with the contaminated mixture.

The FAA has reviewed and approved the technical contents of: Avco Lycoming Service Bulletin (SB) No. 398, dated April 30, 1976, that specifies that reciprocating engines operated with lower octane than that approved for the engine or contaminated with Jet A fuel should undergo a teardown and analytical inspection as the engine could sustain damage that cannot be assessed by any other method; and Avco Lycoming Service Instruction (SI) No. 1191, dated March 31, 1972, that describes procedures for differential compression tests.

Since an unsafe condition has been identified that is likely to exist or develop on other engines of this same type design, this AD supersedes priority letter AD 94–14–13 to revise incorrect engine model numbers and aircraft registration numbers listed in the priority letter AD. The actions are required to be accomplished in accordance with the service documents described previously.

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and opportunity for prior public comment hereon are impracticable, and that good cause exists for making this amendment effective in less than 30 days.

Comments Invited

Although this action is in the form of a final rule that involves requirements affecting flight safety and, thus, was not preceded by notice and an opportunity for public comment, comments are invited on this rule. Interested persons are invited to comment on this rule by submitting such written data, views, or arguments as they may desire. Communications should identify the Rules Docket number and be submitted in triplicate to the address specified under the caption **ADDRESSES**. All communications received on or before the closing date for comments will be considered, and this rule may be amended in light of the comments received. Factual information that supports the commenter's ideas and suggestions is extremely helpful in evaluating the effectiveness of the AD action and determining whether additional rulemaking action would be needed.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to modify the rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report that summarizes each FAA-public contact concerned with the substance of this AD will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 95–ANE–67.'' The postcard will be date stamped and returned to the commenter.

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

The FAA has determined that this regulation is an emergency regulation that must be issued immediately to correct an unsafe condition in aircraft, and is not a ''significant regulatory action'' under Executive Order 12866. It has been determined further that this action involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). If it is determined that this emergency regulation otherwise would be significant under DOT Regulatory Policies and Procedures, a final regulatory evaluation will be prepared and placed in the Rules Docket. A copy of it, if filed, may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40101, 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

95–26–02 Textron Lycoming: Amendment 39–9460. Docket No. 95–ANE–67. Supersedes AD 94–14–13.

Applicability: Textron Lycoming (formerly Avco Lycoming) O–235–12C, O–235–L, O–320–A, O–320–B2C, O–320–E, O–320–E2A, O–320–E2D, O–320–E20, O–320–D2J, O–320–D3G, O–320–H2AD, IO–320–B, IO–320–B, IO–320–C, LO–320–A4K, LO–320–D1D, O–360–A, O–360–A4M, O–360–F, IO–360–A,

IO–360–BIB, IO–360–C, LO–360–A1A, LO–360–A1D, LIO–360–A1A, LIO–360–A3B6D, TIO–360–C, TVO–435–AIA, O–540–E, O–540–C, O–540–J, IO–540–C, IO–540–D, IO–540 E 290, IO–540–K, TIO–540–F, TIO–540–J, TIO–540–S, and R–680 series reciprocating engines, installed on the following U.S. registered aircraft: N1004V, N1010F, N106RE, N1068M, N110MP, N1285X, N1317P, N1344V, N14006, N15851, N1666C, N177DT, N1920F, N1928Q, N20HT, N20NC, N20ND, N207X, N2040Q, N2128W, N2165M, N2185K, N2232Z, N22874, N2300R, N2346G, N2394Q, N24395, N24627, N24860, N250M, N2555V, N25562, N2578L, N2603Y, N26602, N28FG, N2811R, N2815F, N2817Q, N2819A, N2848Q, N28683, N2927M, N2964K, N3060M, N32388, N33696, N34242, N36358, N3737U, N37500, N3945K, N40ES, N40VF, N400JM, N4222J, N4293Y, N4316T, N4320F, N4497U, N4515P, N46GS, N4602S, N4674S, N4687P, N47SG, N4796V, N47964, N48ES, N494FL, N5199U, N52015, N5217L, N5254K, N5344K, N5418W, N54228, N54661, N5547Q, N55521, N56884, N59850, N6005Z, N6045M, N61569, N6239H, N62801, N6286W, N6297V, N63R, N6370P, N6412D, N6480D, N6483Q, N6493Q, N65425, N671A, N67615, N67975, N68SC, N68937, N6905V, N7ZX, N70416, N71RJ, N711PG, N714ZU, N7157V, N7195G, N7213P, N7230F, N7230Q, N7248H, N73064, N733WH, N734TA, N7361R, N737CM, N737NV, N738GX, N738KC, N738KF, N738RC, N738ZL, N739RF, N75381, N755GA, N756RV, N757SK, N757SX, N757TU, N7724M, N777EE, N78887, N78901, N7894V, N792BW, N804EH, N8070P, N8094Q, N81RP, N81203, N8144G, N8149E, N8184X, N8201B, N82182, N8223W, N8264W, N8306D, N8372L, N8494E, N8537J, N8579H, N8691Y, N8810P, N8961P, N9140J, N9157S, N9296P, N9407K, N9444R, N9451B, N95WT, N9574L, N96TB, N96134, N9666V, N9673L, N9728U, N9783L, N9808J and N9864C.

Note: This airworthiness directive (AD) applies to each engine identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For engines that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must use the authority provided in paragraph (c) to request approval from the Federal Aviation Administration (FAA). This approval may address either no action, if the current configuration eliminates the unsafe condition, or different actions necessary to address the unsafe condition described in this AD. Such a request should include an assessment of the effect of the changed configuration on the unsafe condition addressed by this AD. In no case does the presence of any modification, alteration, or repair remove any engine from the applicability of this AD.

Compliance: Required as indicated, unless accomplished previously.

To prevent detonation due to low octane, which can result in severe engine damage and subsequent failure, accomplish the following:

(a) For engines that are certified to operate on only 91 or higher octane aviation gasoline (avgas) within the next 2 hours time in service (TIS) after the effective date of this airworthiness directive (AD) perform an engine teardown and analytical inspection, and replace with serviceable parts as necessary in accordance with Avco Lycoming Service Bulletin (SB) No. 398, dated April 30, 1976.

(b) For engines that are certified to operate on 80 octane avgas, within the next 2 hours TIS after the effective date of this AD conduct a differential compression test on all cylinders in accordance with Avco Lycoming Service Instruction (SI) No. 1191, dated March 31, 1972, and examine the oil filter by cutting the oil filter apart and spreading the filter paper out to look for metal particles. If metal particles are present, or if one or more cylinders shows unacceptable compression as specified in Avco Lycoming SI No. 1191, dated March 31, 1972, perform an engine teardown and analytical inspection, and replace with serviceable parts as necessary in accordance with Avco Lycoming SB No. 398, dated April 30, 1976.

(c) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Engine and Propeller Standards Staff. The request should be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Engine and Propeller Standards Staff.

Note: Information concerning the existence of approved alternative methods of compliance with this airworthiness directive, if any, may be obtained from the Engine and Propeller Standards Staff.

(d) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the aircraft to a location where the requirements of this AD can be accomplished.

(e) The actions required by this AD shall be done in accordance with the following Avco Lycoming service documents:

Document No.	Page	Revision	Date
SB No. 398 ... Total pages: 1.	1	Original	April 30, 1976.
SI No. 1191 .. Total pages: 2.	1–2	Original	March 31, 1972.

This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Textron Lycoming, Reciprocating Engine Division, 652 Oliver St., Williamsport, PA 17701; telephone (717) 327–7278, fax (717) 327–7022. Copies may be inspected at the FAA, New England Region, Office of the Assistant Chief Counsel, 12 New England Executive Park, Burlington, MA; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(f) This amendment supersedes priority letter AD 94–14–13, issued June 23, 1994.

(g) This amendment becomes effective on January 24, 1996.

Issued in Burlington, Massachusetts, on December 5, 1995.

Jay J. Pardee,

Manager, Engine and Propeller Directorate, Aircraft Certification Service.

[FR Doc. 96–273 Filed 1–8–96; 8:45 am]

BILLING CODE 4910–13–U

14 CFR Part 91

[Docket No. 26903 Special Federal Aviation Regulation (SFAR) No. 66–2]

RIN 2120–AF72

Indefinite Suspension of the Prohibition Against Certain Flights Between the United States and the Federal Republic of Yugoslavia (Serbia and Montenegro)

AGENCY: Federal aviation Administration (FAA), DOT.

ACTION: Notice of suspension of effectiveness.

SUMMARY: This action suspends indefinitely the provisions of SFAR No. 66–2. SFAR No. 66–2 prohibits, with certain exceptions, the takeoff from, landing in, or overflight of the territory of the United States by any aircraft on a flight to or from the territory of Federal Republic of Yugoslavia (Serbia and Montenegro). In addition, the SFAR prohibits the landing in, takeoff from, or overflight of the territory of the United States by any aircraft on a flight from or to any intermediate destination, if the flight's origin or ultimate destination is Serbia and Montenegro. Presidential Determination No. 96–7 suspends the sanctions previously imposed under Executive Order 12810 with respect to Yugoslavia to achieve a negotiated settlement of the conflict in Bosnia-Herzegovina and directs the Department of Transportation to suspend the effectiveness of Order No. 92–6–27. Accordingly, the Administrator is suspending indefinitely the effectiveness of the provisions of SFAR No. 66–2.

DATES: Effective on January 2, 1996. SFAR No. 66–2 in 14 CFR Part 91 is suspended indefinitely.

FOR FURTHER INFORMATION CONTACT: Patricia R. Lane, Airspace and Air Traffic Law Branch, AGC–230, Office of the Chief Counsel, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: 202–267–3491.

SUPPLEMENTARY

Availability of Document

any person may obtain a copy of this document by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Public Inquiry Center, APA–230, 800 Independence Avenue, SW., Washington, DC 20591, or by calling 202–267–3484. Communications must identify the number of this SFAR. Persons interested in being placed on a mailing list for future rules should also request a copy of the Advisory Circular No. 11–2A, which describes the applications procedure.

Background

The FAA is responsible for the safety of flight in the United States and the safety of U.S.-registered aircraft and U.S. operators throughout the world. Section 40101(d)(1) of Title 49, United States Code, requires the Administrator of the FAA to consider the regulation of air commerce in a manner that best promotes safety and fulfills the requirements of national security as being in the public interest. In addition, 49 U.S.C. 40105(b)(A) requires the Administrator to exercise his authority consistently with the obligations of the United States Government under an international agreement.

One such international agreement is the Charter of the United Nations (the Charter) 59 Stat. 1031; 3 Bevans 1153 (1945)). Under Article 25 of the Charter, ''the members of the United Nations agree to accept and carry out the decisions of the Security Council in accordance with the present Charter.'' Article 48(1) of the Charter further provides, in pertinent part, that ''[t]he action required to carry out the decisions of the Security Council for the maintenance of international peace and security shall be taken by all members of the United Nations * * * ''.

On May 30, 1992, acting under Chapter VII of the charter, the Security Council adopted Resolution 757, mandating an embargo of certain air traffic with Serbia and Montenegro. Paragraph 7(a) of Resolution 757 requires all states to deny permission to any aircraft to takeoff from, land in, or overfly their territory if the aircraft is destined to land in or has taken off from the territory of Serbia and Montenegro. An exception to this prohibition is made for flights that have been approved on the grounds of urgent humanitarian need by the Security Council Committee established by Security Council Resolution 724 (1991).

The United States Government has taken several actions to restrict air transportation between the United States, Serbia and Montenegro in accordance with Security Council Resolution 757. Section 2(d) of Executive Order 12810, issued by the President on June 5, 1992, prohibits ''[a]ny transaction by a United States person, or involving the use of U.S.-registered vessels and aircraft, relating to transportation to or from the Federal Republic of Yugoslavia (Serbia and Montenegro) * * * or the sale in the United States by any person holding authority under the Federal Aviation Act * * * of any transportation by air which includes any stop in the Federal Republic of Yugoslavia (Serbia and Montenegro).'' Section 2(e) of the Executive Order further prohibits:

> The granting of permission to any aircraft to takeoff from, land in, or overfly the United States, if the aircraft, as part of the same flight or a continuation of that flight, is destined to land in or has taken off from the territory of the Federal Republic of Yugoslavia (Serbia and Montenegro).

Executive Order 12810 cites the Presidents' authority under the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*), the National Emergencies Act (50 U.S.C. 1601 *et seq.*), Section 1114 of the Federal Aviation Act of 1958, as amended (49 U.S.C. app. 1514), Section 301 of Title 3, United States Code (3 U.S.C. 301), and Section 5 of the United Nations Participation Act of 1945, as amended (22 U.S.C. 287(c)). In particular, the United Nations Participation Act provides that:

> [N]otwithstanding the provisions of any other law, whenever the United States is called upon by the [UN] Security Council to apply measures which said Council has decided * * * to be employed to give effect to its decisions under the [United Nations] Charter, the president may, to the extent necessary to apply such measures, through any agency which he may designate, and under such orders, rules, or regulations as may be prescribed by him, investigate, regulate, or prohibit in whole or in part, economic relations of rail, sea, [and] air * * * between any foreign country or to any nation thereof or any person therein and the United States or any person subject to the jurisdiction thereof * * *

On June 12, 1992, the Office of the Secretary of Transportation issued Order 92–6–27, which implements Executive Order 12810 by amending all Department of Transportation (DOT) certificates issued under Section 401 of the Act, all permits issued under Section 402 of the Act, and all exemptions from Section 401 and 402 accordingly.

On June 23, 1992, the FAA published SFAR No. 66, prohibiting the takeoff from, landing in, or overflights of the territory of the United States by an aircraft on a flight to or from the territory of the Serbia and Montenegro (57 FR 28031). SFAR No. 66 also prohibited the landing in takeoff from, or overflight of the territory of the United States by any aircraft on a flight from or to any intermediate destination, if the flight is destined to land in or takeoff from Serbia and Montenegro. After SFAR No. 66 expired on June 19, 1993, the FAA reinstated the prohibition against certain flights between the United States and the Serbia and Montenegro through the issuance of SFAR No. 66–1 (58 FR 45220). SFAR No. 66–1 became effective on August 26, 1993, and expired on August 26, 1994.

On May 31, 1995, the FAA replaced SFAR No. 66–1 with SFAR No. 66–2. SFAR No. 66–2 prohibits, with certain exceptions, the takeoff from, landing in or overflight of the territory of the United States by an aircraft on a flight to or from the territory of Federal Republic of Yugoslavia (Serbia and Montenegro) 60 FR 28476). In addition, SFAR No. 66–2 prohibits the landing in, takeoff from, or overflight of the territory of the United States by any aircraft on a flight from or to any intermediate destination, if the flights' origin or ultimate destination is Serbia and Montenegro. SFAR No. 66–2 expires on June 2, 1997.

On October 27, 1995, the Embassy of the Federal Republic of Yugoslavia petitioned the FAA for an exemption from SFAR No. 66–2 to permit the operation of an aircraft carrying delegates from both the Federal Republic of Yugoslavia and the Bosnian Serb-Controlled Areas of the Republic of Bosnia and Herzegovina to operate to, within, and from the United States to and from a point within Bosnia and Montenegro. Pursuant to the Department of Treasury, Office of Foreign Assets Control, the FAA granted the petition which permitted the transporting of the delegation from Belgrade to and from the Peace Conference at Wright Patterson Air Force Base in Dayton, Ohio, for the purpose of conducting negotiations.

On January 2, 1996, the President transmitted Presidential Determination No. 96–7, which suspends the sanctions previously imposed with respect to Yugoslavia to the United States Congress. The President determined that suspension was necessary to achieve a negotiated settlement of the conflict in Bosnia-Herzegovina that is acceptable to the parties. On January 2, 1996, the Department of Transportation suspended the effectiveness of the conditions contained in Order No. 92–

6–27. A copy of Presidential Determination No. 96–7 has been placed in the docket for this action.

Indefinite Suspension of the Prohibition Against Certain Flights Between the United States and the Federal Republic of Yugoslavia (Serbia and Montenegro)

On the basis of the above, and in support of Presidential Determination No. 96–7, I am ordering an indefinite suspension of the provisions of SFAR No. 66–2. For the reasons stated above, I find that notice and public comment under 5 U.S.C. 553(b) are impracticable and contrary to the public interest. Further, I find that good cause exists for making this rule effective immediately upon issuance. I also find that this action is fully consistent with my obligations under 49 U.S.C. Section 40105(b)(1) to ensure that I exercise my duties consistently with the obligations of the United States under international agreements.

Regualtory Evaluation

This amendment is relieving in nature and suspends indefinitely the restrictions of flights between the United States, Serbia and Montenegro. In addition, the cost to circumnavigate the territory by U.S.-registered aircraft is removed by this action. Accordingly, this action will impose no additional burden on commercial or private operators.

Paperwork Reduction Act

This rule contains no information collection requests requiring approval of the Office of Management and Budget pursuant to the Paperwork Reduction Act (44 U.S.C. 3507 *et seq.*).

International Trade Impact Assessment

SFAR No. 66–2 does not prohibit U.S. and foreign air carriers from engaging in the sale of air transportation to or from Serbia and Montenegro, nor does it impose any restrictions on commercial carriers beyond those imposed by DOT Order 92–6–27. The FAA, therefore, determined that SFAR No. 66–2 would not create a competitive advantage or disadvantage for foreign companies in the sale of aviation products or services in the United States, nor for domestic firms in the sale of aviation products or services in foreign countries. Accordingly, the suspension of SFAR No. 66–2 also will not create a competitive advantage or disadvantage for foreign companies in the sale of aviation products or services in foreign countries.

Federalism Determination

The amendment set forth herein will not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612 (52 FR 4168; October 30, 1987), it is determined that this regulation does not have federalism implications warranting the preparation of a Federalism Assessment.

Conclusion

For the reasons set forth above, the FAA has determined that this action is not a ''significant regulatory action'' under Executive Order 12866. This action is considered a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Because this amendment is relieving in nature, the FAA certifies that this rule will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 91

Aircraft, Airmen Airports, Air traffic control, Aviation safety, Federal Republic of Yugoslavia, Freight, Montenegro, Serbia.

Accordingly, for the reasons set forth above, the FAA is suspending indefinitely the provisions of SFAR 66–2.

Authority: 49 U.S.C. 106(g), 1155, 40103, 40113, 40120, 44101, 44111, 44701, 44709, 44711, 44712, 44715, 44716, 44717, 44722, 46306, 46315, 46316, 46502, 46504, 46506, 46507, 47122, 47508, 47528–47531; articles 12 and 29 of the Convention on International Civil Aviation (61 stat. 1180).

Issued in Washington, DC, on January 3, 1996.

David R. Hinson,

Administrator.

[FR Doc. 96–275 Filed 1–5–96; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 173

[Docket No. 95F–0244]

Secondary Direct Food Additives Permitted in Food for Human Consumption

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the food additive regulations for *n*-butoxypoly(oxyethylene)poly (oxypropylene) glycol intended for use in sugar beet processing to replace the existing limitation on molecular weight with a limitation on viscosity. This action responds to a petition filed by Union Carbide Corp.

DATES: Effective January 9, 1996; written objections and requests for a hearing by FEbruary 8, 1996. The Director of the Office of the Federal Register approves the incorporation by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51 of a certain publication in § 173.340 (21 CFR 173.340), effective January 9, 1996.

ADDRESSES: Submit written objections to the Dockets Management Branch (HFA–305), Food and Drug Administration, rm. 1–23, 12420 Parklawn Dr., Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Mitchell A. Cheeseman, Center for Food Safety and Applied Nutrition (HFS–217), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–418–3083.

SUPPLEMENTARY INFORMATION: In a notice published in the Federal Register of August 8, 1995 (60 FR 40384), FDA announced that a food additive petition (FAP 5A4473) had been filed by Union Carbide Corp., P.O. Box 670, Bound Brook, NJ 08805. The petition proposed to amend the food additive regulations in § 173.340 *Defoaming agents* (21 CFR 173.340) to redefine the limitations for *n*-butoxypolyoxyethylenepolyoxypropyleneglycol intended for use as a defoaming agent in sugar beet processing from molecular weight to viscosity.

FDA has evaluated data in the petition and other relevant material. The agency concludes that the proposed technical amendment concerning *n*-butoxypolyoxyethylenepolyoxypropyleneglycol raises no safety issue, and that § 173.340 should be amended as set forth below. FDA also concludes that the appropriate syntax for the chemical name of the additive is *n*-butoxypoly(oxyethylene)poly (oxypropylene)glycol.

In accordance with § 171.1(h) (21 CFR 171.1(h)), the petition and the documents that FDA considered and relied upon in reaching its decision to approve the petition are available for inspection at the Center for Food Safety and Applied Nutrition by appointment

with the information contact person listed above. As provided in 21 CFR 171.1(h), the agency will delete from the documents any materials that are not available for public disclosure before making the documents available for inspection.

The agency has previously considered the potential environmental effects of this action, as announced in the notice of filing for FAP 5A4473 (60 FR 40384). FDA has received no new information or comments that would affect the agency's previous determination that this action will not have a significant impact on the human environment and that neither an environmental assessment nor an environmental impact statement is required.

Any person who will be adversely affected by this regulation may at any time on or before February 8, 1996, file with the Dockets Management Branch (address above) written objections thereto. Each objection shall be separately numbered, and each numbered objection shall specify with particularity the provisions of the regulation to which objection is made and the grounds for the objection. Each numbered objection on which a hearing is requested shall specifically so state. Failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held. Failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Three copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading of this document. Any objections received in response to the regulation may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

List of Subjects in 21 CFR Part 173

Food additives, Incorporation by reference.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Director, Center for Food Safety and Applied Nutrition, 21 CFR part 173 is amended as follows:

PART 173—SECONDARY DIRECT FOOD ADDITIVES PERMITTED IN FOOD FOR HUMAN CONSUMPTION

1.The authority citation for 21 CFR part 173 continues to read as follows:

Authority: Secs. 201, 402, 409 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 342, 348).

2. Section 173.340 is amended in the table in paragraph (a)(4) by revising the entry for ''*n*-butoxypolyoxyethylenepolyoxypropylene glycol'' under the headings '' Substance'' and ''Limitations'' to read as follows:

§ 173.340 Defoaming agents.

* * * * *

(a) * * *

(4) * * *

Substance	Limitations
n-Butoxypoly(oxyethylene)-poly(oxypropylene)glycol	Viscosity range, 4,850–5,350 Saybolt Universal Seconds (SUS) at 37.8 °C (100 °F). The viscosity range is determined by the method ''Viscosity Determination of *n*-butoxypoly(oxyethylene)-poly(oxypropylene) glycol'' dated April 26, 1995, developed by Union Carbide Corp., P.O. Box 670, Bound Brook, NJ 08805, which is incorporated by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies of the material incorporated by reference are available from the Division of Petition Control, Center for Food Safety and Applied Nutrition (HFS–215), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, and may be examined at the Center for Food Safety and Applied Nutrition's Library, 200 C St. SW., rm. 3321, Washington, DC, or at the Office of the Federal Register, 800 North Capitol St. NW., suite 700, Washington, DC.

* * * * * * *

Dated: December 21, 1995.

Fred R. Shank,

Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 96–228 Filed 1–8–96; 8:45 am]

BILLING CODE 4160–01–F

Proposed Rules

Federal Register
Vol. 61, No. 6
Tuesday, January 9, 1996

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

NUCLEAR REGULATORY COMMISSION

10 CFR Part 61

[Docket No. PRM–61–3]

Heartland Operation To Protect the Environment

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of receipt of petition for rulemaking.

SUMMARY: The Nuclear Regulatory Commission (NRC) is docketing, as a petition for rulemaking, a document, dated August 7, 1995, filed with the Commission by Heartland Operation to Protect the Environment (HOPE). The petition was assigned Docket No. PRM–61–3 on October 6, 1995. The petitioner requests that the Commission amend its regulations to adopt a rule regarding government ownership of a low-level radioactive waste disposal site that is consistent with Federal statute. In this document, the NRC is announcing the receipt of the petition and requesting public comment on the suggested amendment.

DATES: Submit comments by March 11, 1996. Comments received after this date will be considered if it is practical to do so. However, assurance of consideration cannot be given except as to comments received on or before this date.

ADDRESSES: Submit comments to the Nuclear Regulatory Commission, Attention: Docketing and Service Branch, Office of the Secretary, Washington, DC 20555–0001. For a copy of the petition, write to the Rules Review Section, Rules Review and Directives Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

FOR FURTHER INFORMATION CONTACT: Michael T. Lesar, Chief, Rules Review Section, at the same address as above or by telephone: 301–415–7163 or toll free: 1–800–368–5642.

SUPPLEMENTARY INFORMATION:

Background

The NRC published an advance notice of proposed rulemaking (ANPRM) in the Federal Register on August 3, 1994 (59 FR 39485). The ANPRM announced that the NRC was considering amending its regulations to allow private ownership of the land used for a low-level radioactive waste (LLRW) facility site as an alternative to the current requirement for Federal or State ownership. In the ANPRM, NRC considered the option to allow private-land ownership indefinitely, given that adequate land-use restrictions were imposed. The ANPRM invited comment on 12 questions to assist the NRC in determining if such a change could be made without adversely impacting public health and safety. The NRC received 49 comment letters in response to the ANPRM. The NRC prepared a detailed summary of the comments received.[1]

On July 18, 1995 (60 FR 36744), the NRC published a notice withdrawing the ANPRM published in the Federal Register on August 3, 1994. In the notice of withdrawal, the NRC stated that a rule change to allow private-land ownership of a LLRW site is not warranted or needed. The NRC stated that the bases for its decision are that State and compacts have generally indicated that they do not need, nor would they allow, private-land ownership and that this rule change could be potentially disruptive to the current LLRW program.

Petitioner's Concern

The petitioner states that the NRC's present regulation (10 CFR 61.59(a)), which requires disposal of LLRW ''only on land owned in fee by the Federal or a State government,'' is in conflict with a provision in the Nuclear Waste Policy Act of 1982 (NWPA), as amended (42 USC 10171(b)). The act authorizes the U.S. Department of Energy ''to assume title and custody of low-level radioactive waste and the land on which such waste is disposed of, upon request by the owner of such waste and land following termination of the license issued by the Commission (NRC) for such disposal * * *.'' Therefore, the petitioner proposes that the NRC regulations should conform to NWPA provision and require private land ownership during operations and closure of the facility, then converting title to the site to the U.S. Department of Energy.

The petitioner states that, because of the conflict between the NRC regulation and the NWPA statute, the NRC regulation is void with regard to Federal ownership of a LLRW disposal site before commencement of the receipt of waste. The petitioner asserts that if the regulation is void with regard to Federal ownership, that it is also silent or unconstitutional with regard to State ownership. The petitioner references the following case [*New York* v. *United States*, 112 S.Ct. 2408 (1992)].

Several commenters, including the petitioner, made similar comments on the ANPRM that there is not an adequate basis for requiring Federal or State land ownership, which therefore would support private ownership. In the withdrawal of the ANPRM, the Commission stated that it believes there is adequate statutory authority for NRC to require Federal or State land ownership. The Commission Paper (SECY–95–152; dated June 13, 1995) further discussed the NRC staff rationale for believing that NRC has this authority. The paper stated the staff's belief that NRC has authority to require Federal or State land ownership pursuant to the Atomic Energy Act of 1954, as amended, in Section 161b. This section gives the Commission the authority to promulgate regulations deemed necessary or desirable to protect health or to minimize danger to life or property.

The petitioner further states that the notice withdrawing the ANPRM (60 FR 36744) contains no documentation or statement of any issue of public health and safety as the basis for the regulation; therefore, the petitioner believes public health and safety cannot be an issue upon which the NRC regulation is based.

The petitioner also states that the notice of withdrawal contains the statement: ''The Commission believes that the potential negative impact of disrupting the current process far outweighs any potential benefits that

[1] Copies of the summary are available for inspection or copying for a fee from the NRC Public Document Room at 2120 L Street NW, (Lower Level), Washington DC; the PDR's mailing address is US NRC, Mail Stop LL–6, Washington, DC 20555–0001; telephone (202) 634–3273; fax (202) 634–3343.

might be derived from making a generic rule change at that time.'' In response, the petitioner asserts that the Commission's role is to regulate nuclear material in a manner that protects public health and safety and the environment, that its role is not to facilitate specific processes, i.e., the current LLRW disposal process.

The petitioner references the following quote from the notice of withdrawal:

> For over three decades the public has been led to believe that all LLW disposal sites would necessarily be owned and controlled by either a Federal or State government. This, we believe, has been an important factor in convincing many proponent groups and State and local LLW advisory groups that LLW can and will be disposed of in a safe manner. To now try and convince these groups that Federal or State ownership of LLW disposal sites is not required may be difficult and generate a significant credibility problem.

In response, the petitioner states that credibility problems occur when misrepresentations, i.e., government ownership is necessary to ensure proper LLRW management, are initially made and that the credibility problems are exacerbated the longer the misrepresentations are allowed to continue. The petitioner believes that there certainly would appear to be a larger credibility problem for the Commission to maintain a regulation that is in direct conflict with a statute. The petitioner offers that the Commission might reflect on the Department of Energy's recent efforts to gain credibility by coming clean on past misrepresentations, i.e., secret radiation studies.

Conclusion

The petitioner believes that for the stated reasons, the NRC should adopt a rule regarding government ownership of LLRW disposal sites that is consistent with the Federal statute [42 USC 10171(b)].

Dated at Rockville, Maryland, this 2nd day of January, 1996.

For the Nuclear Regulatory Commission.

John C. Hoyle,

Secretary of the Commission.

[FR Doc. 96–282 Filed 1–8–96; 8:45 am]

BILLING CODE 7590–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 95–NM–93–AD]

Airworthiness Directives; Boeing Model 747–100, –200, and –300 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Supplemental notice of proposed rulemaking; reopening of comment period.

SUMMARY: This document revises an earlier proposed airworthiness directive (AD), applicable to certain Boeing Model 747–100, –200, and –300 series airplanes, that would have required an inspection to determine if hinge bolts and nuts are installed in the overhead stowage bins, and the installation of hinge bolts and nuts, if necessary. That proposal was prompted by reports that overhead stowage bins in the passenger compartment have fallen out of position due to missing hinge bolts. This action revises the proposed rule by revising the applicability to include additional airplanes. The actions specified by this proposed AD are intended to ensure that hinge bolts are installed in the overhead storage bins. Missing hinge bolts could result in the overhead stowage bins falling out of position and injuring airplane occupants.

DATES: Comments must be received by January 29, 1996.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 95–NM–93–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124–2207. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Dorothy Lundy, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Transport Airplane Directorate, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington; telephone (206) 227–1675; fax (206) 227–1181.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 95–NM–93–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 95–NM–93–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to add an airworthiness directive (AD), applicable to certain Boeing Model 747–100, –200, and –300 series airplanes, was published as a notice of proposed rulemaking (NPRM) in the Federal Register on August 23, 1995 (60 FR 43728). That NPRM would have required a one-time visual inspection to determine if the hinge bolts and nuts are installed in the overhead stowage bins. That NPRM also would have required installation of hinge bolts and nuts, if necessary. That NPRM was prompted by reports indicating that overhead stowage bins in the passenger compartment of certain Model 747 series airplanes have fallen out of position and injured passengers due to missing hinge bolts. Missing

hinge bolts could result in the overhead stowage bins falling out of position and injuring airplane occupants.

Since the issuance of that NPRM, the FAA has reviewed and approved Boeing Alert Service Bulletin 747–25A3095, Revision 1, dated September 28, 1995. This service bulletin revises the effectivity listing of the original issue of the service bulletin by adding airplanes RA006, and RD251 through RD262 inclusive. In addition, certain passenger airplanes (which have been converted to special freighters) are removed from the effectivity of the alert service bulletin. This revision of the service bulletin does not describe any additional work requirements.

The FAA has determined that these additional airplanes are subject to the same unsafe condition as described previously, and therefore, must be subject to the requirements of the proposed AD. The FAA has revised the proposal to add these airplanes to the applicability of the rule.

Since this change expands the scope of the originally proposed rule, the FAA has determined that it is necessary to reopen the comment period to provide additional opportunity for public comment.

In addition, the FAA has given due consideration to the following comments received in response to the proposal:

Three commenters request that the ''credit time'' for inspections accomplished prior to the effective date of the AD be extended. The commenters note that several operators have accomplished the inspection on their fleets as far back as when the original service bulletin was issued in April 1995. Because the proposed AD would provide credit only if the inspection previously had been accomplished within the last 6 months prior to the effective date of the AD, these operators would be required to perform the inspection again. Therefore, one of these commenters requests that the credit time be extended from 6 months to 18 months prior to the effective date of the rule.

The FAA concurs. Since the relevant service bulletin containing the instructions for the inspection was issued originally in April 1995, the FAA considers that inspections conducted at least since then will satisfy the intent of the proposed AD. In light of this, and taking into account the number of days normally required for the rulemaking process, the FAA has revised the proposal to provide credit for inspections that were accomplished within 18 months prior to the effective date of this AD. The FAA finds that extending this credit time for previously accomplished inspections will not adversely affect safety and will prevent an unnecessary economic burden on operators who have performed the inspection within that credit time.

There are approximately 573 Model 747–100, –200, and –300 series airplanes of the affected design in the worldwide fleet. The FAA estimates that 157 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 1 work hour per airplane to accomplish the proposed actions, and that the average labor rate is $60 per work hour. Based on these figures, the cost impact of the proposed AD on U.S. operators is estimated to be $9,420, or $60 per airplane.

The cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of the proposed requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted.

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this proposed regulation (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES.**

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 USC 106(g), 40101, 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

Boeing: Docket 95–NM–93–AD.

Applicability: Model 747–100, –200, and –300 series airplanes, as listed in Boeing Alert Service Bulletin 747–25A3095, Revision 1, dated September 28, 1995; certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must use the authority provided in paragraph (b) of this AD to request approval from the FAA. This approval may address either no action, if the current configuration eliminates the unsafe condition; or different actions necessary to address the unsafe condition described in this AD. Such a request should include an assessment of the effect of the changed configuration on the unsafe condition addressed by this AD. In no case does the presence of any modification, alteration, or repair remove any airplane from the applicability of this AD.

Compliance: Required as indicated.

To ensure that hinge bolts are installed in the overhead storage bins, accomplish the following:

(a) Within 90 days after the effective date of this AD, unless accomplished previously within the last 18 months prior to the effective date of this AD, perform a one-time visual inspection to determine if hinge bolts and nuts are installed in the overhead stowage bins, in accordance with either Boeing Alert Service Bulletin 747–25A3095, dated April 27, 1995, or Revision 1, dated September 28, 1995.

(1) If the hinge bolts and nuts are installed, no further action is required by this AD.

(2) If any hinge bolt or nut is not installed, prior to further flight, install a hinge bolt and nut in accordance with either alert service bulletin.

(b) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Seattle ACO.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Seattle ACO.

(c) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

Issued in Renton, Washington, on January 3, 1996.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 96–260 Filed 1–8–96; 8:45 am]

BILLING CODE 4910–13–U

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14 CFR Part 39

[Docket No. 95–NM–110–AD]

Airworthiness Directives; de Havilland Model DHC–7 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain de Havilland Model DHC–7 series airplanes. This proposal would require modification of the emergency lights circuitry. This proposal is prompted by reports of the emergency lights turning on inadvertently due to voltage spikes from other equipment, and reports that the existing emergency light switch arrangement allows the flight compartment and flight attendant's panel switches to override each other. The actions specified by the proposed AD are intended to prevent such failures of the emergency light systems, which could prevent the use of the emergency lights in the event of an emergency.

DATES: Comments must be received by February 13, 1996.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 95–NM–110–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Bombardier, Inc., Bombardier Regional Aircraft Division, Garratt Boulevard, Downsview, Ontario M3K 1Y5, Canada. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Engine and Propeller Directorate, New York Aircraft Certification Office, 10 Fifth Street, Third Floor, Valley Stream, New York.

FOR FURTHER INFORMATION CONTACT: Wing Chan, Aerospace Engineer, Systems and Flight Test Branch, ANE–172, FAA, Engine and Propeller Directorate, New York Aircraft Certification Office, 10 Fifth Street, Third Floor, Valley Stream, New York 11581; telephone (516) 256–7511; fax (516) 568–2716.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 95–NM–110–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 95–NM–110–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

Transport Canada Aviation, which is the airworthiness authority for Canada, recently notified the FAA that an unsafe condition may exist on certain de Havilland Model DHC–7 series airplanes. Transport Canada Aviation advises that it has received reports indicating that the emergency lights on these airplanes have inadvertently turned on due to voltage spikes from other equipment when the main battery power is switched off. Transport Canada Aviation also advises that the existing emergency light switch arrangement can allow the flight compartment panel switch and the flight attendant's panel switch to override each other. Such failures of the emergency lighting system, if not corrected, could prevent the use of the emergency lights in the event of an emergency.

De Havilland has issued Service Bulletin 7–33–7, dated October 17, 1980, which describes procedures for modification of the emergency lights circuitry. The modification (Modification No. 7/1697) involves revising the switching logic of the emergency lights. This modification also entails reworking the wiring in the relay panel of the electrical equipment bay, and replacing the current emergency light switch (part number MS24659–21A) located on the passenger warning panel on the flight attendant's panel with a new type of switch. Accomplishment of this modification will ensure that the emergency lights can be turned on when necessary, that the emergency lights will not turn on inadvertently, and that the flight compartment and flight attendant's panel switches do not override each other. Transport Canada Aviation classified this service bulletin as mandatory and issued Canadian airworthiness directive CF–95–04, dated March 9, 1995, in order to assure the continued airworthiness of these airplanes in Canada.

This airplane model is manufactured in Canada and is type certificated for operation in the United States under the provisions of section 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, Transport Canada Aviation has kept the FAA informed of the situation described above. The FAA has examined the findings of Transport Canada Aviation, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, the proposed AD would require modification of the emergency lights circuitry. The actions would be required to be accomplished in accordance with the service bulletin described previously.

The FAA estimates that 14 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 8 work hours per airplane to accomplish the proposed actions, and that the average labor rate is $60 per work hour. Required parts would be provided by the manufacturer at no cost to operators. Based on these figures, the cost impact of the proposed AD on U.S. operators is estimated to be $6,720, or $480 per airplane.

The cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of the proposed requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted.

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this proposed regulation (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40101, 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

De Havilland, Inc.: Docket 95–NM–110–AD.

Applicability: Model DHC–7 series airplanes, serial numbers 3 through 27 inclusive, on which de Havilland Modification No. 7/1697 has not been installed; certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been otherwise modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must use the authority provided in paragraph (c) to request approval from the FAA. This approval may address either no action, if the current configuration eliminates the unsafe condition; or different actions necessary to address the unsafe condition described in this AD. Such a request should include an assessment of the effect of the changed configuration on the unsafe condition addressed by this AD. In no case does the presence of any modification, alteration, or repair remove any airplane from the applicability of this AD.

Compliance: Required as indicated, unless accomplished previously.

To prevent failure of the emergency lighting system due to voltage spikes from other equipment or due to inadvertent override of the emergency lighting switches, accomplish the following:

(a) Within 6 months after the effective date of this AD, modify the emergency lights circuitry by accomplishing de Havilland Modification No. 7/1697 (Emergency Lights—Revised Switching Logic), in accordance with the Accomplishment Instructions of de Havilland Service Bulletin No. 7–33–7, dated October 17, 1980.

(b) As of the effective date of this AD, no person shall install an emergency light switch, part number MS24659–21A, on any airplane subject to this AD.

(c) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Standardization Branch, ANM–113.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Standardization Branch, ANM–113.

(d) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

Issued in Renton, Washington, on January 3, 1996.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 96–261 Filed 1–9–96; 8:45 am]

BILLING CODE 4910–13–U

14 CFR Part 39

[Docket No. 94–NM–195–AD]

Airworthiness Directives; McDonnell Douglas Model DC–9 and C–9 (Military) Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Supplemental notice of proposed rulemaking; reopening of comment period.

SUMMARY: This document revises an earlier proposed airworthiness directive (AD), which would have superseded an existing AD that is applicable to McDonnell Douglas Model DC–9 and C–9 (military) series airplanes. The existing AD currently requires the implementation of a program of structural inspections to detect and correct fatigue cracking in order to ensure the continued airworthiness of these airplanes as they approach the manufacturer's original fatigue design life goal. The previously proposed action would have required, among other things, revision of the existing program to require additional visual inspections of additional structure. The previously proposed action was prompted by new data submitted by the manufacturer indicating that certain revisions to the program are necessary in order to increase the confidence level of the statistical program to ensure timely detection of cracks in various airplane structures. This action revises the proposed rule by deleting the requirement to perform certain visual inspections of Fleet Leader Operator Sampling (FLOS) Principal Structural Elements (PSE). The actions specified by this proposed AD are intended to prevent fatigue cracking that could compromise the structural integrity of these airplanes.

DATES: Comments must be received by January 29, 1996.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 94–NM–195–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9:00 a.m. and 3:00

p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from McDonnell Douglas Corporation, P.O. Box 1771, Long Beach, California 90846–1771, Attention: Business Unit Manager, Contract Data Management, C1–255 (35–22). This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Transport Airplane Directorate, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California.

FOR FURTHER INFORMATION CONTACT: Sol Davis or David Hsu, Aerospace Engineers, Airframe Branch, ANM–120L, FAA, Transport Airplane Directorate, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California 90712–4137; telephone (310) 627–5233 for Mr. Davis, or (310) 627–5323 for Mr. Hsu; fax (310) 627–5210.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 94–NM–195–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 94–NM–195–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to add an airworthiness directive (AD), applicable to McDonnell Douglas Model DC–9 and C–9 (military) series airplanes, was published as a notice of proposed rulemaking (NPRM) in the Federal Register on May 16, 1995 (60 FR 26007). That NPRM would have required implementation of a program of structural inspections to detect and correct fatigue cracking in order to ensure the continued airworthiness of these airplanes as they approach the manufacturer's original fatigue design life goal. That NPRM was prompted by new data submitted by the manufacturer indicating that certain revisions to the program were necessary in order to increase the confidence level of the statistical program to ensure timely detection of cracks in various airplane structures. That condition, if not corrected, could result in fatigue cracking that could compromise the structural integrity of these airplanes.

Since the issuance of that NPRM, the FAA has received a comment from the manufacturer that has caused the FAA to reconsider its position on certain aspects of the proposed rule.

McDonnell Douglas requests a revision of paragraph (b)(1) of the proposal for clarification purposes. The manufacturer notes that the proposal states that operators are required to inspect airplanes before the threshold (N_{th}); however, the proposal does not clearly indicate that operators do not receive credit for these inspections in the Supplemental Inspection Document (SID) program, unless the aircraft has exceeded one-half of that threshold (N_{th}/2). The FAA concurs. The FAA has revised proposed paragraph (b)(1) to indicate that the inspections are to be performed prior to reaching the threshold (N_{th}), but no earlier than N_{th}/2.

McDonnell Douglas also requests the deletion of the requirement to visually inspect the Fleet Leader Operator Sampling (FLOS) Principal Structural Elements (PSE) that are proposed in paragraph (b)(3). The manufacturer states that these requirements are redundant to those required by AD 92–22–08 R1, amendment 39–8591 (58 FR 32281, June 9, 1993), which requires the implementation of a corrosion prevention and control program to inspect all primary structure, including all PSE's.

The FAA concurs. Paragraph (b)(3) from the original NPRM has been deleted, and a new NOTE 3 has been added to this supplemental NPRM to indicate that these visual inspections are not required. However, the visual inspections that are part of the Non Destructive Inspection (NDI) procedures specified in Section 2 of Volume II of the SID would still be required by this AD action. Additionally, paragraph (b)(4) from the originally proposed rule, which would have required certain general visual inspections, has been deleted from this supplemental NPRM since the requirement to perform visual inspections of FLOS PSE's are no longer required by this AD action.

Also, since issuance of the original NPRM, the FAA has reviewed and approved Volume III–95 of the SID, dated September 1995, which eliminates the visual FLOS inspections that were contained in Volume III–94 of the SID, dated July 1994. Volume III–94 was referenced in the original NPRM as the appropriate source of service information for performing visual inspections of PSE's. Therefore, paragraph (b) of this supplemental NPRM has been revised to reference Volume III–95 as the appropriate source of service information.

Since these changes significantly revise the originally proposed rule, the FAA has determined that it is necessary to reopen the comment period to provide additional opportunity for public comment.

Although other comments were received in response to the original NPRM, those comments, as well as any other received in response to this supplemental NPRM, will be addressed in the final rule.

There are approximately 889 Model DC–9 and C–9 (military) series airplanes of the affected design in the worldwide fleet. The FAA estimates that 568 airplanes of U.S. registry and 38 U.S. operators would be affected by this proposed AD.

Incorporation of the SID program into an operator's maintenance program, as required by AD 94–03–01, is estimated to necessitate 1,062 work hours (per operator), at an average labor rate of $60 per work hour. Based on these figures, the cost to the 38 affected U.S. operators to incorporate the SID program is estimated to be $2,421,360.

The incorporation of the revised procedures proposed in this AD action would require approximately 20 additional work hours per operator to accomplish, at an average labor rate of $60 per work hour. Based on these figures, the cost to the 38 affected U.S. operators to incorporate these revised

procedures into the SID program into an operator's maintenance program is estimated to be $45,600.

The recurring inspection costs, as required by AD 94–03–01, are estimated to be 362 work hours per airplane per year, at an average labor rate of $60 per work hour. Based on these figures, the recurring inspection costs required by AD 94–01–03 are estimated to be $21,720 per airplane, or $12,336,960 for the affected U.S. fleet.

The recurring inspection procedures added to the program by this proposed AD action would not add any new additional economic burden on affected operators since certain inspections would be added while others would be deleted.

Based on the figures discussed above, the cost impact of this AD is estimated to be $12,382,560 for the first year, and $12,336,960 for each year thereafter. These cost impact figures discussed above is based on assumptions that no operator has yet accomplished any of the proposed requirements of this AD action. However, it can be reasonably be assumed that the majority of the affected operators have already initiated the SID program (as required by AD 94–03–01).

Additionally, the number of required work hours for each proposed inspection (and for the SID program), as indicated above, is presented as if the accomplishment of those actions were to be conducted as ''stand alone'' actions. However, in actual practice, these actions for the most part will be accomplished coincidentally or in combination with normally scheduled airplane inspections and other maintenance program tasks. Therefore, the actual number of necessary additional work hours will be minimal in many instances. Further, any cost associated with special airplane scheduling can be expected to be minimal.

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this proposed regulation (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES.**

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 USC 106(g), 40101, 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by removing amendment 39–8807 (59 FR 6538, February 11, 1994), and by adding a new airworthiness directive (AD), to read as follows:

McDonnell Douglas: Docket 94–NM–195–AD. Supersedes AD 94–03–01, Amendment 39–8807.

Applicability: Model DC–9–10, −20, −30, −40, −50, and C–9 (military) series airplanes; certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To ensure the continuing structural integrity of these airplanes, accomplish the following:

(a) Within 6 months after March 14, 1994 (the effective date of AD 94–03–01, amendment 39–8807), incorporate a revision into the FAA-approved maintenance inspection program which provides for inspection(s) of the Principal Structural Elements (PSE) defined in McDonnell Douglas Report No. L26–008, ''DC–9 Supplemental Inspection Document (SID),'' Section 2 of Volume I of Revision 3, dated April 1991, in accordance with Section 2 of Volume III–92, dated July 1992, of the SID.

(1) Visual inspections of all PSE's on airplanes listed in Volume III–92, dated July 1992, of the SID planning data, are required by the fleet leader-operator sampling (FLOS) program at least once during the interval between the start date (SDATE) and the end date (EDATE) established for each PSE. These visual inspections are defined in Section 3 of Volume II, dated April 1991, of the SID, and are required only for those airplanes that have not been inspected previously in accordance with Section 2 of Volume II, dated April 1991, of the SID.

(2) The Non Destructive Inspection (NDI) techniques set forth in Section 2 of Volume II, dated April 1991, of the SID provide acceptable methods for accomplishing the inspections required by this paragraph.

(3) All inspection results (negative or positive) must be reported to McDonnell Douglas, in accordance with the instructions contained in Section 2 of Volume III–92, dated July 1992, of the SID. Information collection requirements contained in this regulation have been approved by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*) and have been assigned OMB Control Number 2120–0056.

Note 1: Volume II, dated April 1991, of the SID is comprised of the following:

Volume designation	Revision level shown on volume
Volume II–10/20	3
Volume II–20/30	4
Volume II–40	3
Volume II–50	3

Note 2: NDI inspections accomplished in accordance with the following Volume II of the SID provide acceptable methods for accomplishing the inspections required by this paragraph:

Volume designation	Revision level	Date of revision
Volume II–10/20	3	Apr. 1991.
Volume II–10/20	2	Apr. 1990.
Volume II–10/20	1	June 1989.
Volume II/20	Original	Nov. 1987.
Volume II–20/30	4	Apr. 1991.
Volume II–20/30	3	Apr. 1990.
Volume II–20/30	2	June 1989.
Volume II–20/30	1	Nov. 1987.
Volume II–40	3	Apr. 1991.
Volume II–40	2	Apr. 1990.
Volume II–40	1	June 1989.
Volume II–40	Original	Nov. 1987.
Volume II–50	3	Apr. 1991.
Volume II–50	2	Apr. 1990.
Volume II–50	1	June 1989.
Volume II–50	Original	Nov. 1987.

(b) Within 6 months after the effective date of this AD, replace the revision of the FAA-approved maintenance inspection program required by paragraph (a) of this AD, with a revision that provides for inspection(s) of the PSE's defined in McDonnell Douglas Report No. L26–008, ''DC–9 Supplemental Inspection Document (SID),'' Section 2 of Volume I of McDonnell Douglas Report No. L26–008, ''DC–9 Supplemental Inspection Document (SID),'' Revision 4, dated July 1993, in accordance with Section 2 of Volume III–95, dated September 1995, of the SID.

Note 3: Operators should note that certain visual inspections of FLOS PSE's that were previously specified in earlier revisions of Volume III of the SID are no longer specified in Volume III–95 of the SID.

(1) Prior to reaching the threshold (N_{th}), but no earlier than one-half of the threshold (N_{th}/2), specified for all PSE's listed in Volume

III–95, dated September 1995, of the SID, inspect each PSE sample in accordance with the NDI procedures set forth in Section 2 of Volume II, dated July 1993. Thereafter, repeat the inspection for that PSE at intervals not to exceed DNDI/2 of the NDI procedure that is specified in Volume III–95, dated September 1995, of the SID.

(2) The NDI techniques set forth in Section 2 of Volume II, dated July 1993, of the SID provide acceptable methods for accomplishing the inspections required by this paragraph.

(3) All inspection results (negative or positive) must be reported to McDonnell Douglas, in accordance with the instructions contained in Section 2 of Volume III–95, dated September 1995, of the SID. Information collection requirements contained in this regulation have been approved by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*) and have been assigned OMB Control Number 2120–0056.

Note 4: Volume II, dated July 1993, of the SID is comprised of the following:

Volume designation	Revision level shown on volume
Volume II–10/20	4
Volume II–20/30	5
Volume II–40	4
Volume II–50	4

Note 5: NDI inspections accomplished in accordance with the following Volume II of the SID provide acceptable methods for accomplishing the inspections required by this paragraph:

Volume designation	Revision level	Date of revision
Volume II–10/20	4	July 1993.
Volume II–10/20	3	Apr. 1991.
Volume II–10/20	2	Apr. 1990.
Volume II–10/20	1	June 1989.
Volume II/20	Original	Nov. 1987.
Volume II–20/30	5	July 1993.
Volume II–20/30	4	Apr. 1991.
Volume II–20/30	3	Apr. 1990.
Volume II–20/30	2	June 1989.
Volume II–20/30	1	Nov. 1987.
Volume II–40	4	July 1993.
Volume II–40	3	Apr. 1991.
Volume II–40	2	Apr. 1990.
Volume II–40	1	June 1989.
Volume II–40	Original	Nov. 1987.
Volume II–50	4	July 1993.
Volume II–50	3	Apr. 1991.
Volume II–50	2	Apr. 1990.
Volume II–50	1	June 1989.
Volume II–50	Original	Nov. 1987.

(c) Any cracked structure detected during the inspections required by either paragraph (a) or (b) of this AD must be repaired before further flight, in accordance with a method approved by the Manager, Los Angeles Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate.

Note 6: Requests for approval of any PSE repair that would affect the FAA-approved maintenance inspection program that is required by this AD should include a damage tolerance assessment for that PSE.

(d) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Los Angeles ACO. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Los Angeles ACO. Alternative methods of compliance previously granted for AD 94–03–01, amendment 39–8807, continue to be considered as acceptable alternative methods of compliance with this amendment.

Note 7: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Manager, Los Angeles ACO.

(e) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

Issued in Renton, Washington, on January 3, 1996.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 96–262 Filed 1–08–96; 8:45 am]

BILLING CODE 4910–13–U

14 CFR Part 39

[Docket No. 95–NM–121–AD]

Airworthiness Directives; Saab Model SAAB SF340A and SAAB 340B

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain Saab Model SAAB SF340A and SAAB 340B series airplanes. This proposal would require visual and dye penetrant inspection(s) to detect cracks of the nose rib of the rudder, and stop drilling and blending of minor cracks. The proposal would also require replacement of the nose rib with a new nose rib and reinforcement of the nose rib, if estensive cracking is detected or if an operator elects to terminate the repetitive inspections. This proposal is prompted by the result of an inspection that revealed a cracked nose rib on the front spar of the rudder due to vibration-related stress. The actions specified by the proposed AD are intended to prevent such stress and cracking, which could result in the deformation of the nose rib; this condition may lead to friction and jamming between the fin and the rudder and subsequent reduced controllability of the airplane.

DATES: Comments must be received by February 20, 1996.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 95–NM–121–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from SAAB Aircraft AB, SAAB Aircraft Product Support, S–581.88, Linköping, Sweden. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Ruth Harder, Aerospace Engineer, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (206) 227–1721; fax (206) 227–1149

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 95–NM–121–AD.'' The

postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 95–NM–121–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

The Luftfartsverket (LFV), which is the airworthiness authority for Sweden, recently notified the FAA that an unsafe condition may exist on certain Saab Model SAAB SF340A and SAAB 340B series airplanes. The LFV advises that, during a normal zonal inspection of one of these airplanes, a cracked nose rib was found on the front spar of the rudder. The cause of such cracking has been attributed to vibration-related stress to the nose rib. This condition, if not corrected, could result in cracking and subsequent deformation of the nose rib; this condition consequently may lead to friction and jamming between the fin and the rudder, and subsequent reduced controllability of the airplane.

Saab has issued Service Bulletin 340–55–032, dated May 22, 1995, which describes procedures for visual and dye penetrant inspection(s) to detect cracks of the nose rib of the rudder, and stop drilling and blending of minor cracks. The service bulletin also describes procedures for replacement of the nose rib with a new nose rib and reinforcement of the nose rib, if any extensive crack is detected or if an operator elects to terminate the repetitive inspections. The reinforcement will thicken the nose rib, and, thus, dampen the vibration. The LFV classified this service bulletin as mandatory and issued Swedish airworthiness directive (SAD) 1–074, effective date May 22, 1995, in order to assure the continued airworthiness of these airplanes in Sweden.

This airplane model is manufactured in Sweden and is type certificated for operation in the United States under the provisions of section 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the LFV has kept the FAA informed of the situation described above. The FAA has examined the findings of the LFV, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design, the proposed AD would require visual and dye penetrant inspection(s) to detect cracks of the nose rib of the rudder, and stop drilling and blending of minor cracks. The proposed AD would also require replacement of the nose rib with a new nose rib and reinforcement of the nose rib, if any extensive crack is detected or if an operator elects to terminate the repetitive inspections. The actions would be required to be accomplished in accordance with the service bulletin described previously.

The FAA estimates that 221 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 4 work hours per airplane to accomplish the proposed inspection, and that the average labor rate is $60 per work hour. Based on these figures, the cost impact of the inspection proposed AD on U.S. operators is estimated to be $53,040, or $240 per airplane, per inspection cycle.

The cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of the proposed requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted.

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this proposed regulation (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES.**

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40101, 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

Saab Aircraft AB: Docket 95–NM–121–AD.

Applicability: Model SAAB SF340A series airplanes having serial numbers (S/N) 004 through 159 inclusive, and Model SAAB 340B having S/N's 160 through 369 inclusive; certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must use the authority provided in paragraph (b) of this AD to request approval from the FAA. This approval may address either no action, if the current configuration eliminates the unsafe condition; or different actions necessary to address the unsafe condition described in this AD. Such a request should include an assessment of the effect of the changed configuration on the unsafe condition addressed by this AD. In no case does the presence of any modification, alteration, or repair remove any airplane from the applicability of this AD.

Compliance: Required as indicated, unless accomplished previously.

To prevent vibration-related stress and cracking and consequent deformation of the nose rib, which could result in friction and jamming between the fin and the rudder and subsequent reduced controllability of the airplane, accomplish the following:

(a) Prior to the accumulation of 2,400 total flight hours, or within 800 flight hours after the effective date of this AD, whichever occurs later, perform a visual and dye penetrant inspection to detect cracks of the nose rib of the rudder, in accordance with Saab Service Bulletin 340–55–032, dated May 22, 1995.

(1) If no cracks are detected, repeat the inspection thereafter at intervals not to exceed 800 flight hours, or replace the nose rib with a new nose rib and reinforce it, in accordance with the service bulletin. Accomplishment of the replacement and reinforcement constitutes terminating action for this AD.

(2) If any minor crack [less than 25.4 mm (1.0 inch) long] is detected, prior to further

flight, stop drill and blend the crack in accordance with the service bulletin. Repeat the inspection thereafter at intervals not to exceed 800 flight hours, or replace the nose rib with a new nose rib and reinforce it, in accordance with the service bulletin. Accomplishment of the replacement and reinforcement constitutes terminating action for this AD.

(3) If any extensive crack [greater than or equal to 25.4 mm (1.0 inch) long] is detected, prior to further flight, replace the nose rib with a new nose rib and reinforce it, in accordance with the service bulletin. Accomplishment of this replacement and reinforcement constitutes terminating action for this AD.

(b) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Standardization Branch, ANM–113.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Standardization Branch, ANM–113.

(c) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

Issued in Renton, Washington, on January 3, 1996.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 96–263 Filed 1–8–96; 8:45 am]

BILLING CODE 4910–13–U

Notices

Federal Register
Vol. 61, No. 6
Tuesday, January 9, 1996

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF COMMERCE

Bureau of Export Administration

President's Export Council, Subcommittee on Export Administration; Notice of Meeting Change

Federal Register citation of previous announcement: p. 58596, November 28, 1995.

Previously announced time of meeting: 2:00 p.m., January 12, 1996.

New time of meeting: 1:30 p.m., February 8, 1996, Room 4830.

January 4, 1996.

Sue Eckert,

Assistant Secretary for Export Administration.

[FR Doc. 96–302 Filed 1–8–96; 8:45 am]

BILLING CODE 3510–DT–M

DEPARTMENT OF DEFENSE

Office of the Secretary

Third Annual National Security Education Program (NSEP) Institutional Grants Competition

AGENCY: Department of Defense, National Security Education Program (NSEP).

ACTION: Notice.

SUMMARY: The NSEP announces the opening of its Third Annual Competition for Grants to U.S. Institutions of Higher Education.

DATES: Grants Solicitations (applications) will be available beginning Monday, February 5, 1995. Preliminary Proposals are due Friday, April 19, 1996.

ADDRESSES: Request copies of the solicitations (applications) from NSEP, Institutional Grants, Rosslyn P.O. Box 20010, 1101 Wilson Blvd., Suite 1210, Arlington, VA 22209–2248, by FAX to (703) 696–5667, or via INTERNET: nsepo@nsep.policy.osd.mil

FOR FURTHER INFORMATION CONTACT:

Mr. Edmond J. Collier, Deputy Director for External Affairs, National Security Education Program, 1101 Wilson Boulevard, Suite 1210, Arlington, Virginia 22209–2248; (703) 696–1991 Electronic mail address: collier@sep.policy.osd.mil.

Dated: January 3, 1996.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 96–231 Filed 1–8–96; 8:45 am]

BILLING CODE 5000–04–M

Defense Intelligence Agency, Scientific Advisory Board Closed Meeting

AGENCY: Department of Defense, Defense Intelligence Agency.

ACTION: Notice.

SUMMARY: Pursuant to the provisions of Subsection (d) of Section 10 of Public Law 92–463, as amended by Section 5 of Public Law 94–409, notice is hereby given that a closed meeting of the DIA Scientific Advisory Board has been scheduled as follows:

DATES: January 23–24, 1996 (830 to 430).

ADDRESSES: The Defense Intelligence Agency, 200 MacDill Blvd., Washington, DC 20340–5100.

FOR FURTHER INFORMATION CONTACT:

Mr. William H.G. Wheeler, Executive Secretary, DIA Scientific Advisory Board, Washington, D.C. 20340–1328 (202) 231–4930.

SUPPLEMENTARY INFORMATION: The entire meeting is devoted to the discussion of classified information as defined in Section 552b(c)(I), Title 5 of the U.S. Code and therefore will be closed to the public. The Board will receive briefings on and discuss several current critical intelligence issues and advise the Director, DIA, on related scientific and technical matters.

Dated: January 4, 1996.

Patricia L. Toppings,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 96–280 Filed 1–8–96; 8:45 am]

BILLING CODE 5000–04–M

Strategic Environmental Research and Development Program, Scientific Advisory Board

ACTION: Notice.

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following Committee meeting:

DATE OF MEETING: February 6, 1996 from 0800 to approximately 1745 and February 7, 1996 from 0800 to approximately 1600.

PLACE: Radisson Plaza Hotel at Mark Center, 5000 Seminary Road, Alexandria, VA.

MATTERS TO BE CONSIDERED: Research and Development proposals and continuing projects requesting Strategic Environmental Research and Development Program funds in excess of $1M will be reviewed.

This meeting is open to the public. Any interested person may attend, appear before, or file statements with the Scientific Advisory Board at the time and in the manner permitted by the Board.

FOR FURTHER INFORMATION CONTACT: Ms. Kimberly Kay, 8000 Westpark Drive, Suite 400, McLean, Va 22102, or telephone 703–506–1400 extension 552.

Dated: January 4, 1996.

Patricia L. Toppings,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 96–279 Filed 1–8–96; 8:45 am]

BILLING CODE 5000–04–M

Department of Defense Wage Committee; Notice of Closed Meetings

Pursuant to the provisions of section 10 of Public Law 92–463, the Federal Advisory Committee Act, notice is hereby given that closed meetings of the Department of Defense Wage Committee will be held on January 9, 1996; January 16, 1996; January 23, 1996; and January 30, 1996, at 10:00 a.m. in Room A105, The Nash Building, 1400 Key Boulevard, Rosslyn, Virginia.

Under the provisions of section 10(d) of Public Law 92–463, the Department of Defense has determined that the meetings meet the criteria to close meetings to the public because the matters to be considered are related to internal rules and practices of the

Department of Defense and the detailed wage data to be considered were obtained from officials of private establishments with a guarantee that the data will be held in confidence.

However, members of the public who may wish to do so are invited to submit material in writing to the chairman concerning matters believed to be deserving of the Committee's attention.

This notification was delayed due to an administrative oversight. Additional information concerning the meetings may be obtained by writing to the Chairman, Department of Defense Wage Committee, 4000 Defense Pentagon, Washington, DC 20301–4000.

Dated: January 4, 1996.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 96–281 Filed 1–8–96; 8:45 am]

BILLING CODE 5000–04–M

Department of the Navy

Notice of Intent To Prepare An Environmental Impact Statement for Construction of Flood Protection Facilities Along the Santa Margarita River and Replacement of the Basilone Road Bridge at Marine Corps Base Camp Pendleton, CA

Pursuant to the National Environmental Policy Act as implemented by the Council on Environmental Quality regulations (40 CFR Parts 1500–1508), the U.S. Marine Corps intends to prepare an Environmental Impact Statement (EIS) to evaluate the environmental effects of construction of flood protection facilities and replacement of the Basilone Road Bridge at Marine Corps Base (MCB) Camp Pendleton. During the winter of 1993, heavy rains and stormwater runoff resulted in the Santa Margarita River flooding facilities at MCB Camp Pendleton, including Marine Corps Air Station (MCAS) Camp Pendleton. The flood also destroyed the Basilone Road Bridge, a transportation corridor which spans the Santa Margarita River.

The proposed action involves construction of a levee and stormwater control measures to prevent flooding from the Santa Margarita River damaging facilities at MCB/MCAS Camp Pendleton, and construction of a new two-lane bridge to replace the bridge destroyed by the flood.

Alternatives to be addressed in the EIS will focus on methods of implementing flood protection measures, including different levee alignments; alternative stormwater control facilities, including a detention basin location and a concrete lined flood control channel; and alternative alignments of the Basilone Road Bridge.

Major environmental issues that will be addressed in the EIS include air quality, water quality, traffic, utilities, endangered species and cultural resources.

The Marine Corps will initiate a scoping process for the purpose of determining the extent of issues to be addressed and identifying the significant issues related to this action. The Marine Corps will hold a public scoping meeting on January 25, 1996, beginning at 4:00 pm, at the San Rafael Elementary School, 1616 San Rafael Drive, Oceanside, CA. This meeting will be advertised in area newspapers.

A brief presentation will precede request for public comment. Marine Corps representatives will be available at this meeting to receive comments from the public regarding issues of concern to the public. It is important that federal, state, and local agencies and interested individuals take this opportunity to identify environmental concerns that should be addressed during the preparation of the EIS. In the interest of available time, each speaker will be asked to limit their oral comments to five minutes.

Agencies and the public are also invited and encouraged to provide written comment on scoping issues in addition to, or in lieu of, oral comments at the public meeting. To be most helpful, scoping comments should clearly describe specific issues or topics which the commentor believes the EIS should address. Written statements and or questions regarding the scoping process should be mailed to: Commanding Officer, Southwest Division, Naval Facilities Engineering Command, 1220 Pacific Coast Highway, San Diego, CA 92132–5187, (Attn: Ms. Melanie Ault, Code 232MA), phone number (619) 532–3355. All comments must be received no later than February 12, 1996.

Dated: January 3, 1996.

By direction of the Commandant of the Marine Corps.

Kim G. Weirick,

Acting Head, Land Use and Military Construction Branch, Facilities and Services Division, Installations and Logistics Department.

[FR Doc. 96–257 Filed 1–8–96; 8:45 am]

BILLING CODE 3810–FF–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP96–96–000]

ANR Pipeline Co; Notice of Proposed Changes in FERC Gas Tariff

January 3, 1996.

Take notice that on December 27, 1995, ANR Pipeline Company (ANR) tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1, the following tariff sheets, to become effective on the dates shown:

Effective March 1, 1995

First Revised Ninth Revised Sheet No. 18
Effective May 3, 1995
Second Revised Ninth Revised Sheet No. 18

ANR states that the purpose of the instant filing is to file revised transition cost surcharges that take into consideration the application of the Commission's Natural policy on the order of discounting, effective March 1, 1995, pursuant to orders issued in Docket No. RP94–43–000, et al. The compliance filing results in lower transition cost surcharges for the applicable periods than contained in the tariff sheets proposed to be superseded.

Any person desiring to be heard or to protest this filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with 18 CFR 385.214 and 385.211 of the Commission's Rules and Regulations. Pursuant to Section 154.210 of the Commission's Regulations, all such motions or protests must be filed not later than 12 days after the date of the filing noted above. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Ssecretary.

[FR Doc. 96–237 Filed 1–8–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket Nos. RP94–96–015 and RP94–213–012 (Consolidated)]

CNG Transmission Corp.; Notice of Proposed Changes in FERC Gas Tariff

January 3, 1996.

Take notice that on December 29, 1995, CNG Transmission Corporation (CNG), tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1, the following tariff sheets:

Substitute Second Rev. Sheet No. 106
Substitute Third Rev. Sheet No. 107
Substitute Original Sheet No. 107A
Substitute First Rev. Sheet No. 118
Substitute Second Rev. Sheet No. 120
Substitute Original Sheet No. 120A
Substitute Third Rev. Sheet No. 121
Substitute Second Rev. Sheet No. 135
Substitute First Rev. Sheet No. 319

CNG requests an effective date of January 1, 1996, for these tariff sheets. CNG states that the purpose of its filing is to comply with a December 21, 1995, Letter Order in the captioned proceeding. CNG states that it is filing various tariff sheets that address the relationship of CNG's gathering and mainline transportation services. In particular, CNG has inserted language to permit new Part 284 transportation customers to elect whether or not to obtain an MARQ at CNG's Appalachian Aggregation Points.

CNG states that copies of this letter of transmittal and enclosures are being mailed to the parties to the captioned proceedings.

Any person desiring to protest this filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, DC, 20426, in accordance with §§ 385.211 of the Commission's Rules and Regulations. Pursuant to Section 154.210 of the Commission's Regulations, all such protests must be filed not later than 12 days after the date of the filing noted above. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 96–238 Filed 1–8–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP96–95–000]

CNG Transmission Corp.; Notice of Proposed Changes in FERC Gas Tariff

January 3, 1996.

Take notice that on December 27, 1995, CNG Transmission Corporation (CNG), tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1, the following revised tariff sheets, with an effective date of February 1, 1996:

Sixteenth Revised Sheet No. 32
Sixteenth Revised Sheet No. 33

CNG states that the purpose of its filing is twofold: first, CNG is submitting its quarterly revision of the Stranded Cost Surcharge, effective for the three-month period commencing February 1, 1996; second, CNG is providing the annual reconciliation of the Stranded Account No. 858 costs, as required by Section 18.2.B.4 of the General Terms and Conditions of CNG's tariff.

CNG states that copies of this letter of transmittal and enclosures are being mailed to CNG's customers and interested state commissions.

Any person desiring to be heard or to protest this filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, Washington, DC, 20426, in accordance with 18 CFR 385.214 and 385.211 of the Commission's Rules and Regulations. Pursuant to Section 154.210 of the Commission's Regulations, all such motions or protests must be filed not later than 12 days after the date of the filing noted above. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 96–239 Filed 1–8–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP95–408–004]

Columbia Gas Transmission Corp.; Notice of Proposed Changes in FERC Gas Tariff

January 3, 1996.

Take notice that on December 29, 1995, Columbia Gas Transmission Corporation (Columbia) filed a motion to place its suspended rates into effect on February 1, 1996, and tendered for filing the revised tariff sheets to its FERC Gas Tariff, Second Revised Volume No. 1 and Original Volume No. 2, listed on Appendix A to the filing. The revised tariff sheets on Appendix A bear an issue date of December 29, 1995, and a proposed effective date of February 1, 1996.

Columbia states that it is also tendered for filing the revised tariff sheets listed on Appendix B to the filing, which bear an issue date of December 29, 1995, and a proposed effective date of may 1, 1996. Columbia states that it is not moving the Appendix B tariff sheets into effect at this time, but is reserving the right to move them into effect as of May 1, 1996, or at any time thereafter. Columbia states that the revised filing is being made in accordance with the Commission's suspension order issued August 31, 1995 in this proceeding and 18 CFR 154.206.

Columbia states that in accordance with an agreement between Columbia, Commission Staff and intervenors, the Appendix A tariff sheets reflect a 25% reduction of the filed-for increase (including the impact of the proposed Stranded Facilities Charge (SFC) and Electric Power Cost Adjustment (EPCA)) to all rates except the gathering and processing rates. However, Columbia states that the gathering and processing rates set forth on the Appendix A tariff sheets reflect the lower May 1, 1996, rates for those services. The Appendix A tariff sheets also reflect the correction of a classification error, and revisions to the Stranded Facilities Charge and Section 46 of the General Terms and Conditions of Columbia's tariff required by the suspension order. The Appendix B tariff sheets reflect the correction of a classification error, the changes required by the suspension order, and an adjustment removing certain base period expenses in accordance with Columbia's recent settlement in Docket No. GP94–02, et al. The filing and the Appendix A and Appendix B tariff sheets are explained in greater detail in the transmittal letter accompanying the filing.

Columbia states that copies of its filing have been mailed to all firm customers, interested interruptible customers and affected state regulatory commissions.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rule 211 of the Commission's Rules of Practice and Procedure. Pursuant to Section 154.210 of the Commission's Regulations, all

such protests must be filed not later than 12 days after the date of the filing noted above. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Copies of Columbia's filings are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 96–240 Filed 1–8–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP96–94–000]

Columbia Gas Transmission Corp.; Notice of Proposed Changes in FERC Gas Tariff

January 3, 1996.

Take notice that on December 26, 1995, Columbia Gas Transmission Corporation (Columbia) tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1, the following tariff sheets, to become effective February 1, 1996.

Title Page

First Revised Sheet No. 99A
First Revised Sheet No. 99B

This filing comprises Columbia's supplemental close out filing with respect to its Account No. 191 pursuant to Section 39 of the General Terms and Conditions (GTC) of its FERC Gas Tariff, Second Revised Volume No. 1. GTC Section 39, ''Account No. 191 Reconciliation Mechanism,'' provides for Columbia's refund to or recovery from certain customers of any over recovered or under recovered balance in Columbia's Account No. 191 as a result of implementing Order No. 636. This filing also satisfies the reporting requirement contained in GTC Section 39.5 and prior Commission orders, that Columbia submit a report detailing its Account No. 191 balance, reflecting adjustments from March 1, 1995 through December 31, 1995. As discussed therein, this filing comprises a net credit to the Account No. 191 of $847,459.

Any person desiring to be heard or protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with §§ 385.214 and 385.211 of the Commission's Rules of Practice and Procedure. Pursuant to Section 154.210 of the Commission's regulations, all such motion or protests must be filed not later than 12 days after the date of the filing noted above. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 96–241 Filed 1–8–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP90–107–027]

Columbia Gulf Transmission Company; Notice of Refund Report

January 3, 1996.

Take notice that on December 29, 1995, Columbia Gulf Transmission Company (Columbia Gulf) tendered for filing with the Federal Energy Regulatory Commission (Commission) its Refund Report made to comply with the Commission's order dated April 16, 1992, the April 17, 1995, Offer of Settlement filed in Docket Nos. RP90–107, et al. (Customer Settlement) as approved by the Commission on June 15, 1995, in Columbia Gulf Transmission Co., 71 FERC ¶ 61,377 (1995).

Columbia Gulf states that the report shows that on November 28, 1995, Columbia Gulf made a lump sum refund to its customers pertaining to the above referenced proceeding for the period November 30, 1990 through November 30, 1991, in the amount of $3,242,420.00. Article III of the Customer Settlement provided for the partial payment of refund in Columbia Gulf Docket No. RP90–107 within 30 days after the date of an initial order of United States Bankruptcy Court for the District of Delaware (Bankruptcy Court) approving such partial payment. The Bankruptcy Court issued an order approving a partial payment on August 4, 1995. Columbia Gulf states that partial payment was paid on August 28, 1995, and was the subject of a prior refund report. In accordance with the Customer Settlement, on November 28, 1995, Columbia Gulf refunded to Supporting Parties under the Customer Settlement their respective shares of the remaining principal amount of $2,350,478 of the Docket No. RP90–107 refund plus interest of $891,942 calculated in accordance with 18 CFR 154.501.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with the Rule 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.211). All such protests must be filed on or before January 10, 1996. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of Columbia Gulf's filings are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary

[FR Doc. 96–242 Filed 1–8–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. TQ96–2–23–000]

Eastern Shore Natural Gas Company; Notice of Proposed Changes in FERC Gas Tariff

January 3, 1996.

Take notice that on December 27, 1995, Eastern Shore Natural Gas Company (ESNG) tendered for filing certain revised tariff sheets in the above captioned docket as part of its FERC Gas Tariff, First Revised Volume No. 1, with a proposed effective date of January 1, 1996.

Eastern Shore states that the revised tariff sheets included herein are being filed pursuant to Section 21 of the General Terms and Conditions of ESNG's Gas Tariff to reflect changes in ESNG's jurisdictional rates. The sales rates set forth herein reflect an increase of $0.5390 per dt in the Commodity Charge, as measured against ESNG's Out-Of-Cycle Quarterly Purchased Gas Adjustment filing, Docket No. TQ96–1–23–000, et al., filed on December 1, 1995.

The commodity purchased gas cost adjustment reflects ESNG's projected cost of gas for the month of January 1, 1996 through January 31, 1996, and has been calculated using its best estimate on available gas supplies to meet ESNG's anticipated purchase requirements. The increased gas costs in this filing are a result of higher prices being paid to producers/suppliers under ESNG's market-responsive gas supply contracts.

ESNG respectfully requests waiver of the Commission's thirty (30) day notice requirement so as to permit it to place the subject rates into effect on January 1, 1996, as proposed. ESNG is unable to meet the thirty (30) day notice requirements due to the fact that the normal purchasing of gas supplies from producers/suppliers is negotiated five

working days before the end of the month (for the next month's supply). The normal time frame to order gas supply for the next month does not give ESNG any flexibility in order to make a filing in time for the ''notice requirement'' when gas prices spike upward (from projected) as they have for the month of January, 1996. The Commission's waiver of the thirty (30) day notice requirement in the case of this instant filing would allow for a more accurate recovery of ESNG's costs and mitigate the deferred commodity costs which would occur in the absence of such waiver.

ESNG states that copies of the filing have been served upon its jurisdictional customers and interested State Commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Rule 211 and Rule 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Pursuant to Section 154.210 of the Commission's Regulations, all such motions or protests must be filed not later than 12 days after the date of the filing noted above. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 96–243 Filed 1–8–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP95–363–003]

El Paso Natural Gas Company; Notice of Motion to Place Tariff Sheets into Effect

January 3, 1996.

Take notice that on December 28, 1995, El Paso Natural Gas Company (El Paso), tendered for filing as part of its FERC Gas Tariff, Volume Nos. 1–A and 2, the following tariff sheets, to become effective January 1, 1996:

Second Revised Volume No. 1–A

Sub Alternate Fifth Revised Sheet No. 20
Sub Alt Second Revised Sheet No. 22
Sub Alt Fifth Revised Sheet No. 23
Sixth Revised Sheet No. 24
Fifth Revised Sheet No. 26
Substitute Fourth Revised Sheet Nos. 27–28
Second Revised Sheet Nos. 30–32
Third Revised Sheet No. 111
Third Revised Sheet No. 113
Sub Alt First Revised Sheet No. 117
Substitute First Revised Sheet Nos. 118–119
Substitute First Revised Sheet No. 309
Substitute First Revised Sheet No. 362
Substitute Original Sheet Nos. 365–367
Sheet Nos. 368 through 399

Third Revised Volume No. 2

Sub Alt 36th Revised Sheet No. 1–D.2
Twenty-Ninth Revised Sheet No. 1–D.3

El Paso states that it is filing pursuant to Section 4(e) of the Natural Gas Act and Section 154.206 of the Commission's Regulations under the Natural Gas Act a motion to place into effect on January 1, 1996, a change in rates for natural gas transportation service.

El Paso states that on June 30, 1995, at Docket No. RP95–363–000, it filed with the Commission a notice of change in rates for natural gas transportation service to become effective August 1, 1995. El Paso states that by order issued July 26, 1995, at Docket No. RP95–363–000, the Commission conditionally accepted the tariff sheets, suspended their effectiveness for five months to become effective January 1, 1996, subject to refund, and established hearing and settlement procedures.

El Paso states that the instant motion places those suspended tariff sheets into effect.

Any person desiring to protest this filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. Pursuant to Section 154.210 of the Commission's Regulations, all such protests must be filed not later than 12 days after the date of the filing noted above. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 96–244 Filed 1–8–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CP95–565–001]

Equitrans, Inc.; Notice of Amendment

January 3, 1996.

Take notice that on December 29, 1995, Equitrans, Inc. (Equitrans), 3500 Park Lane, Pittsburgh, Pennsylvania 15275, filed an amendment (Amendment) to its original application in Docket No. CP95–565–000, which was filed pursuant to Section 7(c) of the Natural Gas Act, the purpose of which is to: (1) Amend the application by (a) withdrawing the request for advance Commission approval of recovery through jurisdictional rates of the undepreciated costs of the storage reservoir and return thereon in the event of reservoir damage, and (b) indicating that Equitrans proposes to withdraw 400 MMcf of natural gas during the three-year period in which it proposes to inject up to 300 MMcf of nitrogen; and (2) supplement its application with (a) assurances of service continuation despite any such reservoir damage, (b) information requested by certain parties that participated in a technical conference held on September 15, 1995, and (c) a brief summary of the points made by the speakers at the technical conference along with copies of slides that were shown, all as more fully set fourth in the application which is on file with the Commission and open to public inspection.

Equitrans states that, based on the concerns expressed by its customers, Equitrans has reexamined the risks and remediation strategies for the project and has determined that the risk of damage being sustained at the Shirley storage reservoir as the result of injecting nitrogen under the controlled conditions carefully developed for the project is *de minimis*. To allay the concerns expressed by certain intervenor-customers about their rights to challenge future rate treatment of Shirley storage costs, Equitrans states that it hereby foregoes its request for rate recovery treatment of such costs. Equitrans states that in the unlikely event that the injection of nitrogen mixes with cushion or working gas of the Shirley reservoir or causes damage to surface facilities, Equitrans will bear all costs of remediating storage field operations. Further, it is stated that any such costs will not be included in rates in any future proceeding. Rather Equitrans, contends that it will use the revenues which it proposes to retain from the sale of base gas from the Shirley reservoir to fund any required remediation activities.[1] Based on the risk assessment work performed over the last several months, Equitrans states that it is convinced that the risk of

[1] As part of its original application, Equitrans requested authorization to sell the gas withdrawn from the Shirley reservoir to accommodate the nitrogen injection process, to credit its ''Account 117, Gas stored underground—noncurrent'' for the LIFO inventory value of the gas withdrawn, and to retain any revenues received from the sale of the gas.

nitrogen blending with natural gas to an extend which would adversely impact storage operations is remote, and that such an occurrence could be remediated quickly and effectively at a minimal cost. Equitrans contends that this project is important both for itself and for the industry and is willing to assume the risks of the project to see it moves forward.

Equitrans states that it intends to withdraw up to 400 MMcf of natural gas as part of the project, instead of the 300 MMcf it originally proposed. The reason Equitrans proposes to withdraw approximately 100 MMcf more of its base gas than it will replace with nitrogen is that by doing so, the pressures within the reservoir will push the nitrogen away from the main portion of the reservoir where the working gas is stored and toward a narrow southeastern perimeter of the reservoir where only base gas is present, and which perimeter is separated from the main portion of the reservoir by a thin ''neck'' area. It is stated that the net reduction in the amount of cushion gas in the Shirley reservoir will ultimately reduce Equitrans'' storage rate base to the benefit of customers, while having virtually no impact on storage operations.

After reassessing the maximum risk of any reservoir damage resulting from implementation of the proposed project, Equitrans states that it will commit that certificated entitlement levels of existing storage customers will be met through the term of all existing storage contracts regardless of any unforeseen adverse effects of injecting nitrogen into the Shirley reservoir. Equitrans contends that this commitment is made in order to render moot the security of supply concerns expressed by certain intervenor-customers, thereby limiting the number of issued needed to be addressed by the Commission.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 12, 1996, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held with further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Equitrans to appear or be represented at the hearing.

Lois D. Cashell,

Secretary.

[FR Doc. 96–245 Filed 1–8–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP96–86–000]

Florida Gas Transmission Company; Notice of Filing of Annual Report of Cash-Out Activity

January 3, 1996.

Take notice that on December 20, 1995, Florida Gas Transmission Company (FGT) tendered for filing schedules detailing certain information related to the Cash-Out mechanism provided for in Section 14 of the General Terms and Conditions (GTC) of its FERC Gas Tariff, Third Revised Volume No. 1. No tariff changes are proposed therein.

FGT states that Section 14 provides for the resolution of differences between quantities of gas scheduled and physically received and/or delivered each month and provides that the elimination of any monthly imbalances not resolved through the Book-Out provisions will be by cash settlement (''Cash-Out''). The Cash-Out provisions of Section 14 provide that different imbalances factors and price index will be used to value imbalances due the imbalance parties. FGT states that the purpose of the weighted valuation method was to encourage shipper adherence to scheduled quantities to maintain the integrity of FGT's system, which has no storage facilities to accommodate imbalances.

FGT states that, in order to ensure that any potential benefit resulting from the use of different indices and imbalance factors was properly accounted for, FGT was required to credit to its shippers all revenues derived from Cash-Outs which exceed the actual cost to FGT to maintain a reasonable system balance. These requirements were contained in Section 14.B.8. of the GTC of FGT's tariff.

Although these provisions of Section 14.B.8. were superseded December 1, 1995 by the provisions of a settlement in Docket No. RP95–103–000, FGT states that it is filing the instant report to avoid an unintended gap in reporting periods.

FGT proposes to directly refund $238,651.53 of excess cash-out revenues to shippers identified in Schedule B to FGT's filing. FGT proposes to make these refunds within 30 days following a final Commission Order accepting the filing.

Any person desiring to be heard or to protest said filing should file a Motion to Intervene or Protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Sections 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests should be filed on or before January 10, 1996. Protests will be considered by the Commission in determining the appropriate actions to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a Motion to Intervene. Copies of this filing are on file with the Commission and are available for public inspections.

Lois D. Cashell,

Secretary.

[FR Doc. 96–246 Filed 1–8–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP95–175–004]

Mojave Pipeline Company; Notice of Tariff Filing

January 3, 1996.

Take notice that on December 22, 1995, Mojave Pipeline Company (Mojave) in compliance with the Commission's order issued in the above proceeding on December 1, 1995, tendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 1, the following tariff sheets, to become effective January 1, 1996:

Seventh Revised Sheet No. 11
Third Revised Sheet No. 26

Mojave states that Seventh Revised Sheet No. 11 sets forth Mojave's rates

applicable to shippers who are Supporting Parties under the settlement. Since these rates are identical to Mojave's currently effective rates applicable to all Mojave shippers, including shippers not supporting the settlement, Mojave has not separately listed rates applicable to supporting shippers.

Mojave states that Third Revised Sheet No. 26 contains provisions for crediting of interruptible transportation revenues to firm shippers which are applicable to, and binding upon, only those firm shippers who are Supporting Parties under the Stipulation and Agreement.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. Pursuant to Section 154.210 of the Commission's Regulations, all such protests must be filed not later than 12 days after the date of the filing noted above. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 96–247 Filed 1–8–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP95–185–011]

Northern Natural Gas Company; Notice to Place Tariff Sheets into Effect

January 3, 1996.

Take notice that on December 27, 1995, Northern Natural Gas Company (Northern) filed a motion to place into effect on January 1, 1996, a rate increase filing previously accepted and suspended by the Commission's March 30, 1995 suspension order. Northern is moving into effect the following tariff sheets:

Fifth Revised Volume No. 1

Substitute Eighteenth Revised Sheet No. 50
Substitute Eighteenth Revised Sheet No. 51
Substitute Seventh Revised Sheet No. 52
Twenty-Seventh Revised Sheet No. 53
First Revised Sheet No. 54
First Revised Sheet No. 55
Substitute Seventh Revised Sheet No. 59
Second Substitute Eighth Revised Sheet No. 60
First Revised Sheet No. 61
First Revised Sheet No. 62
Substitute First Revised Sheet No. 63
Substitute First Revised Sheet No. 64
First Revised Sheet No. 100
Second Revised Sheet No. 101
First Revised Sheet No. 103
First Revised Sheet No. 106
First Revised Sheet No. 114
First Revised Sheet No. 115
First Revised Sheet No. 134
First Revised Sheet No. 136
First Revised Sheet No. 138
First Revised Sheet No. 139
First Revised Sheet No. 141
Second Revised Sheet No. 143
First Revised Sheet No. 145
First Revised Sheet No. 146
Second Revised Sheet No. 147
First Revised Sheet No. 206
First Revised Sheet No. 255
First Revised Sheet No. 265
Second Revised Sheet No. 401

Original Volume No. 2

Substitute 146 Revised Sheet No. 1C
Substitute Twenty-First Revised Sheet No. 1C.a

Northern further states that copies of the motion have been mailed to each of its customers and interested State Commissions.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rule 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.211). Pursuant to Section 154.210 of the Commission's Regulations, all such protests must be filed not later than 12 days after the date of the filing noted above. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 96–248 Filed 1–8–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP95–409–003]

Northwest Pipeline Corporation; Notice of Proposed Changes in FERC Gas Tariff

January 3, 1996.

Take notice that on December 28, 1995, Northwest Pipeline Corporation (Northwest) tendered for filing as part of its FERC Gas Tariff the following tariff sheets, to become effective February 1, 1996:

Third Revised Volume No. 1

Substitute Seventh Revised Sheet No. 5
Substitute Sixth Revised Sheet No. 5–A
Substitute Third Revised Sheet No. 6
Substitute Third Revised Sheet No. 7
Substitute Sixth Revised Sheet No. 8
Substitute Second Revised Sheet No. 8.1
Substitute Fifth Revised Sheet No. 375
Substitute Fourth Revised Sheet No. 376
Substitute Fifth Revised Sheet No. 377
Substitute Third Revised Sheet No. 378
Substitute Second Revised Sheet No. 380

Original Volume No. 2

Substitute Twenty-First Revised Sheet No. 2
Substitute Sixteenth Revised Sheet No. 2.1
Substitute Twentieth Revised Sheet No. 2–A

Northwest states that the purpose of this filing is to move into effect on February 1, 1996, Northwest's Docket No. RP95–409–000 rates that were originally filed with the Commission on August 1, 1995, as part of a general rate increase. Northwest states that with the exception of changes to the ACA and GRI surcharges, these rates are the same as those filed on August 1, 1995. By this filing, Northwest also updates its index of customers.

Any person desiring to protest this filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. Pursuant to Section 154.210 of the Commission's Regulations, all such protests must be filed not later than 12 days after the date of the filing noted above. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 96–249 Filed 1–8–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP95–407–003]

Questar Pipeline Company; Notice of Proposed Changes in Tariff Filing

January 3, 1996.

Take notice that on December 22, 1995, Questar Pipeline Company (Questar), tendered for filing and acceptance tariff sheets to its FERC Gas Tariff to comply with ordering Paragraph G of the Commission's August 31, 1995, order, to become effective February 1, 1996. Questar tendered for filing and acceptance the following tariff sheets:

First Revised Volume No. 1

Second Substitute Alternate Fifth Revised Sheet No. 5

Substitute Fifth Revised Sheet No. 6

Original Volume No. 3

Substitute Fifteenth Revised Sheet No. 8

Questar states that the purpose of the filing is to comply with the Commission's August 31, 1995, order in Docket No. RP95–407–000. The order directed Questar to file revised tariff sheets implementing rates reflecting the elimination of non-deductible business expenses from Questar's income tax calculation.

Further, Questar states that it has included on the prepared tariff sheets the changes and modification from the September 15, 1995, compliance filing, Questar's August 31, 1995, ACA filing in Docket No. TM96–1–55, and Questar's December 1, 1995, GRI filing in Docket No. TM96–2–55. The ACA filing in Docket No. TM96–1–55, was accepted by order issued September 29, 1995. The September 15, 1995, compliance filing and the December 1, 1995, GRI filing have not been acted on by the Commission as of the date of this filing.

Questar states that copies of the proposed tariff sheets and the transmittal letter describing the nature of the filing were served upon all parties set out on the official service list in Docket No. RP95–407–000.

Any person desiring to protest this filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, DC, 20426, in accordance with 18 CFR 385.211 of the Commission's Rules and Regulations. Pursuant to Section 154.210 of the Commission's regulations, all such protests must be filed not later than 12 days after the date of the filing noted above. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 96–250 Filed 1–8–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP96–97–000]

Texas Gas Transmission Corporation; Notice of Proposed Changes in FERC Gas Tariff

January 3, 1996.

Take notice that on December 28, 1995, Texas Gas Transmission Corporation (Texas Gas) tendered for filing to become part of its FERC Gas Tariff, First Revised Volume No. 1 the following revised tariff sheets, with an effective date of February 1, 1996:

Fourteenth Revised Sheet No. 10
Eleventh Revised Sheet No. 11
Sixth Revised Sheet No. 11A
Third Revised Sheet No. 15
Third Revised Sheet No. 16

Texas Gas states that the revised tariff sheets are being filed in compliance with Section 5.3 of Rate Schedule ISS of Texas Gas's FERC Gas Tariff, First Revised Volume No. 1, in effect November 1, 1993, through March 31, 1994, and reflects the ISS Revenue Credit Adjustment as required by the referenced section. Also, Texas Gas herein adjusts its February 1, 1996 rates to remove the Interruptible Revenue Credit Adjustment which expires January 31, 1996, in accordance with the provisions of Texas Gas's Docket No. RP95–102 as approved by the Commission in its orders dated January 27, 1995 (70 FERC 61,088) and July 24, 1995 (letter order).

Texas Gas states that copies of this filing have been served upon Texas Gas's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, DC 20426, in accordance with Sections 385.211 and 385.214 of the Commission's Rules and Regulations. Pursuant to Section 154.210 of the Commission's Regulations, all such motions or protests mut be filed later than 12 days after the date of the filing noted above. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party to the proceeding must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 96–251 Filed 1–8–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP96–91–001]

Trunkline Gas Company; Notice of Proposed Changes in FERC Gas Tariff

January 3, 1996.

Take notice that on December 29, 1995, Trunkline Gas Company (Trunkline) tendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 1, the following substitute tariff sheet, to become effective January 22, 1996:

Sub First Revised Sheet No. 204

Trunkline states that this tariff sheet is being filed in substitution for a revised tariff sheet filed by Trunkline on December 22, 1995 in the referenced docket. The substitution is required as a correction to clarify that satisfactory dehydration must take place onshore, as explained in the transmittal letter which accompanied the December 22, 1995 filing.

Trunkline states that a copy of this filing was mailed to affected shippers and interested state regulatory agencies.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. Pursuant to Section 154.210 of the Commission's Regulations, all such motions or protests must be filed not later than 12 days after the date of the filing noted above. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 96–253 Filed 1–8–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP96–91–000]

Trunkline Gas Company; Notice of Proposed Changes in FERC Gas Tariff

January 3, 1996.

Take notice that on December 22, 1995, Trunkline Gas Company (Trunkline) tendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 1, the following tariff sheets, to become effective January 22, 1996:

First Revised Sheet No. 204
First Revised Sheet No. 205

Trunkline states that the revised tariff sheets are being submitted in order to expand the opportunities to shippers (or their designees) to satisfy the annually elected processing requirements currently contained in Trunkline's tariff by arranging for satisfactory dehydration of gas onshore. The revision is desirable because third party dehydration facilities may become available to Trunkline's shippers, at least some of

whom might benefit from the opportunity to dehydrate gas onshore, from time to time, in lieu of processing.

Trunkline states that a copy of this filing was mailed to affected shippers and interested state regulatory agencies.

Any person desiring to be heard or protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with §§ 385.214 and 385.211 of the Commission's Rules of Practice and Procedure. All such motions or protests must be filed as provided in Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 96–252 Filed 1–8–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket Nos. RP90–137–028, and RP96–93–000 (Not Consolidated)]

Williston Basin Interstate Pipeline Company; Notice of Compliance Filing

January 3, 1996.

Take notice that on December 22, 1995, Williston Basin Interstate Pipeline Company (Williston Basin), tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1 and Original Volume No. 2 and Original Volume No. 1–A of its superseded FERC Gas Tariff, the following revised tariff sheets to become effective as shown on the tariff sheets.

Williston Basin states that, in accordance with the Commission's December 6, 1995 Order, the revised tariff sheets exempt the Rate Schedule S–2 service performed for Chevron U.S.A. Inc., Union Oil Company of California, Marathon Oil Company, Koch Gas Services Company, and Graham Royalty Ltd. and Amoco Production Company with Rainbow Gas Company acting as their agent, from Williston Basin's take-or-pay volumetric surcharge both retroactively and prospectively. Williston Basin further states that the revised schedules reflect recovery beginning January 1, 1996, for the amounts refunded in Docket No. RP93–175–000 over the remaining total recovery period in that docket. The applicable Docket Nos. RP90–137–000 and RP91–56–000 amounts have been combined and will be recovered over an 18 month period through a new recovery mechanism beginning January 1, 1996.

Any person desiring to be heard or protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with §§ 385.214 and 385.211 of the Commission's Rules of Practice and Procedure. All such motions or protests must be filed as provided in Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 96–254 Filed 1–8–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP95–364–003]

Williston Basin Interstate Pipeline Company; Notice of Proposed Changes in FERC Gas Tariff

January 3, 1996.

Take notice that on December 29, 1995, Williston Basin Interstate Pipeline Company (Williston Basin), tendered for filing revised tariff sheets to Second Revised Volume No. 1 and Original Volume No. 2 of its FERC Gas Tariff. The proposed effective date of these tariff sheets is January 1, 1996.

Williston Basin states that this motion to place suspended tariff sheets into effect, along with supporting workpapers, is being filed pursuant to the Commission's July 27, 1995 and December 22, 1995 Orders in the above-referenced proceeding and Section 154.206 of the Commission's Regulations.

Any person desiring to protest this filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, DC 20426, in accordance with §§ 385.211 of the Commission's Rules and Regulations. Pursuant to Section 154.210 of the Commission's Regulations, all such protests must be filed not later than 12 days after the date of the filing noted above. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 96–255 Filed 1–8–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. TM96–3–49–000]

Williston Basin Interstate Pipeline Company; Notice of Fuel Reimbursement Charge Filing

January 3, 1996.

Take Notice that on December 29, 1995, Williston Basin Interstate Pipeline Company (Williston Basin), tendered for filing as part of its FERC Gas Tariff the following revised tariff sheets to become effective February 1, 1996:

Second Revised Volume No. 1

Fifteenth Revised Sheet No. 15
Seventh Revised Sheet No. 15A
Eighteenth Revised Sheet No. 16
Seventh Revised Sheet No. 16A
Fifteenth Revised Sheet No. 18
Seventh Revised Sheet No. 18A
Seventh Revised Sheet No. 19
Seventh Revised Sheet No. 20
Thirteenth Revised Sheet No. 21

Original Volume No. 2

Sixtieth Revised Sheet No. 11B

Williston Basin states that the revised tariff sheets reflect revisions to the fuel reimbursement charge and percentage components of the Company's relevant gathering, transportation and storage rates, pursuant to Williston Basin's Fuel Reimbursement Adjustment Provision, contained in Section 38 of the General Terms and Conditions of FERC Gas Tariff, Second Revised Volume No. 1.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with 18 CFR 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed on or before January 10, 1996. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are

available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 96–256 Filed 1–8–96; 8:45 am]

BILLING CODE 6717–01–M

Office of Hearings and Appeals

Implementation of Special Refund Procedures

AGENCY: Office of Hearings and Appeals, DOE.

ACTION: Notice of Implementation of Special Refund Procedures.

SUMMARY: The Office of Hearings and Appeals of the Department of Energy announces procedures for the disbursement of $1,564,222.74 (plus accrued interest) collected pursuant to a consent order with Vessels Gas Processing Company. The funds will be distributed in accordance with the DOE's special refund procedures, 10 CFR Part 205, Subpart V.

DATES AND ADDRESSES: Applications for Refund of a portion of the consent order must be filed in duplicate on or before April 8, 1996, and should be addressed to: Vessels Gas Processing Company Proceeding, Department of Energy, Office of Hearings and Appeals, 1000 Independence Ave., S.W., Washington, D.C. 20585–0107. All Applications should conspicuously display reference to Case Number VEF–0007.

FOR FURTHER INFORMATION CONTACT: Richard W. Dugan, Associate Director, 1000 Independence Ave. S.W., Washington D.C. 20585–0107, (202) 586–2860.

SUPPLEMENTARY INFORMATION: In accordance with the procedural regulations of the Department of Energy, 10 CFR 205.282 (c), notice is hereby given of the issuance of the Decision and Order set out below. The Decision and Order relates to a consent Order entered into by the DOE and Vessels Gas Processing Company (Vessels). The consent order settled possible pricing violations with respect to Vessels' sales of natural gas liquids (NGLs) and natural gas liquid products (NGLPs). The DOE has collected $1,564,222.74 and is holding the money in an interest-bearing escrow account pending distribution. On September 28, 1995, the Office of Hearings and Appeals issued a Proposed Decision and Order which tentatively established refund procedures and solicited comments from interested parties concerning the proper distribution of the consent order fund. No comments were received.

As the Decision and Order indicates, Applications for Refund from the Vessels' consent order fund may now be filed. Applications must be filed no later than 90 days from the date of publication of this Decision and Order. Applications will be accepted from customers who purchased NGLs and NGLPs from Vessels during the period September 1, 1973 through December 31, 1977. The specific information required in and Application for Refund is set forth in the Decision and Order.

Dated: December 21, 1995.

George B. Breznay,

Director, Office of Hearings and Appeals.

Special Refund Procedures

Name of Firm: Vessels Gas Processing Company
Date of Filing: February 27, 1995
Case Number: VEF–0007

In accordance with the procedural regulations of the Department of Energy (DOE), 10 CFR Part 205, Subpart V, the Regulatory Litigation branch of the Office of General Counsel (OGC) (formerly the Economic Regulatory Administration (ERA)) filed a Petition for the Implementation of Special Refund Procedures with the Office of Hearings and Appeals (OHA) on February 27, 1995. The petition requests that the OHA formulate and implement procedures for the distribution of funds received pursuant to a Consent Order entered into by the DOE and Vessels Gas Processing Company (Vessels) of Colorado.[1]

I. Background

Vessels was a ''refiner'' of natural gas liquids (NGLs) and natural gas liquid products (NGLPs), which were included within the definitions of ''covered products'' in 6 CFR 150.352 and in the price regulations promulgated pursuant to the Emergency Petroleum Allocation Act of 1973, Public Law 93–159. Accordingly, during the period from August 19, 1973 through January 28, 1981, Vessels was subject to price rules set forth in 10 CFR Part 212, Subpart K, and antecedent regulations at 6 CFR 150.1 et seq. An ERA audit of Vessels' business records at the Irondale and Brighton locations revealed possible pricing violations with respect to the firm's sales of NGLs and NGLPs at the Irondale plant during the audit period from September 1, 1973 through December 31, 1977 and at the Brighton plant from April 1, 1975 through December 31, 1977.[2] Subsequently, on October 7, 1986, the DOE issued a Remedial Order to Vessels, finding that the firm had overcharged its customers and requiring it to remit to the DOE $1,571,671.40, plus interest. *Vessels Gas Processing Co.*, 15 DOE ¶ 83,002 (1986). Vessels appealed the Remedial Order to the Federal Energy Regulatory Commission (FERC) (Case No. R087–3–000). While the Appeal was pending, Vessels and the DOE entered into a Consent Order on December 17, 1987, in order to settle all claims and disputes between Vessels and the DOE regarding the firm's compliance with price regulations in sales of NGLs and NGLPs during the audit period. In that Order, Vessels agreed to remit a total of $1,500,000, plus installment interest, to the DOE for distribution to the firm's customers. The Consent Order became final on February 16, 1988. Vessels has made payments totalling $1,564,222.74 to the DOE.[3] These funds, plus accrued interest, are presently in a DOE escrow account maintained by the Department of the Treasury.

II. Jurisdiction

The procedural regulations of the DOE set forth general guidelines by which the OHA may formulate and implement a plan of distribution for funds received as a result of an enforcement proceeding. 10 CFR Part 205, Subpart V. It is DOE policy to use the Subpart V process to distribute such funds. For a more detailed discussion of Subpart V and the authority of the OHA to fashion procedures to distribute refunds obtained as a part of settlement agreements, see *Office of Enforcement*, 9 DOE ¶ 82,553 (1982); *Office of Enforcement*, 9 DOE ¶ 82,508 (1981). After reviewing the record in the present case, we have concluded that a Subpart V proceeding is an appropriate

[1] For the sake of convenience and clarity, ''Vessels'' will refer to Vessels Gas Processing Company (VGPC) and Vessels Gas Process, Limited (VGPL) in this Decision and Order. In addition, ''Vessels'' will refer to the operations of Halliburton Resource Management (HRM) at the Irondale and Brighton plants on behalf of VGPC and VGPL. Vessels operated under a contract with HRM, a division of Halliburton Company (Halliburton). Under that agreement, the natural gas owned by Vessels was processed and sold at three plants owned and operated by HRM. HRM was paid or retained a service fee from the sales proceeds. On February 25, 1983, Vessels filed, in conjunction with a ''Preliminary Statement of Objections'' to the Proposed Remedial Order issued to it on November 5, 1982, a ''Motion to Join Halliburton Company and Hold it Jointly Liable for Any Overcharges that are Proven.'' On May 25, 1983, the OHA gave leave to amend the PRO to join Halliburton. *Vessels Gas Processing Co.*, 11 DOE ¶ 82,509 (1983).

[2] The discrepancy in dates between the two plants is due to the fact that the Brighton plant was not fully operational until April 1975.

[3] Vessels' appeal to FERC was dismissed on February 26, 1988. *Vessels Gas Processing Co.*, 42 FERC ¶ 63,023 (1988). The firm's final payment under the Consent Order was received by the DOE on October 12, 1994.

mechanism for distributing the Vessels consent order fund. We therefore shall grant OGC's petition and assume jurisdiction over distribution of the fund.

III. Refund Procedures

On September 28, 1995, OHA issued a Proposed Decision and Order (PDO) establishing tentative procedures to distribute the Vessels settlement fund. That PDO was published in the Federal Register and a 30-day period was provided for the submission of comments regarding our proposed refund plan. See 60 Fed. Reg. 53369 (October 13, 1995). More than 30 days have elapsed and the OHA has received no comments concerning the proposed procedures for the distribution of the Vessels settlement fund. Consequently, the procedures will be adopted as proposed.

A. Refund Claimants

Refund monies will be distributed to those parties which were injured in their transactions with Vessels during the audit period that were covered by the Consent Order.[4] We have limited information on Vessels' customers and the number of gallons purchased by each customer. From company records available to this Office, we have compiled a partial list of Vessels' customers. They are as follows: Farmland Industries, Inc., Littleton Gas Co., California Liquid Gas Co., Hytrans, Inc., UPG, Inc.[5]

These customers, and any additional customers, will be required to submit a monthly schedule of the number of gallons of NGLs and NGLPs purchased from September 1, 1973 through December 31, 1977 and documentation that these products were purchased from either the Irondale or Brighton plants. Indirect purchasers of Vessels' products may be eligible for a refund if the reseller from whom they purchased the products passed through Vessels' alleged overcharges to its own customers. Indirect purchasers must identify the reseller from whom they made the purchases, and establish the basis for their belief the products originated from either the Irondale or Brighton plant. Affiliates of Vessels will be ineligible to apply for a refund in this proceeding.[6]

B. Calculation of Refund Amounts

We shall use a volumetric methodology to distribute the consent order funds to Vessels' customers. The volumetric refund presumption assumes that the alleged overcharges by a firm were dispersed equally over all gallons of product marketed by that firm. In the absence of better information, this assumption is sound because the DOE price regulations generally required a regulated firm to account for increased costs on a firm-wide basis in determining its prices.[7]

Under the volumetric approach we are adopting in this proceeding, a claimant's ''allocable share'' (or ''volumetric share'') of the Vessels fund is equal to the number of gallons of NGLs and NGLPs purchased from Vessels from September 1, 1973 through December 31, 1977, multiplied by a volumetric refund amount of $0.0185 per gallon.[8]

Each successful claimant will also receive a pro rata share of the interest accrued on the consent order funds between the date the funds were placed in the Vessels escrow account and the date the applicant's refund is disbursed.

C. Presumptions of Injury

In addition to the volumetric presumption, we are adopting a number of presumptions regarding injury for claimants in each category listed below. These presumptions will simplify the refund process and will help ensure that refund claims are evaluated in the most efficient and equitable manner possible.

a. End-Users

End-users of Vessels products, i.e., consumers, whose use of NGLs or NGLPs was unrelated to the petroleum business, are presumed injured and need only document their purchase volumes from Vessels during the consent order period to be eligible to receive their full allocable share.

b. Refiners, Resellers, and Retailers Seeking Refunds of $10,000 or Less

Reseller claimants (including refiners and retailers), whose allocable share is $10,000 or less, i.e., who purchased 540,540 gallons or less of Vessels' products during the consent order period, will be presumed injured and therefore need not provide a further demonstration of injury, besides documentation of their purchase volumes, to receive their full allocable share. See, *e.g., E.D.G., Inc.*, 17 DOE ¶ 85,679 (1988). We recognize that the cost to the applicant of gathering evidence of injury to support a small refund claim could exceed the expected refund. Consequently, without simplified procedures, some injured parties would be denied an opportunity to obtain a refund.

c. Medium-Range Refiner, Reseller, and Retailer Claimants

In lieu of making a detailed showing of injury (see part III D, below), a reseller claimant whose allocable share exceeds $10,000 may elect to receive a refund under the medium-range presumption of injury. Under this presumption, a claimant will receive as its refund the larger of $10,000 or 60 percent of its allocable share up to

[4] For the reason set forth in footnote 1 this includes firms that purchased NGLs and NGLPs from HRM that originated with Vessels. Since ethane, an NGLP, was decontrolled effective April 1, 1974, Vessels' customers would not have been injured by purchases of ethane on or after that date. They are thus not eligible for refunds for ethane purchases made after March 31, 1974.

[5] In comments submitted in response to the Notice of the Proposed Consent Order in the December 28, 1987 Federal Register, Enron Corp. requested that it be specifically named as a payee in the Consent Order. Enron contended that UPG, Inc. was the principal customer of Vessels' NGLs, and that Enron, as UPG's successor in interest, is therefore eligible for a refund in this proceeding. ERA determined in its response to Enron's comments that it was OHA's prerogative to name Enron as a payee in its Implementation Order. The review and analysis of the written comments did not provide any information that would support the modification or rejection of the proposed Consent Order with Vessels and Halliburton. Therefore, the Consent Order was issued without modification. While this Office is aware that UPG is affiliated with Enron, we have no detailed information regarding the exact nature of their corporate relationship. Accordingly, we will not name Enron as a payee in this Decision. However Enron is invited to submit to this Office an Application for Refund, in which it provides documentation to support its contention that it is entitled to a refund for UPG's purchases.

[6] As in other refund proceedings involving alleged refined products violations, we will presume that affiliates of the Consent Order firm were not injured by the firm's overcharges. See, *e.g., Marathon Petroleum Co./EMRO Propane Co.*, 15 DOE ¶ 85,288 (1987). This is because the Consent Order firm presumably would not have sold petroleum products to an affiliate if such a sale would have placed the purchaser at a competitive disadvantage. See *Marathon Petroleum Co./Pilot Oil Corp.*, 16 DOE ¶ 85,611 (1987), *amended claim denied*, 17 DOE ¶ 85,291 (1988), *reconsideration denied*, 20 DOE ¶ 85,236 (1990). Furthermore, if an affiliate of the Consent Order firm were granted a refund, that Consent Order firm would be indirectly compensated from the Consent Order fund remitted to settle its own alleged violations. See *Propane Industrial, Inc.* v. *DOE*, 985 F.2d 586 (Temp. Emer. Ct. App. 1993) (refund to affiliate would be ''unjust enrichment'').

[7] However this presumption is rebuttable. A claimant which believes that it suffered a disproportionate share of the alleged overcharges may submit evidence proving this claim in order to receive a larger refund. See *Sid Richardson Carbon and Gasoline Co./Siouxland Propane Co.*, 12 DOE ¶ 85,054 (1984); see *also Amtel, Inc./Whitco, Inc.*, 19 DOE ¶ 85,319 (1989) (*Amtel*). In computing the appropriate refund in such a case, we will prorate the alleged overcharge amount by the ratio of the Vessels settlement amount to the aggregate overcharge amount determined by the Vessels Remedial Order. See *Amtel.*

[8] The volumetric factor was computed by dividing $1,564,222.74 by 84,689,877 (the approximate number of gallons of NGLs and NGLPs Vessels sold to its customers during the audit period). The latter figure was obtained from records submitted to this Office by Vessels.

$50,000.[9] The use of this presumption reflects our conviction that these claimants were likely to have experienced some injury as a result of the alleged overcharges. In other proceedings involving NGLs and NGLPs, we have determined that a 60 percent presumption for the medium-range purchasers of NGLs and NGLPs accurately reflected the amount of their injury as a result of their purchases of those products. See *Sauvage Gas Co.*, 17 DOE ¶ 85,304 (1988); *Suburban Propane Gas Co.*, 16 DOE ¶ 85,382 (1987). Such an applicant will be required only to provide documentation of its purchase volumes of Vessels' products during the consent order period in order to be eligible to receive a medium-range refund.

d. Regulated Firms and Cooperatives

We have determined that, in order to receive a full volumetric refund, a claimant whose prices for goods and services are regulated by a governmental agency, e.g., a public utility, or by the terms of a cooperative agreement, needs only to submit documentation of its purchases of products used by itself or, in the case of a cooperative, sold to its members. However, a regulated firm or cooperative whose allocable share is greater than $10,000 will also be required to certify that it will pass any refund through to its customers or member-customers, provide us with a full explanation of how it plans to accomplish the restitution, and certify that it will notify the appropriate regulatory body or membership group of the receipt of the refund.[10]

e. Spot Purchasers

As in prior Subpart V proceedings, we are adopting a rebuttable presumption that a reseller that made only irregular or sporadic, i.e., spot, purchases from Vessels did not suffer injury as a result of those purchases. Accordingly, a spot purchaser claimant must submit specific and detailed evidence to rebut the spot purchaser presumption and to establish the extent to which it was injured as a result of its spot purchases from Vessels. In prior proceedings we have stated that refunds will be approved for spot purchasers who demonstrate that (i) they made the spot purchases for the purpose of ensuring a supply for their base period customers rather than in anticipation of financial advantage as a result of those purchases, and (ii) they were forced by market conditions to resell the product at a loss that was not subsequently recouped through the draw down of banks. See *Quaker State Oil Refining Corp./Certified Gasoline Co.*, 14 DOE ¶ 85,465 (1986).

D. Showing of Injury

As in prior refund proceedings, claimants who are medium-range resellers (including retailers and refiners) will be afforded the opportunity to prove injury in order to receive a refund equal to their full allocable share. These claimants will be required to demonstrate that during the audit period they would have maintained their prices for the NGLs and NGLPs purchased from Vessels at the same level had the alleged overcharges not occurred. While there are a variety of ways to make this showing, a reseller generally must demonstrate that, at the time it purchased the product from Vessels, market conditions would not permit it to pass through to its customers the additional costs associated with the alleged overcharges. See *Atlantic Richfield Co./Odessa L.P.G. Transport*, 21 DOE ¶ 85,384 (1991); *Gulf Oil Corp./ Anderson & Watkins, Inc.*, 21 DOE ¶ 85,380 (1991). In addition, the reseller will be required to show that it had a ''bank'' of unrecovered costs in order to demonstrate that it did not recover the increased costs associated with the alleged overcharges by increasing its own prices. The maintenance of a bank does not, however, automatically establish injury. See *Tenneco Oil Co./ Chevron U.S.A., Inc.*, 10 DOE ¶ 85,014 (1982).

E. Refund Application Requirements

To apply for a refund from the Vessels Consent Order fund, a claimant should submit an Application for Refund containing all of the following information:

(1) Identifying information including the claimant's name, current business address, business address during the refund period, taxpayer identification number, a statement indicating whether the claimant is an individual, corporation, partnership, sole proprietorship, or other business entity, the name, title, and telephone number of the person to contact for any additional information, and the name and address of the person who should receive any refund check.[11] If the applicant operated under more than one name or under a different name during the price control period, the applicant should specify these names;

(2) The applicant's use of NGLs and NGLPs from Vessels: e.g., consumer (end-user), cooperative, or public utility;

(3) A monthly purchase schedule covering the period from September 1, 1973 through December 31, 1977. The applicant should specify the source of this gallonage information. In calculating its purchase volumes, an applicant should use actual records from the refund period, if available. If these records are not available, the applicant may submit estimates of its purchases, but the estimation method must be reasonable, explained in detail, and supported by some documentation;

(4) If the applicant is a regulated utility or cooperative, a certification that it will pass on the entirety of any refund received to its customers or customer-members, will notify its state utility commission, other regulatory agency, or membership body of the receipt of any refund, and a brief description as to how the refund will be passed along;

(5) A statement as to whether the applicant or a related firm has filed, or has authorized any individual to file on its behalf, any other application in the Vessels refund proceeding. If so, an explanation of the circumstances of the other filing or authorization should be submitted;

(6) If the applicant is or was in any way affiliated with Vessels, it should explain this affiliation, including the time period in which it was affiliated;

(7) A statement as to whether the ownership of the applicant's firm changed during or since the refund period. If an ownership change occurred, the applicant should list the names, addresses, and telephone numbers of any prior or subsequent owners. The applicant should also provide copies of any relevant Purchase and Sale Agreements, if available. If such written documents are not available, the applicant should submit a description of the ownership change, including the year of the sale and the

[9] That is, reseller claimants who purchased in excess of 540,540 gallons of Vessels product during the consent order period may elect to utilize this presumption.

[10] A cooperative's sales to non-members will be treated in the same manner as sales by other resellers. See *Total Petroleum/Farmers Petroleum Cooperative*, 19 DOE ¶ 85,215 (1989).

[11] Under the Privacy Act of 1974, the submission of a social security number by an individual applicant is voluntary. An applicant that does not wish to submit a social security number must submit an employer identification number if one exists. This information will be used in processing refund applications, and is requested pursuant to our authority under the Petroleum Overcharge Distribution and Restitution Act of 1986 and the regulations codified at 10 C.F.R. Part 205, Subpart V. The information may be shared with other Federal agencies for statistical, auditing or archiving purposes, and with law enforcement agencies when they are investigating a potential violation of civil or criminal law. Unless an applicant claims confidentiality, this information will be available to the public in the Public Reference Room of the Office of Hearings and Appeals.

type of sale (e.g., sale of corporate stock, sale of company assets);

(8) A statement as to whether the applicant has ever been a party in a DOE enforcement action or a private Section 210 action. If so, an explanation of the case and copies of the relevant documents should also be provided;

(9) The following statement signed by the individual applicant or a responsible official of the firm filing the refund application: [12]

I swear (or affirm) that the information contained in this application and its attachments is true and correct to the best of my knowledge and belief. I understand that anyone who is convicted of providing false information to the federal government may be subject to a fine, a jail sentence, or both, pursuant to 18 U.S.C. 1001. I understand that the information contained in this application is subject to public disclosure. I have enclosed a duplicate of this entire application which will be placed in the OHA Public Reference Room.

All applications should be either typed or printed and clearly labeled ''Vessels Special Refund Proceeding, Case No. VEF–0007.'' Each applicant must submit an original and one copy of the application. If the applicant believes that any of the information in its application is confidential and does not wish for this information to be publicly disclosed, it must submit an original application, clearly designated ''confidential,'' containing the confidential information, and two copies of the application with the confidential information deleted. All refund applications should be postmarked no later than 90 days from the publication of this Decision and Order in the Federal Register, and sent to: Vessels Special Refund Proceeding, Office of Hearings and Appeals, Department of Energy, 1000 Independence Avenue, S.W., Washington, D.C. 20585–0107.

In those cases where applications are filed by representatives, e.g., filing services or attorneys, we may request information from the representative regarding its solicitation practices and materials and the procedures it uses. Furthermore, each representative that requests that it be a payee of a refund check must file with the OHA if it has not already done so a statement certifying that it maintains a separate escrow account at a bank or other financial institution for the deposit of all refunds received on behalf of applicants, and that its normal business practice is to deposit all Subpart V refund checks in that account within two business days of receipt and to disburse refunds to applicants within 30 calendar days thereafter. Unless such certification is received by the OHA, all refund checks approved will be made payable solely to the applicants. Representatives who have not previously submitted an escrow account certification form to the OHA may obtain a copy of the appropriate form by contacting: Marcia B. Carlson, HG–13, Chief, Docket & Publications Division, Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20585–0107.

F. Distribution of Funds Remaining After First Stage

Any funds that remain after all first-stage claims have been decided will be distributed in accordance with the provisions of the Petroleum Overcharge Distribution and Restitution Act of 1986 (PODRA), 15 U.S.C. 4501–07. PODRA requires that the Secretary of Energy determine annually the amount of oil overcharge funds that will not be required to refund monies to injured parties in Subpart V proceedings and make those funds available to state governments for use in four energy conservation programs. The Secretary has delegated these responsibilities to OHA. Any funds in the Vessels escrow account the OHA determines will not be needed to effect direct restitution to injured Vessels customers will be distributed in accordance with the provisions of PODRA.

It is therefore ordered That:

(1) Applications for Refund from the funds remitted to the Department of Energy by Vessels Gas Processing Company pursuant to the Consent Order that became final on February 16, 1988 may now be filed.

(2) All Applications for Refund must be postmarked no later than 90 days after publication of this Decision and Order in the Federal Register.

Date: December 21, 1995.

George B. Breznay,

Director, Office of Hearings and Appeals.

[FR Doc. 96–290 Filed 1–8–96; 8:45 am]

BILLING CODE 6450–01–P

[12] We will not process applications signed by filing services or other representatives. In addition, the statement must be dated on or after the date of this Decision and Order. Any application signed and dated before the date of this Decision will be summarily dismissed.

Western Area Power Administration

Pacific Northwest-Pacific Southwest Intertie Project

AGENCY: Western Area Power Administration, DOE.

ACTION: Notice and Request for Applications of Additional Capacity.

SUMMARY: The Western Area Power Administration (Western) is requesting applications on the Pacific Northwest-Pacific Southwest Intertie Project, responding to comments received on the Federal Register notice (FRN) dated September 19, 1995, and issuing its final marketing plan for firm transmission service available as a result of the completion of construction of the Mead-Phoenix (MPP) and Mead-Adelanto (MAP) 500–kV transmission projects.

DATES: Applications from all interested parties will be accepted until February 8, 1996.

FOR FURTHER INFORMATION CONTACT:

Mr. J. Tyler Carlson, Regional Manager, Desert Southwest Customer Service Region, Western Area Power Administration, P.O. Box 6457, Phoenix, AZ 85005–6457, Telephone: (602) 352–2521, Facsimile: (602) 352–2630

Mr. Anthony Montoya, Acting, Power Marketing Manager, Desert Southwest Customer Service Region, Western Area Power Administration, P.O. Box 6457, Phoenix, AZ 85005–6457, Telephone: (602) 352–2789, Facsimile: (602) 352–2630

SUPPLEMENTARY INFORMATION: In the FRN dated September 19, 1995 (60 FR 48513), Western announced its intention to market the additional capacity available as a result of the completion of the construction on the MPP and MAP which are a part of the Pacific Northwest-Pacific Southwest Intertie Project (AC Intertie). Comments were requested and received from customers and interested parties by the deadline of October 19, 1995. As a result of comments received, Western is issuing its marketing plan for MPP and MAP.

Customer Comments

Comment: The MPP has been identified by Western in the past as the Westwing-Marketplace Transmission Project. Many customers anticipated, and responded particularly to earlier interest requests by Western, based on the premise of interconnection and access to the Westwing bus. Western's marketing plan should include access between Westwing and Perkins to ensure that allocations of project capability are usable and to ensure the highest practical subscription level.

Response: Western has access to the Westwing 500–kV bus in an amount up to its equivalent ownership share in MPP. Western believes that the Perkins and Westwing 500–kV buses are equivalent and that access to Westwing 500–kV bus is ensured for allocations of project capability.

Comment: The requirements of existing Parker-Davis Project transmission customers to serve load growth along the Colorado River should be given first priority on available AC Intertie transmission capacity. One way to do this might be to operationally transfer to the AC Intertie system existing Parker-Davis Project contracts of customers using Parker-Davis Project capability as a path between Arizona and either Nevada or California, rather than serving loads along the river within Arizona. Capacity made available on the Parker-Davis Project transmission system could then be utilized to serve existing and growing loads along the Colorado River.

Response: The only priority being assigned to this marketing plan was discussed in the September 19 FRN and again in this FRN. It is not Western's intention to establish any new priorities in marketing this additional capacity. Western would be willing to accommodate a customer with both Parker-Davis Project and AC Intertie allocations, who wished to make a contractual change which would give it the ability to schedule its capacity in a manner such as discussed in this comment.

Comment: The available capacity defined in the Marketable Resource section of the September 19 FRN should correspond with the Marketable Capacity used in the proposed rate. If Western is planning to utilize capacity in MPP or MAP for its own purposes, Western should publish its capacity requirements and the effect of such reservation of capacity on the MPP and MAP rates.

Response: The Marketable Resource identified in the September 19 FRN is the incremental AC Intertie capacity that Western will have the right to market as a result of the completion of the construction of the MPP and MAP. Although Western has rights to market this capacity, Western does not believe that all of the capacity on all of the segments will initially be fully subscribed, therefore, Western has estimated, for rate making purposes, that 668 MW will be the initial marketable capacity for the AC Intertie System. This estimated marketable capacity will be used as a starting point for determining a transmission rate and does not represent a limit for marketing capacity on the AC Intertie system. At this time Western has no plans to reserve capacity in the AC Intertie for its own purposes.

Comment: One customer indicated it may be interested in obtaining short-term and/or long term firm transmission service from Perkins Substation to Marketplace Substation to transmit a portion of its San Juan Unit entitlement. Since terms and conditions for such service are not specified in the September 19 FRN, this customer was unable to evaluate the characteristics of the service provided by Western.

Response: A prototype transmission service contract has been drafted which will include terms, conditions and standard contract language to be provided by Western. The prototype contract may be requested by calling, writing or faxing your request to the name, address or number provided in the ''For Further Information Contact'' section above.

Comment: The comment was made that as the electric utility industry is undergoing dramatic structural changes at this time, it is the customers' view that Western may market its assets in a manner that provides the customers with as much flexibility as possible. This means that Western may market a portion of its MPP and MAP entitlement as long term and a portion of it as short term. In this manner Western may benefit from opportunities in the future to better utilize its transmission assets. For example, Western may utilize its transmission assets to make sales in southern California or the southwest United States.

Response: It is Western's intention to make the most effective long term use of capacity and resulting project repayment. This marketing plan is designed to meet this goal.

Comment: A comment was made that customers taking transmission service should be allowed to assign and/or wheel for third parties when the customers are not utilizing the service themselves. The belief is that this would enhance the marketability of Western's transmission assets.

Response: The ability to assign or transfer may be used under certain terms and conditions which will be agreed to during contract negotiations.

Marketing Issues

The additional capacity on the AC Intertie is anticipated to be available after January 1, 1996. Western's contracted firm transmission service will begin on the inservice date of the MPP and MAP, as determined by Western.

Marketing Criteria

a. Authority: Congress has granted the Secretary of Energy acting by and through Western's Administrator, the authority to market certain Federal resources.

b. Marketable Resource:

Point of receipt	Point of delivery	Capacity
Perkins Switchyard	Mead Substation	412 MW
Mead Substation	Perkins Switchyard	412 MW
Mead Substation	Marketplace Switching Station	580 MW
Marketplace Switching	Mead Substation Station	580 MW
Marketplace Switching	Adelanto Switching Station Station	100 MW
Adelanto Switching	Marketplace Switching Station	100 MW

c. Marketing Area: Western will market this additional capacity to a requestor regardless of their principal place of business.

d. Priority of Allocation: Western will market the capacity from MPP and MAP by line segments in each direction. The following method will be used in the evaluation process as follows:

1. Perkins to Mead, Mead to Marketplace or Marketplace to Adelanto
   (a) Both directions, same amount
   (b) Both directions, different amounts
   (c) One direction only
2. Perkins to Marketplace or Mead to Adelanto
   (a) Both directions, same amount
   (b) Both directions, different amounts
   (c) One direction only
3. Perkins to Adelanto
   (a) Both directions, same amount
   (b) Both directions, different amounts
   (c) One direction only

e. Resource Allocation: The priority of each request will be evaluated in the following descending order, with requests for service under section (a) on each line segment having the highest priority. A request for firm bidirectional capacity on each segment would receive the highest priority. If any one path is oversubscribed, then all the requested allocations on such path will be prorated to try to accommodate each requestor.

After this initial marketing process is completed, and if there is still some remaining capacity available, Western will market such capacity under other transmission service categories, such as, nonfirm, or short-term.

f. Term of Contracts: Firm Transmission Service contracts will become effective on January 1, 1996, subject to the inservice date determined by Western, and will have a minimum term of 10 years, *provided,* that no contract will exceed a term of 40 years from the date of execution.

g. Contract Provisions: All contracts offered as a result of this marketing plan will incorporate Western's standard terms, conditions and provisions for transmission service contracts, including the latest version of the General Power Contract Provisions as may be updated for transmission service. A notice in the Federal Register will announce Western's final allocations under this marketing plan.

h. Application Information: Each application for firm transmission service must include:

1. Customer/Entity Name, address, and point of contact.

2. Selected Point of Receipt(s) and Point(s)of Delivery.

3. Amount of long term firm transmission service requested in megawatts (MW) for each Point.

4. Contract term requested.

Incomplete or late applications will be considered only after all other applications received which meet the requirements of this FRN have been evaluated.

i. Evaluation Process: The applications will be evaluated on the following criteria:

1. The most effective use of capacity and resulting project repayment.

2. The amount of capacity requested bidirectionally on each segment.

3. The amount of capacity requested bidirectionally in a continuous path on more than one segment.

4. The amount of capacity requested unidirectionally on one or more segments.

5. The length of contractual term requested.

Determination Under Executive Order 12866

DOE has determined that this is not a significant regulatory action because it does not meet the criteria of Executive Order 12866 (58 FR 51735). Western has an exemption from centralized regulatory review under Executive Order 12866; accordingly, no clearance of this notice by the Office of Management and Budget is required.

Environmental Evaluation

Western will comply with the National Environmental Policy Act (NEPA) of 1969, 42 U.S.C. 4321 *et seq.*; Council On Environmental Quality (40 CFR Parts 1500–1508) and DOE NEPA regulations (10 CFR Parts 1500–1508) and DOE NEPA regulations (10 CFR Part 1021). Western has determined that this action is categorically excluded from the preparation of an environmental assessment or an environmental impact statement.

Issued in Golden, Colorado, December 14, 1995.

J. M. Shafer,

Administrator.

[FR Doc. 96–291 Filed 1–8–96; 8:45 am]

BILLING CODE 6450–01–P

ENVIRONMENTAL PROTECTION AGENCY

[OPPTS–51845; FRL–4993–9]

Certain Chemicals; Premanufacture Notices; Extension of Review Periods

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Due to the lack of authorized funding (i.e., a Fiscal Year 1996 Appropriations Bill or a Continuing Resolution), and the resultant furlough of the EPA employees, EPA is extending the review periods for all premanufacture notices (PMNs), submitted under section 5 of the Toxic Substances Control Act (TSCA; 15 U.S.C. section 2604), received by EPA before December 16, 1995, and for which the review period has not yet expired as of the date of signature of this notice. This action is taken under the authority of TSCA sections 5(c) and 26(c).

DATES: The duration of this extension period will be equivalent to the duration of the current furlough, i.e, equivalent to the number of days between December 15, 1995, and the date on which the EPA furlough terminates and EPA operations resume.

FOR FURTHER INFORMATION CONTACT: Paul J. Campanella, Chief, New Chemicals Branch, Chemical Control Division (7405), Environmental Protection Agency, Rm. E–447, 401 M St., SW., Washington, DC 20460, Telephone: (202) 260–3725, Facsimile: (202) 260–0118.

*Note: No one will be available at EPA to respond to inquiries until the furlough ends and EPA operations resume.

SUPPLEMENTARY INFORMATION: In anticipation of the then impending furlough, EPA arranged with the PMN submitters voluntary suspensions, pursuant to 40 CFR 720.75(b), of the PMN review periods for any PMNs submitted under TSCA section 5(a)(1) and 40 CFR part 720, received by EPA before December 16, 1995, and for which the review period had not yet expired. Effective December 16, 1995, due to the lack of authorized funding (i.e., a Fiscal Year 1996 Appropriations Bill or a Continuing Resolution), EPA employees have been furloughed and non-excepted work operations at the Agency have ceased. No work has been performed on reviewing these PMNs since the furlough began. Due to the protracted duration of the current furlough, EPA is now extending for an additional period of time, pursuant to TSCA sections 5(c) and 26(c) and 40 CFR 720.75(c), the review periods of all PMNs received before December 16, 1995, and for which the review period has not yet expired as of the date of signature of this notice.

There is a possibility that the chemical substances submitted for review in these PMNs may be regulated by EPA under TSCA. The Agency requires an extension of the review periods to complete its risk assessment, to examine its regulatory options, and to prepare the necessary documents, should regulatory action be required. Therefore, EPA has determined that good cause exists to extend, under TSCA section 5(c), the review period for each such PMN.

The duration of this extension period will be equivalent to the duration of the current furlough, i.e, equivalent to the number of days between December 15, 1995, and the date on which the EPA furlough terminates and EPA operations resume. Under TSCA section 5(c), the total extensions of the review period for an individual PMN shall in no event exceed 90 days. Thus, if the extension described in this notice is for less than 90 days, EPA reserves the right to issue additional extensions under TSCA section 5(c) in the future for good cause up to a total of 90 days.

After the furlough ends and EPA operations resume, PMNs will be available for public inspection in Rm. NE–B607, at the EPA headquarters, address given above, from noon to 4 p.m., Monday through Friday, except legal holidays.

Dated: January 3, 1996.

Charles M. Auer,

Director, Chemical Control Division, Office of Pollution Prevention and Toxics.

[FR Doc. 96–334 Filed 1–5–96; 10:28 am]

BILLING CODE 6560–50–F

FEDERAL RESERVE SYSTEM

Chittenden Corporation, et al.; Formations of; Acquisitions by; and Mergers of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than January 31, 1996.

A. Federal Reserve Bank of Boston (Robert M. Brady, Vice President) 600 Atlantic Avenue, Boston, Massachusetts 02106:

1. Chittenden Corporation, Burlington, Vermont; to acquire 100 percent of the voting shares of Flagship Bank and Trust Company, Worcester, Massachusetts.

B. Federal Reserve Bank of Richmond (Lloyd W. Bostian, Jr., Senior Vice President) 701 East Byrd Street, Richmond, Virginia 23261:

1. Matewan Bancshares, Inc., Williamson, West Virginia; to acquire 100 percent of the voting shares of Bank One, Pikeville, N.A., Pikeville, Kentucky.

C. Federal Reserve Bank of Minneapolis (James M. Lyon, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. FNB Bankshares, Inc., Milnor, North Dakota; to acquire 100 percent of the voting shares of First National Bank, Lisbon, North Dakota, a *de novo* bank that will be immediately merged into Applicant's existing subsidiary bank, First National Bank of Milnor, Milnor, North Dakota, upon consummation. The Lisbon bank will become a branch of the Milnor bank.

Board of Governors of the Federal Reserve System, December 29, 1995.

Barbara R. Lowrey,

Associate Secretary of the Board.

[FR Doc. 96–296 Filed 1–8–96; 8:45 am]

BILLING CODE 6210–01–F

Downs Bancshares, Inc., et al.; Notice of Applications to Engage de novo in Permissible Nonbanking Activities

The companies listed in this notice have filed an application under § 225.23(a)(1) of the Board's Regulation Y (12 CFR 225.23(a)(1)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to commence or to engage *de novo*, either directly or through a subsidiary, in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can ''reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices.'' Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than January 23, 1996.

A. Federal Reserve Bank of Kansas City (John E. Yorke, Senior Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. Downs Bancshares, Inc., Downs, Kansas; to engage *de novo* through its subsidiary, Cushing Insurance, Inc., Downs, Kansas, in the sale of general insurance in a town of less than 5,000 in population, pursuant to § 225.25(b)(8)(iii)(A) of the Board's Regulation Y. This activity will be conducted in Downs, Kansas.

2. Geneva State Co., Geneva, Nebraska; to engage *de novo* through its subsidiary, Bicentennial Apartments, Inc., Geneva, Nebraska, in construction of low- and moderate-income housing, pursuant to § 225.25(b)(6) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, December 29, 1995.

Barbara R. Lowrey,

Associate Secretary of the Board.

[FR Doc. 96–295 Filed 1–8–96; 8:45 am]

BILLING CODE 6210–01–F

Pikeville National Corporation, et al.; Change in Bank Control Notices; Acquisitions of Shares of Banks or Bank Holding Companies; Correction

This notice corrects a notice (FR Doc. 95-31232) published on page 66801 of the issue for Tuesday, December 26, 1995.

Under the Federal Reserve Bank of Cleveland heading, the entry for Whitaker Bank Corporation of Kentucky, Lexington, Kentucky, is revised to read as follows:

2. Whitaker Bank Corporation of Kentucky, Lexington, Kentucky; to acquire 100 percent of the voting shares of, and thereby merge with Mount Sterling National Holding Corporation, Mount Sterling, Kentucky, and thereby indirectly acquire Mount Sterling National Bank, Mount Sterling, Kentucky.

In connection with this application, Applicant also has applied to acquire Independence Financial, Inc., Mount Sterling, Kentucky, and thereby indirectly engage in consumer finance activities, pursuant to § 225.25(b)(1) of the Board's Regualtion Y.

Comments on this application must be received by January 19, 1996.

Board of Governors of the Federal Reserve System, December 29, 1995.

Barbara R. Lowrey,

Associate Secretary of the Board.

[FR Doc. 96–297 Filed 1–8–96; 8:45 am]

BILLING CODE 6210–01–F

Regions Financial Corporation; Change in Bank Control Notices; Acquisitions of Shares of Banks or Bank Holding Companies; Correction

This notice corrects a notice (FR Doc. 95-31149) published on page 66551 of the issue for Friday, December 22, 1995.

Under the Federal Reserve Bank of Dallas heading, the entry for Regions Financial Corporation, is revised to read as follows:

A. Federal Reserve Bank of Atlanta (Zane R. Kelley, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. Regions Financial Corporation, Birmingham, Alabama, and Regions Merger Subsidiary, Inc., Gainesville, Georgia; to acquire 100 percent of the voting shares of First National Bancorp, Gainesville, Georgia, and thereby indirectly acquire The First National Bank of Gainesville, Gainesville, Georgia; First National Bank of Habersham, Cornelia, Georgia; Granite City Bank, Elberton, Georgia; Bank of Clayton, Clayton, Georgia; First National Bank of White County; Cleveland, Georgia; The Citizens Bank, Toccoa, Georgia; Bank of Banks County, Homer, Georgia; First National Bank of Gilmer County, Ellijay, Georgia; The Peoples Bank of Forsyth County, Cumming, Georgia; Pickens County Bank, Jasper, Georgia; The First National Bank of Paulding County, Dallas, Georgia; Citizens Bank, Ball Ground, Georgia; Bank of Villa Rica, Villa Rica, Georgia; The Community Bank of Carrollton, Carrollton, Georgia; The Commercial Bank, Douglasville, Georgia; Barrow Bank & Trust Company, Winder, Georgia; and The Key Bank of Florida, Tampa, Florida.

In addition to this application, Regions Merger Subsidiary, Inc., Gainesville, Georgia, has applied to become a bank holding company, by merging with First National Bancorp, Gainesville, Georgia.

In connection these applications, Applicants also have applied to acquire FF Bancorp, Inc., New Smyrna Beach, Flordia, and thereby indirectly acquire First Federal Savings Bank of New Smyrna, New Smyrna Beach, Florida, and First Federal Savings Bank of Citrus County, Inverness, Florida, and thereby engage in operating a savings association, pursuant to § 225.25(b)(9) of the Board's Regulation Y.

Comments on this application must be received by January 19, 1996.

Board of Governors of the Federal Reserve System, January 3, 1996.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 96–234 Filed 1–8–96; 8:45 am]

BILLING CODE 6210–01–F

Young In Chung, et al.; Change in Bank Control Notices; Acquisitions of Shares of Banks or Bank Holding Companies

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. Once the notices have been accepted for processing, they will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than January 23, 1996.

A. Federal Reserve Bank of New York (Christopher J. McCurdy, Senior Vice President) 33 Liberty Street, New York, New York 10045:

1. Young In Chung and Hye Sun Chung, both of Warren, New Jersey; to acquire an additional 1.1 percent, for a total of 10.9 percent, of the voting shares of BNB Financial Services Corporation, New York, New York, and thereby indirectly acquire Broadway National Bank, New York, New York.

Board of Governors of the Federal Reserve System, January 3, 1996.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 96–233 Filed 1–8–96; 8:45 am]

BILLING CODE 6210–01–F

FEDERAL TRADE COMMISSION

Granting of Request for Early Termination of the Waiting Period Under the Premerger Notification Rules

Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Federal Trade Commission and the Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the Federal Register.

The following transactions were granted early termination of the waiting period provided by law and the premerger notification rules. The grants were made by the Federal Trade Commission and the Assistant Attorney General for the Antitrust Division of the Department of Justice. Neither agency intends to take any action with respect to these proposed acquisitions during the applicable waiting period.

TRANSACTIONS GRANTED EARLY TERMINATION BETWEEN 121895 AND 122995

Name of acquiring person, name of acquired person, name of acquired entity	PMN No.	Date terminated
Massachusetts Mutual Life Insurance Company, Ronald H. Fielding, Rochester Capital Advisors, L.P., Rochester Capital Adv	96–0502	12/18/95
DAKA International, Inc., Champps Entertainment, Inc., Champps Entertainment, Inc	96–0545	12/18/95
Micro Warehouse, Inc., Inmac Corp., Inmac Corp	96–0556	12/18/95
Plains Resources, Inc., USX Corporation, Marathon Oil Company	96–0566	12/18/95
Ethyl Corporation, Texaco Inc., Texaco Additive Company	96–2773	12/19/95
Irish Dairy Board Co-operative Ltd., SDA Holdings, L.P., Specialty Distributors of America, Inc	96–0582	12/19/95
Smithfield Foods, Inc., Chiquita Brands International, Inc., John Morrell & Co	96–0181	12/20/95
The Loewen Group, Inc., S.I. Acquisition Associates, L.P., Ourso Investment Corporation	96–0406	12/20/95
GTE Corporation, SBC Communications, Inc., Associated Directory Services—WC, Company	96–0455	12/20/95
Sun Healthcare Group, Inc., A. Keith and Delta B. Holloway, A. Keith and Delta B. Holloway	96–0506	12/20/95
The Washington Post Company, Cox Enterprises, Inc., Cox Communications Texarkana, Inc	96–0548	12/20/95
Kvaerner a.s. (a Norwegian company), AMEC p.l.c. (a British company), AMEC p.l.c	96–0574	12/20/95
Career Horizons, Inc., Daniel Reinhardt, Programming Enterprises, Inc., dba Mini-Systems Association	96–0600	12/20/95

TRANSACTIONS GRANTED EARLY TERMINATION BETWEEN 121895 AND 122995—Continued

Name of acquiring person, name of acquired person, name of acquired entity	PMN No.	Date terminated
ABRY Broadcast Partners II, L.P., Norman Lear, Act III Broadcasting, Inc	96–0541	12/21/95
Retlaw Enterprises, Inc., Donald E. Tykeson, Northwest TV, Inc. & SW Oregon TV Broadcasting, Inc	96–0553	12/21/95
IES Industries, Inc., Wainoco Oil Corporation, Wainoco Oil & Gas Company	96–0576	12/21/95
General Electric Company, Aon Corporation, Union Fidelity Life Insurance Company	96–0590	12/21/95
TOTAL, American United Global, Inc., American United Products, Inc	96–0591	12/21/95
G. Kenneth Baum, Norman Polsky, Fixtures Manufacturing Corporation	96–0592	12/21/95
Paul G. Allen, Roy M. Speer, Precision Systems, Inc	96–0596	12/21/95
John H. Kroeger, Brian L. Weiner, Amarillo Periodical, Inc	96–0602	12/21/95
United Auto Group, Inc., Carl H. Westcott, Atlanta Toyota, Inc	96–0520	12/22/95
Tribune Company, SoftKey International, Inc., Cubsco I, Inc., & Cubsco II, Inc	96–0549	12/22/95
SoftKey International, Inc., Tribune Company, Compton's NewMedia, Inc. and Compton's Learning Company	96–0550	12/22/95
Northern States Power Company, Aetna Life and Casualty Company, AE Fourteen, Incorporated	96–0565	12/22/95
Citation Corporation, Texas Steel Company, Texas Steel Company	96–0586	12/22/95
Echlin, Inc., Handy & Harman, Handy & Harman Automotive Group, Inc	96–0587	12/22/95
Cincinnati Bell Inc., Information Systems Development Partnership, Information Systems Development Partnership	96–0588	12/22/95
Frederick R. McLaren, Sandoz, Ltd. (a Swiss company), McLaren/Hart, Inc	96–0607	12/22/95
Wyle Electronics, Mr. Gerhard Bacharach, Sylan Ginsbury Ltd	96–0611	12/22/95
Mr. Lewis W. van Amerongen, Mobile Corporation, Mobile Oil Corporation	96–0622	12/22/95
Alco Standard Corporation, Conestoga Holdings, Inc., Conestoga Holdings, Inc	96–0626	12/22/95
Samuel Lehrman, Nuclear Electric Insurance Limited, Colonnade Associates, L.P	96–0634	12/22/95
Oriental Chemical Industries, Rhone-Poulenc Chimie S.A. (a French company), Rhone-Poulenc of Wyoming Co	96–0647	12/22/95
Yarmouth Capital Partners L.P.I., First Union Corporation, CK-Southern Associates #2, Limited Partnership	96–0649	12/22/95
Noelle Balson Trust /U/A/K/A Balson Fam. 1994 Spe. Tru., Heidelberger Zement AG (a German company), Lehigh Portland Cement Company	96–0654	12/22/95
Cincinnati Milacron, Inc., The Fairchild Corporation, VSI Corporation (D-M-E Division)	96–0515	12/26/95
Harsco Corporation, Merrill L. Nash, Symons Corporation	96–0546	12/26/95
The Coastal Corporation, Chevron Corporation, Chevron Chemical Company	96–0547	12/26/95
Farmland Industries, Inc., James T. Hudson, Hudson Foods, Inc	96–0585	12/26/95
Syratech Corporation, Rauch Industries, Inc., Rauch Industries, Inc	96–0615	12/26/95
Ameritech Pension Trust, Kajima International, Inc., Industrial Development International, Inc	96–0698	12/26/95
AlliedSignal, Incorporated, Northrop Grumman Corporation, Electronic and Systems Integration Division	95–2533	12/27/95
Ronald W. Burkle, Smith's Food & Drug Centers, Inc., Smith Food & Drug Centers, Inc	96–0476	12/27/95
Sanfill, Inc., Greenfield Environmental, Falcon Disposal Service, Inc	96–0507	12/27/95
Mallinckrodt Group, Inc., Phillip F. Dressel, Consolidated Flavor Corporation	96–0561	12/27/95
Hercules, Inc., Phillip F. Dressel, Consolidated Flavor Corporation	96–0562	12/27/95
Assa Abloy AB, EI Holdings Corp., EI Holdings Corp	96–0618	12/27/95
Medaphis Corporation, James F. Thacker, Medical Management Sciences, Inc	96–0604	12/28/95
James F. Thacker, Medaphis Corporation, Medaphis Corporation	96–0605	12/28/95
TNT Freightways Corporation, Transus, Inc., Transus, Inc	96–0639	12/28/95
KU Energy Corporation, First Chicago NBD Corporation, Vermeer Corporation	96–0670	12/28/95
Metropolitan Life Insurance Company, Sanford N. Diller and Helen P. Diller, Alcosta-Gateway, Ltd	96–0625	12/29/95
Newell Co., The Holson Burnes Group, Inc., The Holson Burnes Group, Inc	96–0641	12/29/95

FOR FURTHER INFORMATION CONTACT: Sandra M. Peay or Renee A. Horton, Contact Representatives, Federal Trade Commission, Premerger Notification Office, Bureau of Competition, Room 303, Washington, DC 20580, (202) 326–3100.

By Direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 96–274 Filed 1–8–96; 8:45 am]

BILLING CODE 6750–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

President's Council on Physical Fitness and Sports; Meeting

AGENCY: Office of the Assistant Secretary for Health.

ACTION: Notice of meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the President's Council on Physical Fitness and Sports. This notice also describes the functions of the Council. Notice of this meeting is required under the Federal Advisory Committee Act.

DATES: February 8, 1996, 9:00 a.m.

ADDRESSES: White House Conference Center, Truman Room, Third Floor, 726 Jackson Place, NW., Washington, D.C. 20503.

FOR FURTHER INFORMATION CONTACT: Sandra Perlmutter, Executive Director, President's Council on Physical Fitness and Sports, 701 Pennsylvania Avenue, NW, Suite 250, Washington, DC 20004–2608, 202/272–2145.

SUPPLEMENTARY INFORMATION: The President's Council on Physical Fitness and Sports operates under Executive Order #12345, as amended, and subsequent orders. The functions of the Council are: (1) To advise the President and the Secretary concerning progress made in carrying out the provisions of the Executive Order and recommending to the President and Secretary, as necessary, actions to accelerate progress; (2) advise the President and the Secretary on matters pertaining to the ways and means of enhancing opportunities for participation in physical fitness and sports actions to extend and improve physical activity programs and services; (3) advise the President and the Secretary on state, local, and private actions to extend and improve physical activity programs and services.

The Council will hold this meeting to apprise the members of the national program on physical fitness and sports,

to report on ongoing Council initiatives, and to plan for future directions.

Dated: January 4, 1996.

Sandra Perlmutter,

Executive Director, President's Council on Physical Fitness and Sports.

[FR Doc. 96–288 Filed 1–8–96; 8:45 am]

BILLING CODE 4160–17–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CA–063–1150–00]

Cancellation of Public Workshops for the Northern and Eastern Colorado Desert Coordinated Management Plan

The following public meetings announced in the Federal Register will not be held because of the furlough of BLM employees during the partial shutdown of the Federal government:

January 8, Riverside
January 9, Long Beach
January 10, Twentynine Palms
January 11, Palm Springs
January 16, Needles
January 17, Blythe
January 18, El Centro
January 22, Rancho Bernardo

For More Information: Contact the Bureau of Land Management, California Desert District, External Affairs Office, 6221 Box Springs Boulevard, Riverside, California 92507, (909) 697–5217.

Dated: January 3, 1996.

Jo Simpson,

Acting District Manager.

[FR Doc. 96–278 Filed 1–8–96; 8:45 am]

BILLING CODE 4310–FP–M

NUCLEAR REGULATORY COMMISSION

Abnormal Occurrence Reports: Implementation of Section 208 Energy Reorganization Act of 1974; Proposed Policy Statement

AGENCY: Nuclear Regulatory Commission.

ACTION: Proposed policy statement.

SUMMARY: This policy statement presents the revised criteria the Commission is considering for use in submitting the quarterly abnormal occurrence (AO) reports to Congress and the public in a timely manner as stated in Section 208 of the Energy Reorganization Act of 1974, as amended. The AO policy statement has been revised to provide more specific criteria for determining those incidents and events that the Commission considers significant from the standpoint of public health and safety for reporting to Congress, and to make the AO policy consistent with recent changes to NRC regulations. The revised AO criteria contain more discrete reporting thresholds making them easier to use and ensuring more consistent application of the intended AO reporting policy set forth by the Commission.

DATES: The public comment period on this proposed policy statement ends April 8, 1996. Comments received after the public comment period will be addressed if it is practicable to do so, but the Commission is able to ensure consideration of only those comments received on or before the last day of the comment period.

ADDRESSES: Send comments to: Secretary, U.S. Nuclear Regulatory Commission, Washington DC 20555, Attn: Docketing and Service Branch.

Hand deliver comments to 11555 Rockville Pike, Rockville, Maryland, between 7:45 a.m. and 4:15 p.m. Federal workdays.

Examine comments received at the NRC Public Document Room, 2120 L Street NW (Lower Level), Washington, DC.

FOR FURTHER INFORMATION CONTACT: Harriet Karagiannis, Office for Analysis and Evaluation of Operational Data, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone: (301) 415–6377.

SUPPLEMENTARY INFORMATION:

Background

Section 208 of the Energy Reorganization Act of 1974 (Public Law 93–438, 42 U.S.C. 5848), as amended, provides that:

The Commission shall submit to Congress each quarter a report listing for that period any AOs at or associated with any facility which is licensed or otherwise regulated pursuant to the Atomic Energy Act of 1954, as amended, or pursuant to this Act. For the purposes of this Section, an AO is an unscheduled incident or event which the Commission has determined to be significant from the standpoint of public health and safety. Nothing in the preceding sentence shall limit the authority of a court to review the determination of the Commission. Each such report shall contain:

(1) The date and place of each occurrence;

(2) The nature and probable consequence of each occurrence;

(3) The cause or causes of each; and

(4) Any action taken to prevent recurrence.

The Commission shall also provide as wide dissemination to the public of the information specified in clauses (1) and (2) of this section as reasonably possible within 15 days of its receiving information of each AO and shall provide as wide dissemination to the public as reasonably possible of the information specified in clauses (3) and (4) as soon as such information becomes available to it.

In July 1975, in the exercise of the authority conferred upon the Commission by Congress to determine which unscheduled incidents or events are significant from the standpoint of public health and safety and are reportable to Congress as AOs, the Commission developed interim criteria for evaluating licensee incidents or events. On the basis of these interim criteria and as required by Section 208, the Commission began issuing quarterly reports to Congress on AOs. These reports[1] ''Report to Congress on Abnormal Occurrences,'' have been issued in NUREG 75/090 and NUREG–0090–1 through 5 for the period from January 1975 through September 1976. On the basis of its experience in the preparation and issuance of AO reports, the Commission issued a general statement of policy that described the manner in which it will, as part of the routine conduct of its business, carry out its responsibilities under Section 208 of the Energy Reorganization Act of 1974, as amended, for identifying AOs and making the requisite information concerning each such occurrence available to Congress and the public in a timely manner. This general statement of policy was published in the Federal Register on February 24, 1977 (Vol. 42, No. 37, pages 10950–10952) and provides criteria and examples of types of events that the Commission uses in determining whether a particular event is reportable to Congress as an AO. The Commission has since refined this statement of policy on a number of occasions to reflect changes in regulation and policy. On the basis of these criteria, and as required by Section 208 of the Energy Reorganization Act of 1974, as amended, the Commission has issued quarterly reports to Congress on AOs since March 1977. These reports,

[1] Copies of the NUREG–0090 series may be obtained from the Superintendent of Documents, U.S. Government Printing Office, Mail Stop SSOP, Washington, DC 20402–9328, the National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161, and the NRC Public Document Room, 2120 L Street, NW (Lower Level), Washington, DC. 20037

''Report to Congress on Abnormal Occurrences,'' have been issued in NUREG–0090–6 through 10 and NUREG–0090, Volumes 1 through 18.

Based on its experience to date in the preparation and issuance of AO reports, the Commission has decided that its responsibilities under Section 208 can be carried out more appropriately if the existing AO criteria are updated to reflect changes in the Commission's policy and changes to the regulations. Accordingly, the Commission is issuing this general statement of policy that describes the manner in which the Commission will, as part of the routine conduct of its business, carry out its responsibilities under Section 208 of the Energy Reorganization Act of 1974, as amended, for identifying AOs and making the requisite information concerning each such occurrence available to Congress and the public in a timely manner. Included in the policy statement are criteria that the Commission will use in determining whether a particular event is a reportable AO within the meaning of Section 208. It is expected that as additional experience is gained, changes in the criteria may be required.

Paperwork Reduction Act Statement

This proposed policy statement does not contain a new or amended information collection requirement subject to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.). Existing requirements were approved by the Office of Management and Budget, approval 3150–0014, 10 CFR Part 20; 3150–0017, 10 CFR Part 30; 3150–0016, 10 CFR Part 31; 3150–0001, 10 CFR Part 32; 3150–0015, 10 CFR Part 33; 3150–0007, 10 CFR Part 34; 3150–0010, 10 CFR Part 35; 3150–0158, 10 CFR Part 36; 3150–0130, 10 CFR Part 39; 3150–0020, 10 CFR Part 40; 3150–0011, 10 CFR Part 50; 3150–0135, 10 CFR Part 61; 3150–0009, 10 CFR Part 70; 3150–0008, 10 CFR Part 71; and 3150–0132, 10 CFR Part 72; 3150–0002, 10 CFR Part 73; and 3150–0093, 10 CFR Part 100.

Public Protection Notification

The NRC may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number

Abnormal Occurrence Reporting

The general statement of policy has been developed to comply with the legislative intent of Section 208 of the Energy Reorganization Act of 1974, as amended, to keep Congress and the public informed of unscheduled incidents or events which the Commission considers significant from the standpoint of public health and safety. The policy reflects a range of health and safety concerns and is applicable to incidents and events involving a single occupational worker as well as those having an overall impact on the general public.

The policy statement contains criteria that include the reporting thresholds for determining those incidents and events that are reportable by NRC for the purposes of Section 208 of the Energy Reorganization Act of 1974, as amended. The Commission has established the reporting thresholds at a level which will assure that all events that should be considered for reporting to Congress will be identified. At the same time, the thresholds are generally above the normal level of reporting to NRC to exclude those events which involve some variance from regulatory limits, but are not significant from the standpoint of public health and safety.

Licensee Reports

This general statement of policy will not change the reporting requirements imposed on NRC licensees by Commission regulations, license conditions, or technical specifications (TS). NRC licensees will continue to submit required reports on a wide spectrum of events, including events such as instrument malfunctions and deviations from normal operating procedures that are not significant from the standpoint of the public health and safety but which provide data useful to the Commission in monitoring operating trends of licensed facilities and in comparing the actual performance of these facilities with the potential performance for which the facilities were designed and/or licensed. Information pertaining to all events reported to NRC will continue to be made available and placed in the public document rooms for public perusal. In addition, NRC publishes annual reports on events (NUREG–1272 series). Information can also be obtained by writing to the U.S. Nuclear Regulatory Commission, Public Document Room, Washington, DC 20555. In addition, the Commission will continue to issue news announcements on events that seem to be newsworthy whether or not they are reported as AOs.

The Commission invites all interested persons who wish to submit written comments or suggestions on the AO criteria in this policy statement. A period of 90 days from the date of publication has been established for receiving comments pertaining to this proposed policy statement. The NRC staff will analyze all comments and revise the policy statement accordingly and then resubmit it to the Commission for final approval. The policy statement is currently scheduled to be presented to the Commission for final approval during the summer of 1996.

General Statement of Policy on Implementation of Section 208 of the Energy Reorganization Act of 1974, as Amended

1. *Applicability*—Implementation of Section 208 of the Energy Reorganization Act of 1974, as amended, Abnormal Occurrence Reports, involves the conduct of Commission business and does not impose requirements on licensees. Reports will cover certain unscheduled incidents or events related to the manufacture, construction, or operation of a facility or conduct of an activity subject to the requirements of Parts 20, 30 through 36, 39, 40, 50, 61, 70, 71, or 72 of Chapter I, Title 10, Code of Federal Regulations (10 CFR).

Under an exchange of information program, Agreement States provide information to NRC on incidents and events involving applicable nuclear materials that have occurred in their States. Those events reported by Agreement States that reach the threshold for reporting as an AO are also published in the quarterly ''Report to Congress on Abnormal Occurrences.''

2. Definition of terms—As used in this policy statement: (a) An *abnormal occurrence* means an unscheduled incident or event at a facility or associated with an activity that is licensed or otherwise regulated, pursuant to the Atomic Energy Act of 1954, as amended, or the Energy Reorganization Act of 1974, as amended, that the Commission determines to be significant from the standpoint of public health and safety; and (b) an *unintended radiation exposure* includes any occupational exposure, exposure to the general public, or exposure as a result of a medical misadministration (as defined in 10 CFR 35.2) involving the wrong individual that exceeds the reporting values established in the regulations. All other reported medical misadministrations will be considered for reporting as an AO under the criteria for medical licensees. In addition, unintended radiation exposures include any exposure to a nursing infant, fetus, or embryo as a result of an exposure (other than an occupational exposure to an undeclared pregnant woman) to a nursing mother or pregnant woman.

3. *Abnormal occurrence general statement of policy*—The Commission will apply the following policy in

determining whether an incident or event at a facility or involving an activity that is licensed or otherwise regulated by the Commission is an AO within the purview of Section 208 of the Energy Reorganization Act of 1974, as amended.

An incident or event will be considered an AO if it involves a major reduction in the degree of protection of the public health or safety. Such an incident or event would have a moderate or more severe impact on the public health or safety and could include but need not be limited to the following:

(1) Moderate exposure to, or release of, radioactive material licensed by or otherwise regulated by the Commission;

(2) Major degradation of essential safety-related equipment; or

(3) Major deficiencies in design, construction, use of, or management controls for licensed facilities or material.

Criteria by type of event used to determine which incidents or events will be considered for reporting as AOs are set out in Appendix A of this policy statement.

4. *Commission dissemination of AO information.*

(a) The Commission will provide as wide a dissemination of information to the public as reasonably possible. A Federal Register notice will be issued on each AO with copies distributed to the NRC Public Document Room and all local public document rooms. When additional information is anticipated, the notice will state that the information can be obtained at the NRC Public Document Room and in all local public document rooms.

(b) Each quarter, the Commission will submit a report to Congress listing for that period any AOs at or associated with any facility or activity which is licensed or otherwise regulated pursuant to the Atomic Energy Act of 1954, as amended, or the Energy Reorganization Act of 1974, as amended. This report will contain the date, place, nature, and probable consequence of each AO, the cause or causes of each AO, and any action taken to prevent recurrence.

Appendix A—Abnormal Occurrence Criteria

Criteria by types of events used to determine which incidents or events will be considered for reporting as AOs are as follows:

I. For All Licensees

A. Human Exposure to Radiation from Licensed Material:

1. Any unintended radiation exposure to an adult (any individual 18 years of age or older) resulting in an annual total effective dose equivalent (TEDE) of 250 millisievert (mSv) (25 rem) or more; or the sum of the annual deep dose equivalent and committed dose equivalent to any individual organ or tissue, other than bone marrow, the lens of the eye, or gonads of 2500 mSv (250 rem) or more; or an annual dose equivalent to bone marrow, the lens of the eye, or gonads of 500 mSv (50 rem) or more; or an annual shallow-dose equivalent to the skin or extremities of 2500 mSv (250 rem) or more.

2. Any unintended radiation exposure to any minor (an individual less than 18 years of age) resulting in an annual TEDE of 50 mSv (5 rem) or more, or to an embryo/fetus resulting in a dose equivalent of 50 mSv (5 rem) or more.

3. Any radiation exposure that has resulted in unintended permanent functional damage to an organ or a physiological system as determined by a physician.

B. Discharge or Dispersal of Radioactive Material from its Intended Place of Confinement:

1. The release of radioactive material to an unrestricted area in concentrations which, if averaged over a period of 24 hours, exceed 5000 times the values specified in Table 2 of Appendix B to 10 CFR Part 20, unless the licensee has demonstrated compliance with 10 CFR 20.1301 using 20.1302(b)(1) or 20.1302(b)(2)(ii).

2. Radiation levels in excess of the design values for a package, or the loss of confinement of radioactive material resulting in one or more of the following: (a) A radiation dose rate of 10 mSv (1 rem) per hour or more at 1 meter (3.28 feet) from the accessible external surface of a package containing radioactive material, (b) a radiation dose rate of 50 mSv (5 rem) per hour or more on the accessible external surface of a package containing radioactive material and that meet the requirements for ''exclusive use'' as defined in 10 CFR 71.47, or (c) release of radioactive material from a package in amounts greater than the regulatory limits in 10 CFR 71.51(a)(2).

C. Theft, Diversion, or Loss of Licensed Material, or Sabotage or Security Breach [2]:

1. Any lost, stolen, or abandoned sources that exceed 0.01 times the A_1 values, as listed in 10 CFR Part 71, Appendix A, Table A–1, for special form (sealed/nondispersible) sources, or the smaller of the A_2 or 0.01 times the A_1 values, as listed in Table A–1, for normal form (unsealed/ dispersible) sources or for sources for which the form is not known. Excluded from reporting under this criterion are those events involving sources that are lost, stolen, or abandoned under the following conditions: sources abandoned in accordance with the requirements of 10 CFR 39.77(c); sealed sources contained in labeled, rugged source housings; recovered sources with sufficient indication that doses in excess of the reporting thresholds specified in AO criteria I.A.1 and I.A.2 did not occur during the time the source was missing; and unrecoverable sources lost under such conditions that doses in excess of the reporting thresholds specified in AO criteria I.A.1 and I.A.2 were not known to have occurred.

2. A substantiated case of actual or attempted theft or diversion of licensed material or sabotage of a facility.

3. Any substantiated loss of special nuclear material or any substantiated inventory discrepancy that is judged to be significant relative to normally expected performance, and that is judged to be caused by theft or diversion or by substantial breakdown of the accountability system.

4. Any substantial breakdown of physical security or material control (i.e., access control containment or accountability systems) that significantly weakened the protection against theft, diversion, or sabotage.

D. Other Events (i.e., those concerning design, analysis, construction, testing, operation, use, or disposal of licensed facilities or regulated materials):

1. An accidental criticality [10 CFR 70.52(a)].

2. A major deficiency in design, construction, control, or operation having significant safety implications requiring immediate remedial action.

3. A serious deficiency in management or procedural controls in major areas.

4. Series of events (where individual events are not of major importance), recurring incidents, and incidents with implications for similar facilities (generic incidents) that create a major safety concern.

II. For Commercial Nuclear Power Plant Licensees

A. Malfunction of Facility, Structures, or Equipment:

[2] Information pertaining to certain incidents may be either classified or under consideration for classification because of national security implications. Classified information will be withheld when formally reporting these incidents in accordance with Section 208 of the Energy Reorganization Act of 1974, as amended. Any classified details regarding such incidents would be available to the Congress, upon request, under appropriate security arrangements.

1. Exceeding a safety limit of license TS [10 CFR 50.36(c)].

2. Serious degradation of fuel integrity, primary coolant pressure boundary, or primary containment boundary.

3. Loss of plant capability to perform essential safety functions such that a release of radioactive materials, which could result in exceeding the dose limits of 10 CFR Part 100 or 5 times the dose limits of 10 CFR Part 50, Appendix A, General Design Criterion (GDC) 19, could occur from a postulated transient or accident (e.g., loss of emergency core cooling system, loss of control rod system).

B. Design or Safety Analysis Deficiency, Personnel Error, or Procedural or Administrative Inadequacy:

1. Discovery of a major condition not specifically considered in the safety analysis report (SAR) or TS that requires immediate remedial action.

2. Personnel error or procedural deficiencies that result in loss of plant capability to perform essential safety functions such that a release of radioactive materials, which could result in exceeding the dose limits of 10 CFR Part 100 or 5 times the dose limits of 10 CFR Part 50, Appendix A, GDC 19, could occur from a postulated transient or accident (e.g., loss of emergency core cooling system, loss of control rod system).

III. For Fuel Cycle Licensees

1. A required plant shutdown as a result of violating a license condition safety limit.

2. A major condition not specifically considered in the SAR or TS that requires immediate remedial action.

3. An event that seriously compromises the ability of a confinement system to perform its designated function.

IV. For Medical Licensees

A medical misadministration that:

(a) results in a dose that is (1) equal to or greater than 1 gray (Gy) (100 rads) to a major portion of the bone marrow, to the lens of the eye, or to the gonads, *or* (2) equal to or greater than 10 Gy (1000 rads) to any other organ; *and*

(b) represents either (1) a dose or dosage that is at least 50 percent greater than that prescribed in a written directive *or* (2) a prescribed dose or dosage that (i) is the wrong radiopharmaceutical,[3] or (ii) is delivered by the wrong route of administration, or (iii) is delivered to the wrong treatment site, or (iv) is delivered by the wrong treatment mode, or (v) is from a leaking source(s).

V. Guidelines for ''Other Events of Interest''

The Commission may determine that events other than AOs may be of interest to Congress and be included in an Appendix to the AO report as ''Other Events of Interest''. Guidelines for events to be included in the AO report for this purpose are as follows:

Items that may possibly be perceived by the public to be of health or safety significance. Such items do not involve a major reduction in the level of protection provided for public health or safety; therefore, they are not reportable as abnormal occurrences. An example is an event where upon final evaluation by an NRC Incident Investigation Team, or an Agreement State equivalent response, a determination is made that such event does not meet the criteria for an abnormal occurrence.

Supplemental Information—Bases for Revised Abnormal Occurrence Reporting Policy Statement

1. *Discussion*—The AO reporting policy has been developed to comply with the legislative intent of Section 208 of the Energy Reorganization Act of 1974, as amended, to keep Congress and the public informed of unscheduled incidents or events which the Commission considers significant from the standpoint of public health and safety. The policy reflects a range of health and safety concerns related to production and utilization facilities and the possession and use of byproduct, source, and special nuclear materials licensed or otherwise regulated pursuant to the Atomic Energy Act of 1954, as amended, or to the Energy Reorganization Act of 1974, as amended. These safety concerns can include events ranging from an overexposure of a single occupational worker to those having an overall impact on the general public.

The revised policy statement provides a more usable policy for determining which events will be reported to Congress as AOs. The revised AO criteria in Appendix A contain more discrete reporting thresholds than those previously provided in the examples of AOs for easier and consistent application of the provisions established by the policy statement for reporting to Congress.

The consistent application of the AO criteria by the staff, Agreement States, and licensees for proposing events as potential AOs to the Commission is important and requires established reporting thresholds whenever practicable. These reporting thresholds were selected with the intent of capturing the majority of the significant events and eliminating nonsignificant events from those to be proposed to the Commission.

An additional criterion has been added for those uncommon significant events that could occur without triggering a reporting threshold. This new criterion would require radiation exposures that have resulted in unanticipated permanent functional damage of an organ or physiological system, as determined by a physician, be reported to Congress. See Criterion I.A.3 in Appendix A.

The policy statement has also been revised to include changes that have been made to the regulations.

The revised criteria have been applied to events previously considered as potential AOs to ensure that the new criteria will identify significant events and eliminate nonsignificant events from those to be proposed to the Commission. A similar review of events involving lost, stolen, and abandoned source events has also been performed. The results of these reviews were documented in Attachments 2, and 3 to the Commission paper, SECY–95–083, ''Revised Abnormal Occurrence Criteria,'' dated April 5, 1995.

2. *Definition of terms*—Terms relating to the bases for the AO reporting criteria are defined as follows:

(a) Nonstochastic effects are those health effects, the severity of which varies with the dose, and for which a threshold is believed to exist. Radiation-induced cataract formation is an example of a nonstochastic effect (also called deterministic effect). [10 CFR 20.1003]

(b) Stochastic effects are those health effects that occur randomly and for which the probability of the effect occurring, rather than its severity, is assumed to be a linear function of dose without threshold. Hereditary effects and cancer incidence are examples of stochastic effects. [10 CFR 20.1003]

(c) Threshold dose denotes the amount of radiation below which no effect under consideration is likely to occur. Threshold dose is applicable to deterministic effects.

(d) Reporting threshold denotes a discrete value at or above which an occurrence will be considered for reporting as an AO.

3. *Abnormal occurrence criteria*—The AO criteria provide the reporting threshold for determining those events that are reportable for purposes of

[3] The wrong radiopharmaceutical as used in the AO criterion for medical misadministrations refers to any radiopharmaceutical other than the one listed in the written directive or in the diagnostic clinical procedures manual.

Section 208 of the Energy Reorganization Act of 1974, as amended. The Commission has established criteria that contain reporting thresholds intended to identify those events that are likely to be significant from the standpoint of public health and safety. At the same time, the AO reporting thresholds established by the criteria are generally above the normal level of reporting events to NRC to exclude those events which involve some variance from regulatory limits, but are not significant enough from the standpoint of public health and safety to be reported to Congress.

4. *Basis*—The following discussion provides the basis for the changes to the AO reporting criteria as documented in Appendix A of the policy statement.

I. For All Licensees:

A. Human Exposure to Radiation from Licensed Material:

Criterion I.A.1: Any unintended radiation exposure to an adult (any individual 18 years of age or older) resulting in an annual total effective dose equivalent (TEDE) of 250 millisievert (mSv) (25 rem) or more; or the sum of the annual deep dose equivalent and committed dose equivalent to any individual organ or tissue, other than bone marrow, the lens of the eye, or gonads of 2500 mSv (250 rem) or more; or an annual dose equivalent to bone marrow, the lens of the eye, or gonads of 500 mSv (50 rem) or more; or an annual shallow-dose equivalent to the skin or extremities of 2500 mSv (250 rem) or more. [10 CFR 20.1201(a)(1), 20.1201(a)(2), and 35.2]

Criterion I.A.2: Any unintended radiation exposure to any minor (an individual less than 18 years of age) resulting in an annual TEDE of 50 mSv (5 rem) or more, or to an embryo/fetus resulting in a dose equivalent of 50 mSv (5 rem) or more. [10 CFR20.1207, and 20.1301]

Criterion I.A.1 and Criterion I.A.2 have been revised to reflect guidance provided by the Commission, and to incorporate the changes to 10 CFR Part 20, that became mandatory on January 1, 1994.

Criterion I.A.1 has been revised to establish reporting thresholds for unintended exposures to adults including TEDEs, and individual doses to organs, lens of the eye, skin, and extremities. The changes to this criterion takes into consideration deterministic and stochastic effects for the purposes of radiation protection. The bases for the reporting thresholds are as follows.

(a) The reporting threshold for an unintended radiation exposure to an adult (18 years of age and older) resulting in an annual TEDE of 250 mSv (25 rem) or more, is based on the following:

- It is greater than the regulatory allowable TEDE limit (50 mSv [5 rem]) for annual occupational exposure established in 10 CFR 20.1201(a)(1)(i).
- It is equal to the generally accepted level of exposure that is considered by the industry to be a significant unplanned occupational overexposure.
- It is at a level of exposure for which the potential for morbidity is considered for individuals with an increased organ and tissue sensitivity to radiation (e.g., a genetic condition causing an individual to be heterozygous as a result of the ataxia telangiectasia gene [4]).

(b) The reporting threshold for an unintended radiation exposure to an organ of an adult (other than bone marrow, lens of the eye, and gonads) resulting in the sum of the annual deep dose equivalent and committed dose equivalent to any individual organ or tissue of 2500 mSv (250 rem) or more is based on the following:

- It is greater than the allowable regulatory limit for occupational exposure (500 mSv [50 rem]) for the sum of the deep-dose equivalent and the committed dose equivalent to an organ or tissue (other than the lens of the eye) established by 10 CFR 20.1201(a)(1)(ii).
- It is below the different morbidity threshold doses for deterministic effects in radiosensitive organs such as gastrointestinal track mortality, pulmonary lethality, and mental incapacitation. [National Council on Radiation Protection and Measurements (NCRP) Commentary No. 7]

(c) The reporting threshold for an unintended radiation exposure to bone marrow, lens of the eye, or gonads of an adult resulting in 500 mSv (50 rem) or more is based on the following:

- It is equal to the allowable regulatory limit for the sum of the annual deep dose equivalent and committed dose equivalent for occupational exposures (0.5 Sv [50 rem]) to the bone marrow or gonads; and greater than the allowable regulatory limit (150 mSv [15 rem]) for an annual occupational dose equivalent to the lens of the eye as established in 10 CFR 20.1201(a)(2)(i).
- It is at the threshold dose for initial signs of temporary bone marrow depression. [NCRP Commentary No. 7]
- It is at the minimum threshold dose for known deterministic effects in the lens of the eye. [NCRP Commentary No. 7]
- It is below the threshold dose for permanent sterility from a single dose to the gonads. [NCRP Commentary No. 7]

(d) The reporting threshold for an unintended annual shallow-dose equivalent to the skin or extremities (extremities include the hand, elbow, arm below the elbow, foot, knee, leg below the knee) of an adult, resulting in 2500 mSv (250 rem) or more is based on the following:

- It is greater than the allowable regulatory limit (500 mSv [50 rem]) for annual occupational shallow-dose equivalent to the skin or to any extremity as established in 10 CFR 20.1201(a)(2)(ii).
- It is below the threshold dose for detrimental deterministic effects in the tissue of the skin, and the bone (other than the bone marrow) and muscle of the extremities. [NCRP Commentary No. 7]

Criterion I.A.2 has been added in response to the Commission's request in the SRM of May 19, 1994 on SECY–93–259, to reaffirm that a single reporting threshold for unintended exposure is acceptable. The potential for adverse health effects from radiation is independent of an individual's status as a radiation worker, wrong individual, or member of the general public. Therefore, assigning a single dose value for unintended radiation exposures is consistent with the requirements of Section 208 of the Energy Reorganization Act of 1974, as amended. However, health effects are age dependent because organs and tissues in minors, fetuses, and embryos are more radiosensitive than in a typical adult. Because of increased radiosensitivity, a lower dose threshold for minors (including occupational exposures to minors), fetuses, and embryos has been included for AO reporting.

Criterion I.A.2 contains the reporting thresholds for unintended radiation exposures to any minor. This criterion considers both deterministic and stochastic effects for the purpose of radiation protection.

(a) The reporting thresholds for an unintended radiation exposure resulting in an annual TEDE of 50 mSv (5 rem) or more to a minor or a dose equivalent of 50 mSv (5 rem) or more to an embryo/fetus are based on the potential for permanent adverse health effects during the most radiosensitive period from the point of conception to adulthood and include the following:

- It is greater than the allowable regulatory limit (1 mSv [0.1 rem] or 10 percent of the limits established in 10

[4] T.J. McMillian; ''The Molecular Basis of Radiosensitivity;'' In The Biological Basis of Radiosensitivity, Second Edition; (EDS: G.G. Steel, G.E. Adams, and A. Horwich); Elsevier Science Publishers B.V.; copyright 1989.

CFR 20.1201) for annual exposures to individuals other than radiation workers and occupational dose limits for minors as established in 10 CFR 20.1301 and 20.1207, respectively.

• It is below the minimum threshold doses for permanent deterministic effects in selective organs of minors because the annual TEDE reporting threshold for minors of 50 mSv (5 rem) equates to individual organ doses less than the known doses that will result in deterministic effects. (Refer to item (b) below.) [NCRP Commentary No. 7]

• It is below the individual threshold dose (100 mSv [10 rem]) for known permanent adverse health effects (mental retardation) during the most radiosensitive period (8 to 15 weeks of gestation) of embryo or fetus development. The reporting threshold (50 mSv [5 rem]) is at the threshold dose for reduced head size but no adverse health effects are anticipated at this dose. [NCRP Commentary No. 7]

(b) Organ doses limits are not provided in this criterion because the intent of Section 208 is addressed with the single TEDE limit based on the following:

• Individual organ doses for minors as members of the general public would not be consistent with the requirements of 10 CFR 20.1301, ''Dose limits for individual members of the general public.''

• Individual occupational organ doses for minors are defined in 10 CFR 20.1207. The 50 mSv (5 rem) TEDE reporting threshold for minors is 20 percent of the threshold dose established for adults in Criterion I.A.1. If individual organ reporting thresholds for minor occupational workers were also reduced by 20 percent (Refer to Table 1, ''Conversion from TEDE to Organ Dose''), the resulting dose values would be close in magnitude or more conservative than organ doses that would equate to the 50 mSv (5 rem) TEDE reporting threshold. This assessment is based on the ''Organ Dose Weighting Factors'' as provided in 10 CFR 20.1003 which result in the following data:

TABLE 1.—CONVERSION FROM TEDE TO ORGAN DOSE

Organ	Weighting factor	Organ dose to yield 50 mSv*	Reduced** reporting threshold for minors	Criterion I.A.1 threshold
Whole Body	1.0	50 mSv	50 mSv	250 mSv
Gonads	0.25	200 mSv	100 mSv	500 mSv
Breast	0.15	330 mSv	500 mSv	2500 mSv
Bone marrow	0.12	420 mSv	100 mSv	500 mSv
Lungs	0.12	420 mSv	500 mSv	2500 mSv
Thyroid	0.03	1670 mSv	500 mSv	2500 mSv
Bone surface	0.03	1670 mSv	500 mSv	2500 mSv

* Organ Dose/Weighting Factor.
** 0.2 x Criterion I.A.1 reporting thresholds.

[10 CFR 20.1003, 20.1201, 20.1207, and 20.1301]

• Individual organs that do not have a weighting factor are still considered in the revised criteria by Criterion I.A.3, which requires reporting to Congress any permanent functional damage as a result of an exposure to an individual organ. [10 CFR 20.1003 and 20.1301]

Criterion I.A.3: Any radiation exposure that has resulted in unintended permanent functional damage to an organ or a physiological system as determined by a physician. [General]

Criterion I.A.3 has been added to identify for reporting those incidents or events that have resulted in an organ or physiological system morbidity or mortality at dose levels below the established AO reporting thresholds.

B. Discharge or Dispersal of Radioactive Material from its Intended Place of Confinement:

Criterion I.B.1: The release of radioactive material to an unrestricted area in concentrations that, if averaged over a period of 24 hours, exceed 5000 times the values specified in Table 2 of Appendix B to 10 CFR Part 20, unless the licensee has demonstrated compliance with 10 CFR 20.1301 using 20.1302(b)(1) or 20.1302(b)(2)(ii). [10 CFR 20.1301, 20.1302(b)(1), or 20.1302(b)(2)(ii)]

Criterion I.B.1 has been revised to reflect changes to 10 CFR Part 20 that became mandatory on January 1, 1994, and to maintain the same thresholds for reporting as required by the existing AO criterion. The existing reporting threshold of ''500 times the regulatory limit of Appendix B, Table II, 10 CFR Part 20'' was increased to ''5000 times the values specified in Table 2 of Appendix B to 10 CFR Part 20'' because the implied dose limit of 5 mSv (500 mrem) used to calculate the concentration values in Table 2 of Appendix B was decreased to 0.5 mSv (50 mrem) in the revision to 10 CFR Part 20.

Criterion I.B.2: Radiation levels in excess of the design values for a package, or the loss of confinement of radioactive material resulting in one or more of the following: (a) a radiation dose rate of 10 mSv (1 rem) per hour or more at 1 meter (3.28 feet) from the accessible external surface of a package containing radioactive material, (b) a radiation dose rate of 50 mSv (5 rem) per hour or more on the accessible external surface of a package containing radioactive material and that meet the requirements for ''exclusive use'' as defined in 10 CFR 71.47, or (c) release of radioactive material from a package in amounts greater than the regulatory limits in 10 CFR 71.51(a)(2). [10 CFR 71.47(a) and 71.51(i)(1)]

Criterion I.B.2 has been revised to take into consideration additional regulatory requirements in 10 CFR Part 71. This criterion has been changed to include limits for packages that meet the requirements for ''exclusive use'' as defined in 10 CFR 71.47, a radiation dose rate of 50 mSv (5 rem) per hour or more on the accessible external surface of a package containing radioactive material, or the loss of confinement of radioactive material from a package in amounts greater than the regulatory limits.

The contamination requirement was removed from this criterion because certain shipping casks often experience contamination beyond licensee control after decontamination requirements had

been met as a result of contaminants ''leaching'' from the pores of the outer surface of the shipping cask. This leaching effect typically occurs as a result of condensation on the exterior of the shipping cask that occurs during shipping. Contamination from this phenomena is not a public health and safety concern and will not be reported to Congress.

C. Theft, Diversion, or Loss of Licensed Material, or Sabotage or Security Breach:

Criterion I.C.1: Any lost, stolen, or abandoned sources that exceed 0.01 times the A_1 values, as listed in 10 CFR Part 71, Appendix A, Table A–1, for special form (sealed/non-dispersible) sources, or the smaller of the A_2 or 0.01 times the A_1 values, as listed in Table A–1, for normal form (unsealed/dispersible) sources or for sources for which the form is not known. Excluded from reporting under this criterion are those events involving sources that are lost, stolen, or abandoned under the following conditions: sources abandoned in accordance the requirements of 10 CFR 39.77(c); sealed sources contained in labeled, rugged source housings; recovered sources with sufficient indication that doses in excess of the reporting thresholds specified in AO criteria I.A.1 and I.A.2 did not occur during the time the source was missing; and unrecoverable sources lost under such conditions that doses in excess of the reporting thresholds specified in AO criteria I.A.1 and I.A.2 were not known to have occurred. [10 CFR 20.2201(a)(i), 30.50(a), 40.60(a), and 70.50(a)]

Criterion I.C.1 has been revised to include the reporting of lost or stolen sources that exceed 0.01 times the A_1 values, as listed in 10 CFR Part 71, Appendix A, Table A–1, for ''special form'' (sealed/nondispersible) sources, or the smaller of the A_2 or 0.01 times the A_1 values, as listed in Table A–1, for ''normal form'' (unsealed/dispersible) sources. Excluded from reporting under this criterion are those events involving sources that are lost, stolen, or abandoned under the following conditions: sources abandoned per the requirement of 10 CFR 39.77(c); sealed sources contained in labeled, rugged source housings; recovered sources with sufficient indication that doses in excess of the reporting thresholds specified in AO criteria I.A.1 and I.A.2 did not occur during the time the source was missing; and unrecoverable sources lost under such conditions that doses in excess of the reporting thresholds specified in AO criteria I.A.1 and I.A.2 were not known to have occurred. These reporting thresholds are based on not exceeding an effective or committed effective dose equivalent of 50 mSv (5 rem); a committed dose equivalent to any individual organs including the skin of 0.5 Sv (50 rem); or in special cases, a 0.15 Sv (15 rem) dose to the lens of the eye of any member of the general public, assuming that an exposure occurs as a result of a source being stolen or lost.

(a) The A_1 values in 10 CFR Part 71, Appendix A, Table A–1, represent the source strength for sealed (nondispersible) sources that will result in exceeding an effective dose equivalent of 50 mSv (5 rem), from an exterior exposure at 1 meter (3.28 feet [ft]) for 30 minutes. The proximity and duration factors of 1 meter (3.28 ft) for 30 minutes are based on the estimated exposure conditions during a transportation accident involving licensed materials, typically a controlled situation.

For the loss or theft of a sealed source, it has been conservatively calculated in a study[5] performed by Oak Ridge Institute for Science and Education (ORISE) that the accident-weighted average exposure proximity and duration factors are 1 meter for 46 hours for the improper transfer or disposal of licensed material. To account for the longer duration at 1 meter, from 30 minutes to 46 hours (approximately 1:100), conservatively assuming that the entire exposure is received by one individual, the A_1 values in 10 CFR Part 71, Appendix A, Table A–1, will need to be decreased by a factor of 100. The multiples ($0.01 \times A_1$ values) of the A_1 values in 10 CFR Part 71, Appendix A, Table A–1, will determine the source strength of a source that will result in exceeding an effective dose equivalent of 50 mSv (5 rem) from external exposures.

(b) The A_2 values in 10 CFR Part 71, Appendix A, Table A–1, represent the source strength for an unsealed source (dispersible) that will result in a deep dose equivalent or committed dose equivalent to any individual organs of 0.5 Sv (50 rem), a shallow dose equivalent to the skin of 0.5 Sv (50 rem), or in special cases, a 0.15 Sv (15 rem) dose equivalent to the lens of the eye. These dose values are based on the assumptions that the estimated release fraction ranges from 10^{-3} to 10^{-2} and the uptake fraction ranges from 10^{-4} to 10^{-3} from inhalation and/or ingestion (average fraction-taken-in = 10^{-6}).

In the ORISE study, the average fraction-taken-in from inhalation and ingestion of an improper transfer or disposal of an unsealed (dispersible) source was calculated to be 2×10^{-6}. This calculated value was based on the review of an actual accident with extensive uptake information (for 194 cleanup workers and 77 members of the general public). Both average fraction-taken-in values for transportation accidents, and events involving lost or stolen sources are comparable. Therefore, the A_2 values can be used directly to determine the source strengths for lost and stolen unsealed sources that will result in a deep dose equivalent, committed dose equivalent, or shallow dose equivalent of 0.5 Sv (50 rem).

The smaller of the two values, the A_2 or 0.01 times the A_1 values, is used for a dispersible source because the material may not be dispersed and can perform as a sealed source resulting in external exposure. Therefore, if the source strength is greater than the 0.01 times the A_1 value or greater than the A_2 value, the potential exists for exceeding an effective or committed effective dose equivalent of 50 mSv (5 rem); a committed dose equivalent to any individual organs, including the skin, of 0.5 Sv (50 rem); or in special cases, a 0.15 Sv (15 rem) dose equivalent to the lens of the eye. If the form of the source material is unknown, the smaller of the two values is also used to ensure all potentially reportable incidents and events are submitted to the Commission for consideration as an AO.

(c) Sources abandoned in accordance with the requirement of 10 CFR 39.77(c) are excluded from reporting because these sources do not represent an uncontrolled condition or potential effects adverse to public health and safety.

(d) Sealed (nondispersible) sources contained in labeled, rugged source housings are excluded from reporting to Congress because public health and safety have been shown to be reasonably protected during the loss or theft of sources that are maintained in source housings. This exclusion is based on the following reasons:

- A sealed source as defined in NRC Regulatory Guide 10.10 is radioactive material contained in a protective envelope (capsule), contained in a foil, or plated on an inactive surface that serves as a dispersion barrier.
- A source housing as defined in American National Standard Institute (ANSI) N538 is an enclosure containing or incorporating the source, source holder, and a means of attenuation (shielding) of the radiation.

A source housing is generally required to be designed and constructed

[5] Daniel J. Strom, Ph.D., C.H.P., Staff Scientist, Operational Health Physics Group, Health Protection Department, Pacific Northwest Laboratory, ''Improper Transfer/Disposal Scenarios for Generally Licensed Devices Study,'' Task 7, June 3, 1994.

with ''rugged'' characteristics so that its integrity will be maintained under normal conditions of use and under likely accident conditions and with safety mechanisms installed to prevent accidental access to the source. In addition, many general licensed housings are designed to restrict access to the source for other than its specific intended use.

- ANSI N538 3.4.1 recommends sufficient shielding for shielded gauges to limit dose rates to 0.05 mSv (5 mrem) per hour at 30 centimeters (cm) (11.8 inches), and 10 CFR 34.21(a) requires sufficient shielding for radiography sources to limit exposure rates to 12.9 $\times 10^{-5}$ coulombs per kilogram (50 milliroentgen) per hour at 15.2 cm (6 inches). Assuming a conversion factor of 1 roentgen to 1 rem, these shielding recommendations will ensure that an effective dose equivalent of 50 mSv (5 rem) is not exceeded, or in special cases, a 0.15 Sv (15 rem) dose equivalent to the lens of the eye from a 46-hour exposure to these shielded sources at 1 meter.
- The A_1 values in 10 CFR Part 71, Appendix A, Table A–1, assumes that the shielding and containment are completely lost. This loss, however, on the basis of a historical review of 1991–1993 events involving lost and stolen sources that were later found, is unlikely for sources contained in source housings.
- The source housings typically used in these applications make it difficult to access the source.
- Source housings with the proper ''radioactive labels'' displayed have often been reported by members of the general public to the proper authorities. The radiation symbol is easily identified, relatively well known, and readily recognized as an indicator of a safety hazard.
- A review of the events reported for 1991–1993 that involved the loss or theft of portable gauges and radiography devices contained in rugged source housings verified that no known exposure from the loss of these types of devices had occurred.

(e) Many lost or stolen sources are recovered with sufficient indication that doses in excess of the reporting thresholds specified in AO criteria I.A.1 and I.A.2 did not occur during the time the source was missing. A recovered source, without any indication of exceeding the dose thresholds specified in AO criteria I.A.1 or I.A.2 is not significant from the standpoint of public health and safety.

(f) Any unrecoverable source lost under such conditions (e.g., plane crash, fire, etc.) that doses in excess of the reporting thresholds specified in AO criteria I.A.1 and I.A.2 were not known to have occurred is not significant from the standpoint of public health and safety.

Criterion I.C.2: No change to this criterion.

Criterion I.C.3: No change to this criterion.

Criterion I.C.4: No change to this criterion.

D. Other Events (i.e., those concerning design, analysis, construction, testing, operation, use or disposal of licensed facilities or regulated materials):

Criterion I.D.1: No change to this criterion.

Criterion I.D.2: No change to this criterion.

Criterion I.D.3: No change to this criterion.

Criterion I.D.4: No change to this criterion.

II. For Commercial Nuclear Power Plant Licensees

A. Malfunction of Facilities, Structures, or Equipment:

Criterion II.A.1: No change to this criterion.

Criterion II.A.2: Serious degradation of fuel integrity, primary coolant pressure boundary, or primary containment boundary.

Criterion II.A.2 was edited to better paraphrase the wording in 10 CFR 50.72(b)(B)(ii).

Criterion II.A.3: Loss of plant capability to perform essential safety functions such that a release of radioactive materials, which could result in exceeding the dose limits of 10 CFR Part 100 or 5 times the dose limits of 10 CFR Part 50, Appendix A, General Design Criterion (GDC) 19, could occur from a postulated transient or accident (e.g., loss of emergency core cooling system, loss of control rod system). [10 CFR Part 50.34(a)(1), 50.72(b)(2)(iii), and 50.73(a)(2)(v)]

Criterion II.A.3 has been revised to include a reference to 5 times the dose limits in 10 CFR Part 50, Appendix A, GDC 19. This reference adds control room habitability reporting requirements consistent with the AO overexposure reporting requirements established in Criterion I.A.1, ''For All Licensees.''

B. Design or Safety Analysis Deficiency, Personnel Error, or Procedural or Administrative Inadequacy:

Criterion II.B.1: No change to this criterion.

Criterion II.B.2: Personnel error or procedural deficiencies that result in loss of plant capability to perform essential safety functions such that a release of radioactive materials, which could result in exceeding the dose limits of 10 CFR Part 100 or 5 times the dose limits of 10 CFR Part 50, Appendix A, GDC 19, could occur from a postulated transient or accident (e.g., loss of emergency core cooling system, loss of control rod system). [10 CFR 50.34(a)(1) and 50.73(b)(2)(ii)(J)]

Criterion II.B.2 has been revised to include a reference to 5 times the dose limits in 10 CFR Part 50, Appendix A, GDC 19. This reference adds control room habitability reporting requirements consistent with the AO overexposure reporting requirements established in Criterion I.A.1, ''For All Licensees.''

III. For Fuel Cycle Licensees

Criterion III.1: A required plant shutdown as a result of violating a license condition safety limit. [10 CFR 50.36(c)]

Criterion III.1 has been revised to more appropriately reference all license conditions rather than just TS.

Criterion III.2: No change to this criterion.

Criterion III.3: No change to this criterion.

IV. For Medical Licensees

The criterion for AO reporting of medical misadministrations to patients intended to receive a diagnostic or therapeutic exposure has been revised as follows:

A medical misadministration that:

(a) results in a dose that is (1) equal to or greater than 1 gray (Gy) (100 rads) to a major portion of the bone marrow, to the lens of the eye, or to the gonads, *or* (2) equal to or greater than 10 Gy (1000 rads) to any other organ; *and*

(b) represents either (1) a dose or dosage that is at least 50 percent greater than that prescribed in a written directive *or* (2) a prescribed dose or dosage that (i) is the wrong radiopharmaceutical, or (ii) is delivered by the wrong route of administration, or (iii) is delivered to the wrong treatment site, or (iv) is delivered by the wrong treatment mode, or (v) is from a leaking source(s). [10 CFR Part 35, International Council on Radiation Protection (ICRP) 41, and NCRP Commentary No. 7]

Medical uses of radiation result in diagnostic or therapeutic exposures for the purpose of diagnosing or treating a disease, alleviating pain, and/or minimizing the spread of disease. With this in mind, the AO reporting criterion has been revised to provide a simpler method for evaluating medical misadministrations, and to assure that only those events determined to be significant from the standpoint of public health and safety are reported. The

threshold doses that were selected are sufficiently below the thresholds for deterministic effects recognizing the normal treatment practice of collimation and fractionation of doses, where one would expect to see permanent organ and tissue damage for most radiosensitive organs in a typical adult, and provide a margin of error to identify the potential for harm.

Doses used for diagnostic purposes are relatively small and result in limited risk of adverse health effects. However, the risk, albeit small, that exists for selected diagnostic procedures has been considered during the selection of the reporting thresholds for the revised criterion.

Doses used for therapeutic purposes in treating cancer customarily approach or exceed the tolerance of normal tissue. Therefore, because therapeutic radiation doses are intended to kill cells, harmful side-effects might be expected from the radiation dose prescribed. The difference between the intended and most misadministered doses has little added effect on long-term risk such as cancer. The demonstrated benefits from the use of byproduct materials in medical applications and the long-term and/or short-term consequences as a result of a medical misadministration, were considered in developing the revised criterion.

The criterion for medical licensees has been revised to consider dose limits that are applicable to teletherapy, brachytherapy, gamma stereotactic radiosurgery, radiopharmaceutical therapy, and sodium iodide and diagnostic misadministrations. A medical misadministration (as defined by 10 CFR 35.2) involving the wrong individual will be considered for reporting as an AO under the revised criteria for unintended exposure (criteria I.A.1 and I.A.2) because it involves an individual who did not give prior consent to being exposed, and who is not expected to receive any benefit from an exposure to radiation. However, an administration to the wrong individual must meet the requirements for a medical misadministration as specified in 10 CFR 35.2 before being considered for reporting as an AO.

(a) The threshold dose of 1 Gy (100 rads) for bone marrow, lens of the eye, or gonads is based on the following:

- It is below the threshold (1.5 Gy [150 rads]) for bone marrow mortality with minimum medical care. [NCRP Commentary No. 7]
- It is equal to the threshold where cataracts begin to form. [NCRP Commentary No. 7]
- It is below the initial threshold (3 Gy [300 rads]) where permanent sterility may be seen from a single exposure. [NCRP Commentary No. 7]

(b) The reporting threshold of 10 Gy (1000 rads) selected for all organs other than bone marrow, lens of the eye, and gonads, is based on the following:

- It is below the threshold doses at which one would expect to see permanent organ or tissue damage from normal treatment practices for most radiosensitive organs in adults. [NCRP Commentary No. 7]
- It provides a margin of safety for errors in established threshold doses for most radiosensitive organs in adults.
- It is at the estimated threshold dose for some clinically detrimental deterministic effects from conventionally fractionated therapeutic irradiation that can result in permanent adverse health effects in 1 to 5 percent of the patients treated. The permanent effects seen at this threshold dose include the absence of development and arrested growth in the breast and cartilage of children, respectively. [NCRP Commentary No. 7]

These values are based on the minimal normal tissue tolerance dose, which is defined as the dose to which a given population of patients is exposed, under a standard set of treatment conditions, resulting in no more than a 5-percent severe complication rate within 5 years after treatment. These threshold doses apply to conditions of irradiation relevant to radiotherapy, that is, doses of conventionally fractionated ''x'' or gamma radiation that must be delivered to tissue to cause a serious deterministic effect. In addition, these thresholds allow for a higher dose to be delivered differentially to the tumor. [ICRP 41, and NCRP Commentary No. 7]

V. Guidelines for ''Other Events of Interest''

The Commission may determine that events other than AOs may be of interest to Congress and the public and therefore should be included in an Appendix to the AO report as ''Other Events of Interest''. The guidelines for ''Other Events of Interest'' have been revised to include events that may be perceived by the public to be of health and safety significance and involve substantial regulatory response, but do not otherwise meet the AO criteria. An example is an event where upon final evaluation by an NRC Incident Investigation Team, or an Agreement State equivalent response, a determination is made that such event does not meet the criteria for an abnormal occurrence.

Dated at Rockville, Maryland, this 3rd day of January 1996.

For the Nuclear Regulatory Commission.

John C. Hoyle,

Secretary of the Commission.

[FR Doc. 96–283 Filed 1–8–96; 8:45 am]

BILLING CODE 7590–01–P

[Docket Nos. 50–237 and 50–249]

Commonwealth Edison Company; Dresden Nuclear Power Station, Units 2 and 3 Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an exemption from certain requirements of its regulations to Facility Operating License Nos. DPR–19 and DPR–25, issued to Commonwealth Edison Company (ComEd, the licensee), for operation of the Dresden Nuclear Power Station, Units 2 and 3, located in Grundy County, Illinois.

Environmental Assessment

Identification of the Proposed Action

The proposed action is in accordance with the licensee's application dated November 20, 1995, for an exemption from certain requirements of 10 CFR 73.55, ''Requirements for Physical Protection of Licensed Activities in Nuclear Power Reactors Against Radiological Sabotage.'' The requested exemption would allow the implementation of a hand geometry biometric system of site access control in conjunction with photograph identification badges and would allow the badges to be taken off site.

The Need for the Proposed Action

Pursuant to 10 CFR 73.55(a), the licensee is required to establish and maintain an onsite physical protection system and security organization.

In 10 CFR 73.55(d), ''Access Requirements,'' it specifies in part that ''The licensee shall control all points of personnel and vehicle access into a protected area.'' In 10 CFR 73.55(d)(5), it specifies in part that ''A numbered picture badge identification system shall be used for all individuals who are authorized access to protected areas without escort.'' It further indicates that an individual not employed by the licensee (e.g., contractors) may be authorized access to protected areas without an escort provided the individual, ''receives a picture badge upon entrance into the protected area which must be returned upon exit from the protected area.''

Currently, unescorted access for both employee and contractor personnel into the Dresden Station, Units 2 and 3, is

controlled through the use of picture badges. Positive identification of personnel who are authorized and request access into the protected areas is established by security personnel making a visual comparison of the individual requesting access and that individual's picture badge. The picture badges are issued, stored, and retrieved at the entrance/exit location to the protected area. In accordance with 10 CFR 73.55(d)(5), contractor personnel are not allowed to take their picture badges off site. In addition, in accordance with the plant's physical security plan, the licensee's employees are also not allowed to take their picture badges off site. The licensee proposes to implement an alterative unescorted access control system which would eliminate the need to issue and retrieve picture badges at the entrance/exit location to the protected area. The proposal would also allow contractors who have unescorted access to keep their picture badges in their possession when departing the Dresden site. In addition, the site security plans will be revised to allow implementation of the hand geometry system and to allow employees and contractors with unescorted access to keep their picture badges in their possession when leaving the Dresden site.

Environmental Impacts of the Proposed Action

The Commission has completed its evaluation of the proposed action. The Commission has completed its evaluation of the proposed action and concludes that the proposed exemption would not increase the probability or consequences of accidents previously analyzed and would not affect facility radiation levels or facility radiological effluents. Under the proposed system, all individuals with authorized unescorted access will have the physical characteristics of their hand (hand geometry) registered with their picture badge number in a computerized access control system in addition to their picture badges, Therefore, all authorized individuals must not only have their picture badges to gain access into the protected area, but must also have their hand geometry confirmed.

All other access process, including search function capability and access revocation, will remain the same. A security officer responsible for access control will continue to be positioned within a bullet-resistant structure. The proposed system is only for individuals with authorized unescorted access and will not be used for individuals requiring escorts.

The underlying purpose for requiring that individuals not employed by the licensee must receive and return their picture badges at the entrance/exit is to provide reasonable assurance that the access badges could not be compromised or stolen with a resulting risk that an unauthorized individual could potentially enter the protected area. Although the proposed exemption will allow individuals to take their picture badges off site, the proposed measures require not only that the picture badge be provided for access to the protected area, but also that verification of the hand geometry registered with the badge be performed as discussed above. Thus, the proposed system provides an identity verification process that is equivalent to the existing process.

The change will not increase the probability or consequences of accidents, no changes are being made in the types of any effluents that may be released offsite, and there is no significant increase in the allowable individual or cumulative occupational radiation exposure. Accordingly, the Commission concludes that there are no significant radiological environmental impacts associated with the proposed action.

With regard to potential nonradiological impacts, the proposed action does involve features located entirely within the restricted area as defined in 10 CFR Part 20. It does not affect nonradiological plant effluents and has no other environmental impact. Accordingly, the Commission concludes that there are no significant nonradiological environmental impacts associated with the proposed action.

Alternatives to the Proposed Action

Since the Commission has concluded there is no measurable environmental impact associated with the proposed action, any alternatives with equal or greater environmental impact need not be evaluated. The principal alternative to the proposed action would be to deny the requested action. Denial of the requested action would not significantly enhance the environment in that the proposed action will result in a process that is equivalent to the existing identification verification process.

Alternative Use of Resources

This action does not involve the use of resources not previously considered in connection with the Nuclear Regulatory Commission's Final Environmental Statement dated November 1973, related to the operation of the Dresden Nuclear Power Station, Units 2 and 3.

Agencies and Persons Consulted:

In accordance with its stated policy, on January , 1996, the NRC staff consulted with the Illinois State official, Mr. Frank Niziolek, Head, Reactor Safety Section, Division of Engineering, Illinois Department of Nuclear Safety, regarding the environmental impact of the proposed action. The State official had no comments.

Finding of no Significant Impact

Based upon the foregoing environmental assessment, the Commission concludes that the proposed action will not have a significant effect on the quality of the human environment. Accordingly, the Commission has determined not to prepare an environmental impact statement for the proposed action.

For further details with respect to the proposed action, see the licensee's letter dated November 20, 1995, which is available for public inspection at the Commission's Public Document Room, 2120 L Street, NW., Washington, DC, and at the local public document room located at the Morris Public Library, 604 Liberty Street, Morris, Illinois 60451.

Dated at Rockville, Maryland, this 3rd day of January 1996.

For the Nuclear Regulatory Commission.

George F. Dick Jr.,

Acting Director, Project Directorate III–2, Division of Reactor Projects—III/IV, Office of Nuclear Reactor Regulation.

[FR Doc. 96–284 Filed 1–8–96; 8:45 am]

BILLING CODE 7590–01–P

[Docket No. 70–820]

United Nuclear Corporation—Wood River Junction Site; Closing of Local Public Document Room

Notice is hereby given that the Nuclear Regulatory Commission (NRC) is closing the local public document room (LPDR) for records pertaining to the United Nuclear Corporation (UNC) Wood River Junction site located at the Cross Mill Public Library, Charlestown, Rhode Island. This LPDR is no longer needed and will close effective February 2, 1996.

The Cross Mill Public Library has been the LPDR for the Wood River Junction site since September 1980 when it was established for the licensee's proposed decommissioning. Since that time the LPDR has remained operational maintaining documents on the termination of the UNC License No. SNM–777. On October 12, 1995, the NRC terminated the license and released the UNC Wood River Junction site for unrestricted use. Therefore, effective

February 2, 1996, the LPDR will be closed.

Dated at Rockville, Maryland, this 4th day of January, 1996.

For the Nuclear Regulatory Commission.

Carlton Kammerer,

Director, Division of Freedom of Information and Publications Services, Office of Administration.

[FR Doc. 96–285 Filed 1–8–96; 8:45 am]

BILLING CODE 7590–01–P

[Docket No. 50–245]

Northeast Utilities—Millstone Nuclear Power Station, Unit 1; Issuance of Director's Decision Under 10 CFR 2.206

In notice document 95–31255 beginning on page 66807, in the issue of Tuesday, December 26, 1995, the complete text of the ''Director's Decision Pursuant to 10 CFR 2.206'' (DD–95–23) was not included. The complete text follows this correction notice.

Dated at Rockville, Maryland this 3rd day of January 1996.

For the Nuclear Regulatory Commission.

James W. Andersen,

Project Manager, Project Directorate I–3, Division of Reactor Projects—I/II, Office of Nuclear Reactor Regulation.

I. Introduction

On January 8, 1995, Mr. Anthony J. Ross (Petitioner) filed a Petition with the Executive Director for Operations of the U.S. Nuclear Regulatory Commission (NRC) pursuant to 10 CFR 2.206. In the Petition, the Petitioner raised concerns regarding the site paging and site siren evacuation alarm system in the Millstone Nuclear Power Station, Unit 1 maintenance shop.

The Petitioner alleged that on numerous occasions since January 1994, his department manager had instructed the Petitioner's coworkers to shut off or turn down the volume on the site paging and site siren evacuation alarm system in the Millstone Unit 1 maintenance shop, and the Petitioner's first-line supervisor and coworker had complied with this request in violation of Technical Specification (TS) 6.8.1 and NUREG–0654. The Petitioner requested that the NRC impose at least three sanctions against his department manager, and impose sanctions against the Petitioner's coworker and maintenance first-line supervisor for engaging in deliberate misconduct in violation of 10 CFR 50.5.

On February 23, 1995, I informed the Petitioner that the Petition had been referred to me pursuant to 10 CFR 2.206 of the Commission's regulations. I also informed the Petitioner that the NRC would take appropriate action within a reasonable time regarding the specific concerns raised in the Petition. On the basis of a review of the issues raised by the Petitioner as discussed below, I have concluded that no substantial health and safety issues have been raised that would warrant the action requested by the Petitioner.

II. Discussion

In the Petition, the Petitioner raised a concern that on numerous occasions since January 1994, his department manager had instructed the Petitioner's coworkers to shut off or turn down the volume on the site paging and site siren evacuation alarm system in the Millstone Unit 1 maintenance shop, and the Petitioner's first-line supervisor and coworker had complied with this request in violation of TS 6.8.1 and NUREG–0654.

Licensees for nuclear power plants are required to have emergency plans that meet the standards of 10 CFR 50.47(b) and the requirements of 10 CFR Part 50, Appendix E. Under 10 CFR 50.47(b)(8), adequate emergency facilities and equipment to support the emergency response must be provided and maintained. Appendix E of Part 50 establishes minimum requirements for emergency plans for use in attaining an acceptable state of emergency preparedness. Section IV.E.9, in part, requires at least one onsite communications system.

NUREG–0654, ''Criteria for Preparation and Evaluation of Radiological Emergency Response Plans and Preparedness in Support of Nuclear Power Plants,'' provides guidance for developing radiological emergency plans and improving emergency preparedness. Section II.F.1.e states that each emergency plan shall include provisions for alerting or activating emergency personnel in each response organization. Section II.J.1 states that each licensee shall establish the means and time required to warn or advise onsite individuals and individuals who may be in areas controlled by the licensee. Technical Specification 6.8.1, in part, requires that procedures be established, implemented, and maintained covering emergency plan implementation.

The topic of this Petition was one of the maintenance-related issues the NRC staff raised to Northeast Nuclear Energy Company (NNECO), licensee for Millstone Unit 1, in letters dated December 5 and 28, 1994. In those letters, the NRC staff requested NNECO to review the issues and submit a written response. Specifically, the NRC requested NNECO to review the following: (1) That NNECO management had shut off the site paging and site siren evacuation alarm system or directed workers to shut off the system in the Unit 1 maintenance shop during morning meetings, (2) that on several occasions the system was not turned back on for hours, and (3) that the on/off switches for the speakers in question had been installed without a work order.

The licensee's investigation into this matter, which was described in its January 26, 1995, response to the NRC request, confirmed that the site paging and site siren evacuation alarm system had been routinely turned off at one of the two speakers located in the Millstone Unit 1 maintenance shop area during meetings, and that this practice was not consistent with Emergency Preparedness Department guidance and NUREG–0654.[1] However, NNECO management stated that it was confident that personnel could still hear the other speaker. This configuration was also tested during a special test conducted by NNECO. The results of the test verified that one of the two speakers had sufficient capacity to support event notification in the maintenance shop area. Since the single speaker could be heard, personnel in the maintenance area would be alerted if an emergency existed. NNECO's investigation also concluded that the on/off switches were installed without a work order in 1973 consistent with work performance processes at that time.

NNECO's corrective actions to address this concern included prohibiting the use of any switch that disables any feature of the site paging and site siren evacuation alarm system, removing the two speaker switches, and performing a walkdown of all other system speakers to verify that no other similar switches existed in the system.

The NRC conducted a special safety inspection from May 15 through June 23, 1995, at the Millstone station. During this inspection, the staff reviewed a number of the concerns, the topic of this Petition being one of them, and issued the findings in Inspection Report (IR) 50–245/95–22, 50–336/95–

[1] NUREG–0654, paragraph J.1, states that each licensee shall establish the means and time required to warn or advise onsite individuals and individuals who may be in areas controlled by the licensee. Emergency Preparedness Department guidance (Emergency Plan Administrative Procedure [EPAP] 1.15), at the time, required that the unit services director monitor and maintain emergency preparedness facilities and equipment. In Attachment 2 of EPAP 1.15, the Unit 1 public announcement speakers and evacuation alarm were included as emergency preparedness equipment.

22, 50–423/95–22 (95–22), dated July 21, 1995.

The NRC inspector reviewed the results of the monthly page and siren tests, which were done in accordance with Procedure C-OP–605, and the separate test conducted in the Millstone Unit 1 maintenance shop area. The review of the last two monthly tests showed that the site alarm was audible over ambient noise in all the tested areas. The review of the separate Millstone Unit 1 maintenance shop test showed that either switch, when in the off position, would not disable the system and that with one of the speakers turned off, the other speaker had sufficient capacity to support event notification.

Emergency Preparedness Department guidance (EPAP 1.15) required that emergency preparedness equipment be maintained. The purpose of the guidance, as it related to the speakers, was to warn or advise onsite individuals. Since the single speaker could still be heard, the Petitioner's department manager stated in a meeting with the NRC inspectors that he believed the Emergency Preparedness Department guidance was still being met. Therefore, the Petitioner has not supported his assertion that the department manager and, indirectly, his first-line supervisor and coworker, deliberately violated Millstone procedures or technical specifications, 10 CFR 50.47(b), or 10 CFR Part 50, Appendix E, or failed to meet the guidance in NUREG–0654.

The inspector reviewed NNECO's corrective actions and confirmed that a work order had been processed to disconnect and remove the cutoff switches and that this work was completed. The inspector reviewed several Millstone site daily news articles (''To the Point'') that reinforced the message of not adjusting speaker volume. The articles clearly stated that management expectations and emergency preparedness guidance were that personnel were not to tamper with emergency preparedness equipment. The inspector also discussed the results of a walkdown of the entire system with a licensee representative. The representative stated that one additional speaker on/off switch had been found in the Unit 3 instrumentation and controls area. This speaker's on/off switch was subsequently removed.

NNECO's investigation had also concluded that the switches were installed in 1973 without the use of a work order. The work control process has been enhanced significantly at Millstone Unit 1 since 1973. Performing modifications to equipment important to safety, such as the site paging and site alarm siren evacuation system, would now require engineering and operations department review. It would also require consideration of relevant regulatory requirements. During these reviews it would be expected that modifications of this type (i.e., done without such a work order) would be rejected and not implemented. The NRC inspector concluded that NNECO's current work control practices would require an automated work order for this type of modification and that these switches could not have been installed without such a work order under the current work control procedures. Therefore, since a work order for this modification was not required in 1973, no enforcement action is warranted.

The NRC inspector concluded in the Inspection Report that turning off the site paging and site siren evacuation alarm system speaker was in violation of the licensee's emergency preparedness plan (and thus a violation of TS 6.8.1) and not in conformance with the guidance in NUREG–0654. Therefore, this issue, and three others were collectively cited as a Severity Level IV violation.[2] However, the Inspection Report stated that since the operators in the maintenance shop were still able to hear information provided by the other speaker in the maintenance area, this event was of low safety significance and that it appeared NNECO had taken effective corrective action to correct the problem.

The NRC staff has concluded that the enforcement action already taken is sufficient in this case and, therefore, no additional enforcement action is warranted. The NRC staff has also concluded that although the Petitioner's department manager turned off or had the Petitioner's coworkers turn off one of the speakers, the Petitioner has not supported his assertion that his department manager and coworkers deliberately violated NRC regulations or the Millstone Unit 1 operating license and, thereby, violated the provisions of 10 CFR 50.5.

III. Conclusion

The institution of proceedings pursuant to 10 CFR 2.206 is appropriate only if substantial health and safety issues have been raised. See *Consolidated Edison Co. of New York* (Indian Point Units 1, 2, and 3) CLI–75–8, 2 NRC 173, 175 (1975) and *Washington Public Power Supply System* (WPPSS Nuclear Project No. 2), DD–84–7 19 NRC 899, 924 (1984). This is the standard that has been applied to the concerns raised by the Petitioner to determine whether the action requested by the Petitioner, or other enforcement action, is warranted.

On the basis of the above assessment, I have concluded that no substantial health and safety issues have been raised regarding Millstone Nuclear Power Station, Unit 1, that would require initiation of additional enforcement action as requested by the Petitioner.

The NRC has taken appropriate enforcement action for the events referenced in the Petition. The Petitioner's request for additional action is denied. As provided in 10 CFR 2.206(c), a copy of this Decision will be filed with the Secretary of the Commission for the Commission's review. This Decision will constitute the final action of the Commission 25 days after issuance unless the Commission, on its own motion, institutes review of the Decision in that time.

Dated at Rockville, Maryland, this 19th day of December 1995.

For the Nuclear Regulatory Commission.

William T. Russell,

Director, Office of Nuclear Reactor Regulation.

[FR Doc. 96–286 Filed 1–8–96; 8:45 am]

BILLING CODE 7590–01–P

[2] The three other issues involved violations of Millstone Procedure ACP-QA–4.02B, ''Receipt, Control and Identification of QA Material,'' ACP-QA–4.01A, ''System and Component Housekeeping,'' and DC–1, ''Administration of Millstone Procedures and Forms.'' (NRC Inspection Report 50–245/95–22, 50–336/95–22, 50–423/95–22, dated July 21, 1995)

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–36668 ; File No. SR–BSE–95–16]

Self-Regulatory Organizations; Notice of Filing and Order Granting Accelerated Approval of Proposed Rule Change by the Boston Stock Exchange, Inc. Relating to its Specialist Performance Evaluation Program

January 22, 1996.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on December 14, 1995, the Boston Stock Exchange, Inc. (''BSE'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The BSE seeks a twelve-month extension of its Specialist Performance Evaluation Program (''SPEP'').[3]

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item III below. The self-regulatory organization has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to incorporate certain objective measures into the Exchange's SPEP. The evaluation program, using the BEACON system,[4] looks at all incoming orders routed to a specialist for execution. A record of all action on these orders is accumulated in a separate file from which four calculations are run.

Selection criteria for eligible orders include regulator buy and sell market and marketable limit orders only. Orders marked buy minus or sell plus are excluded, as are crosses and all orders with qualifiers (*e.g.*, market-on-close, stop, stop limit, all or none, etc.). The order entry date must equal the order execution date.

For each of the measures, including the Specialist Performance Evaluation Questionnaire, a 10 point scale will be applied to a range of scores. Based on the raw score for each measure, the respective specialist will receive an associated score between one and 10 points, which will be weighted as indicated for each measure.

The first measure is turnaround Time, which calculates the average number of seconds for all eligible orders based on the number of seconds between the receipt of a guaranteed market or marketable limit order in BEACON (*i.e.*, for 1299 shares or less) and the execution, partial execution, stopping or cancellation of the order. An order that is moved from the auto-ex screen to the manual screen will accumulate time until executed, partially executed, stopped or cancelled. This calculation will not be in effect until the individual stock has opened on the primary market. Certain situations, such as trading halts and periods where the BEACON system is off auto-ex floorwide, will result in blocks of time being excluded from the calculation. A specialist who averaged a raw score of 25 seconds will receive seven points as it falls in the 21 to 25 second range. This calculation will comprise 15% of the overall evaluation program.

TURNAROUND TIME

Time in seconds	Points
1–10	10
11–15	9
16–20	8
21–25	7
26–30	6
31–35	5
36–40	4
41–45	3
46–50	2
51 and up	1

The second measure is Holding Orders Without Action, which measures the number of market and marketable limit orders (all sizes included)[5] that are held without action for greater than 25 seconds. As in the Turnaround Time calculation, a stop, cancellation, execution or partial execution stops the clock. The same exclusions which apply in the Turnaround Time calculation also apply here.[6] Thus, if a specialist receives a total of 100 market and marketable limit orders and holds 10 of them for more than 25 seconds, his or her raw score of 10% would receive nine points as it falls in the six to 10 percent range. This calculation will comprise 15% of the overall evaluation program.

HOLDING ORDERS WITHOUT ACTION

Percentage of orders	Points
0–5	10
6–10	9
11–15	8
16–20	7
21–25	6
26–30	5
31–35	4
36–40	3
41–45	2
46 and up	1

The third measure is Trading Between the Quote, which measures the number of market and marketable limit orders that are executed between the best consolidated bid and offer where the spread is greater than ⅛th. Thus, if a specialist receives 10 market and marketable limit orders where the spread between the best consolidated bid and offer is greater than ⅛th, and such specialist executes five of the orders between the bid and offer, his or her raw score would be 50% and would receive nine points as it falls in the 46 to 50 percent range. This calculation will comprise 25% of the overall evaluation program.

TRADING BETWEEN THE QUOTE

Percentage of orders	Points
51 and up	10
46–50	9
41–45	8
36–40	7
31–35	6
26–30	5
21–25	4

[3] The SEC initially approved the BSE's SPEP pilot program in Securities Exchange Act Release No. 22993 (March 10, 1986), 51 FR 8298 (March 14, 1986) (File No. SR–BSE–84–04). The SEC subsequently extended the pilot program in Securities Exchange Act Release Nos. 26162 (October 6, 1988), 53 FR 40301 (October 14, 1988) (File No. SR–BSE–87–06); 27656 (January 30, 1990), 55 FR 4296 (February 7, 1990) (File No. SR–BSE–90–01); 28919 (February 26, 1991), 56 FR 9990 (March 8, 1991) (File No. SR–BSE–91–01); and 30401 (February 24, 1992), 57 FR 7413 (March 2, 1992) (File No. SR–BSE–92–01). The BSE was permitted to incorporate objective measures of specialist performance into its pilot program in Securities Exchange Act Release No. 31890 (February 19, 1993), 58 FR 11647 (February 26, 1993) (File No. SR–BSE–92–04) (''February 1993 Approval Order''), at which point the initial pilot program ceased to exist as a separate program. The current pilot program was subsequently extended in Securities Exchange Act Release Nos. 33341 (December 15, 1993), 58 FR 67875 (December 22, 1993) (''December 1993 Approval Order''); and 35187 (December 30, 1994), 60 FR 2406 (January 9, 1995). SEC approval of the current pilot program expires on December 31, 1995.

[4] BEACON is the BSE's automated order-routing and execution system. BEACON provides a guarantee of execution for market and marketable limit orders up to and including 1,299 shares. In addition, BEACON can be used to transmit orders not subject to automatic execution See BSE Rules, Ch. XXXIII, ¶¶ 2654–55.

[5] Unlike Turnaround Time, Holding Orders Without Action is not limited to those orders guaranteed automatic execution through BEACON.

[6] The Holding Orders Without Action calculation will not be in effect until the individual stock has opened on the primary market. In addition, certain situations, such as trading halts and periods where the BEACON system is off auto-ex floorwide, will result in blocks of time being excluded from the Holding Orders Without Action calculation. See December 1993 Approval Order.

TRADING BETWEEN THE QUOTE—Continued

Percentage of orders	Points
16–20	3
11–15	2
0–10	1

The fourth measure is Executions in Size Greater than BBO, which measures the number of market and marketable limit orders which exceed the BBO size and are executed in size larger than the BBO size. Thus, if a specialist receives a total of 10 market and marketable limit orders which exceed the BBO size and executes nine of the orders in size larger than the BBO size, his or her raw score would be 90% and would receive eight points as it falls in the 86 to 90 percent range. This calculation will comprise 25% of the overall evaluation program.

EXECUTIONS IN SIZE GREATER THAN BBO

Percentage of orders	Points
96–100	10
91–95	9
86–90	8
81–85	7
76–80	6
71–75	5
66–70	4
61–65	3
56–60	2
55 and below	1

In addition, several changes have been made to the Specialist Performance Evaluation Questionnaire in view of the adoption of the objective measures which have made some questions obsolete. The minimum acceptable raw score for each question remains at 4.5. Thus, if a specialist receives a raw score of 4.5 for each question for a weighted raw score (based on the weights for each question within the questionnaire) of 50.0052, he or she would receive four points as it falls in the 50 to 54 weighted score range. The questionnaire will comprise 20% of the overall evaluation program.

QUESTIONNAIRE

Weighted raw score	Points
83 and above	10
77–82	9
72–76	8
66–71	7
61–65	6
55–60	5
50–54	4
44–49	3
38–43	2
37 and below	1

Using the examples from each measure above, the following weighted point totals would result in an overall program score of 7.45:

Measure	Points	Weighted points
Turnaround Time (15%) ...	7	1.05
Holding Orders Without Action (15%)	9	1.35
Trading Between the Quote (25%)	9	2.25
Executions in Size > BBO (25%)	8	2.00
Questionnaire (20%)	4	0.80
		7.45

The rule has been amended to reflect that any specialist who is deficient [7] in any one of the objective measures for two out of three consecutive review periods will be required to appear before the Performance Improvement Action Committee (''PIAC'') to discuss ways of improving performance. If performance does not improve in the subsequent period, the specialist will appear before the Market Performance Committee (''MPC'') for appropriate action, as described below.[8]

Any specialist who falls below the threshold level for the overall evaluation program for two out of three consecutive review periods will be required to appear before the MPC, which will take action to address the deficient performance as provided for in the Supplemental Material to the SPEP.[9] A specialist who is ranked in the bottom 10% of the overall evaluation program but who is above the threshold level for the overall program will be subject to staff review to determine if there is sufficient reason to warrant informing the PIAC of potential performance problems.

The following threshold scores have been set at which a specialist will be deemed to have adequately performed: [10]

Overall Evaluation Score—at or above weighted score of 5.80
Turnaround Time—below 21.0 seconds (8 points)
Holding Orders Without Action—below 21.0% (7 points)
Trading Between the Quote—at or above 26.0% (5 points)
Executions in Size > BBO—at or above 76.0% (6 points)
Questionnaire—at or above weighted score of 50.0 (4 points)

Due to the subjectiveness of the questionnaire, a specialist who is deficient on the questionnaire alone will be subject to review by Exchange staff to determine if there is sufficient reason to warrant informing the PIAC of potential performance problems. However, a deficient score on the questionnaire may result in a performance improvement action when it lowers the overall program score below 5.80.

The Exchange requests an extension of the current pilot program for a twelve-month period to begin on January 1, 1995. This twelve-month period will enable the Exchange to further evaluate the appropriateness of the measures and their respective weights, as well as the effectiveness of the overall evaluation program.

2. Statutory Basis

Section 6(b)(5) of the Act [11] is the basis of the proposed rule change in that the SPEP results weigh heavily in stock allocation decisions and, as a result, specialists are encouraged to improve their market quality and administrative duties, thereby promoting just and equitable principles of trade and aiding in the perfection of a free and open market and a national market system.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

No written comments were either solicited or received.

III. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange

[7] A specialist is deficient in any measure if he or she scores below the minimum adequate performance thresholds set forth below. See *infra* text accompanying note 10.

[8] The SEC notes that, in the event a specialist's performance does not improve, the Supplemental Material to the SPEP authorizes the MPC to take the following actions: suspending the specialist's trading account privilege, suspending his or her alternate specialist account privilege, or reallocating his or her specialty stocks. *See* BSE Rules, Ch. XV, ¶ 2156.10–2156.60.

[9] See *supra* note 8.

[10] A specialist who receives a score that is below a minimum adequate performance threshold will be deemed to be deficient in that measure. See *supra* note 7.

[11] 15 U.S.C. 78f(b)(5).

Commission, 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Section, 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of such filing will also be available for inspection and copying at the principal office of the Exchange. All submissions should refer to File No. SR–BSE–95–16 and should be submitted by January 30, 1996.

IV. Commission's Findings and Order Granting Accelerated Approval of Proposed Rule Change

The Commission believes that specialists play a crucial role in providing stability, liquidity, and continuity to the trading of stocks. Among the obligations imposed upon specialists by the Exchange, and by the Act and the rules promulgated thereunder, is the maintenance of fair and orderly markets in their designated securities.[12] To ensure that specialists fulfill these obligations, it is important that the Exchange conduct effective oversight of their performance. The BSE's SPEP is critical to this oversight.

In its order approving the incorporation of objective measures of performance,[13] the Commission asked the Exchange to monitor the effectiveness of the amended SPEP. Specifically, the Commission requested information about the number of specialists who fell below acceptable levels of performance for each objective measure, the questionnaire and the overall program; and about the specific measures in which each such specialist was deficient. The Commission also requested information about the number of specialists who, as a result of each condition for review, were referred to the PIAC and/or the MPC; and about the type of action taken with respect to each such deficient specialist.

In September 1993, October 1994, and December 1995, the BSE submitted to the Commission monitoring reports regarding its amended SPEP. The reports describe the BSE's experience with the pilot program during 1993, 1994, and the first two review periods of 1995. In terms of the overall scope of the SPEP, the Commission continues to believe that objective measures, together with a floor broker questionnaire, should generate sufficiently detailed information to enable the Exchange to make accurate assessments of specialist performance. In this regard, the objective criteria have been useful in identifying how well specialists carry out certain aspects (*i.e.,* timeliness of execution, price improvement and market depth) of their responsibilities as specialists.

The Commission also has reviewed the BSE's experience with its minimum adequate performance thresholds. Although it appears that these standards have been helpful in identifying some specialists with potential performance problems, as well as providing an incentive for improved market making performance, the Commission notes that the acceptable levels of performance have not been revised since the inception of the pilot and, as discussed below, should be reviewed.

Finally, the Commission continues to believe that, taking the SPEP as a whole, most potential performance problems should be brought to the attention of the appropriate committee. In terms of the BSE's response to the deficiencies it identified, the BSE should examine its SPEP to ensure that adequate corrective actions are taken with respect to each deficient specialist.

In conclusion, although the Commission believes the BSE should evaluate means to strengthen its performance oversight program, the pilot has been a positive first step towards developing a more effective SPEP. Accordingly, the Commission believes that it is appropriate to extend the current pilot program for an additional twelve-month period, expiring December 31, 1996. This twelve-month period will allow the Exchange to respond to the Commission's concerns about the SPEP, as set forth below. First, the Commission expects the BSE to evaluate the incorporation of additional objective criteria, so that the Exchange can conduct a thorough analysis of specialist performance.[14] At the same time, the BSE should assess whether each measure, as well as the questionnaire, is assigned an appropriate weight.[15] Moreover, the Commission expects the Exchange to conduct an on-going examination of its minimum adequate performance thresholds, in order to ensure that they continue to be set at appropriate levels. The Commission also continues to believe that relative performance rankings that subject the bottom 10% of all specialist units to review by an Exchange committee are an important part of an effective evaluation program. Finally, the BSE should closely monitor the conditions for review and should take steps to ensure that all specialists whose performance is deficient and/or diverges widely from the best units will be subject to meaningful review. In the Commission's opinion, a meaningful review process would ensure that adequate corrective actions are taken with respect to each deficient specialist. The Commission would have difficulty granting permanent approval to a SPEP that did not include a satisfactory response to the concerns described above.

The Commission therefore requests that the BSE submit a report to the Commission, by September 16, 1996, describing its experience with the pilot. At a minimum, this report should contain data, for the last review period of 1995 and the first two review periods of 1996, on (1) the number of specialists who fell below acceptable levels of performance for each objective measure,[16] the questionnaire and the overall program, and the specific measures in which each such specialist was deficient; (2) the number of specialists who, as a result of the objective measures, appeared before the PIAC for informal counseling; (3) the number of such specialists then referred to the MPC and the type of action taken; (4) the number of specialists who, as a result of the overall program, appeared before the MPC and the type of action taken; (5) the number of specialists who, as a result of the questionnaire or falling in the bottom 10% were referred by the

[12] Rule 11b–1, 17 CFR 240.11b–1; BSE Rules Ch. XV, ¶ 2155.01.

[13] For a description of the Commission's rationale for approving the incorporation of objective measures of performance into the BSE's SPEP on a pilot basis, see February 1993 Approval Order, *supra* note 3. The discussion in the aforementioned order is incorporated by reference into this order.

[14] For example, the BSE could develop additional measures of market depth, such as how often the specialist's quote exceeds 500 shares or how often the BSE quote, in size, is larger than the BBO (excluding quotes for 100 shares). Another possible objective criteria could measure quote performance (*i.e.,* how often the BSE specialist's quote, in price, is alone at or tied with the BBO).

[15] In this regard, because of the substantial overlap between Turnaround Time and Holding Orders Without Action, the SEC recommends that the BSE consider either having only one measure in this category (*i.e.,* timeliness of execution) or reducing the weights of the existing measures, which together account for 30% of the current SPEP.

[16] For each objective measure, the SEC also requests that the BSE provide the mean and median scores.

Exchange staff to the PIAC and the type of action taken (this should include the number of specialists then referred to the MPC and the type of action taken by that Committee); and (6) a list of stocks reallocated due to substandard performance and the particular unit involved. The report also should discuss the specific action taken by the BSE to develop additional objective measures, revise the minimum adequate performance thresholds and the assigned weights for each measure, and address the other concerns noted above. Any requests to modify this pilot, to extend its effectiveness or to seek permanent approval for the SPEP should be submitted to the Commission by September 16, 1996, as a proposed rule change pursuant to Section 19(b) of the Act.

For the reasons discussed above, the Commission finds that the BSE's proposal to extend its SPEP pilot program for an additional twelve-month period is consistent with the requirements of Sections 6 and 11 of the Act and the rules and regulations thereunder applicable to a national securities exchange. Specifically, the Commission finds that the proposed rule change is consistent with the Section 6(b)(5)[17] requirement that the rules of the Exchange be designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest.

Further, the Commission finds that the proposal is consistent with Section 11(b) of the Act[18] and Rule 11b–1 thereunder[19] which allow securities exchanges to promulgate rules relating to specialists in order to maintain fair and orderly markets and to remove impediments to and perfect the mechanism of a national market system.

The Commission finds good cause for approving the proposed rule change prior to the thirtieth day after the date of publication of notice thereof in the Federal Register. This will permit the pilot program to continue on an uninterrupted basis and allow the BSE time to consider improvements to its program. In addition, the rule change that implemented the pilot program was published in the Federal Register for the full comment period, and no comments were received.[20] Accordingly, the Commission believes that it is consistent with the Act to accelerate approval of the proposed rule change.

It is therefore ordered, pursuant to Section 19(b)(2)[21] that the proposed rule change is hereby approved on a pilot basis until December 31, 1996.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[22]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 96–236 Filed 1–8–96; 8:45 am]

BILLING CODE 8010–01–M

[17] 15 U.S.C. 78f(b)(5).

[18] 15 U.S.C. 78k(b).

[19] 17 CFR 240.11b–1.

[20] See February 1993 Approval Order, *supra* note 3.

[21] 15 U.S.C. 78s(b)(2).

[22] 17 CFR 200.30–3(a)(12).

[Release No. 34–36671; File No. SR–SCCP–95–06]

Self-Regulatory Organizations; Stock Clearing Corporation of Philadelphia; Notice of Filing of a Proposed Rule Change to Convert the Settlement System for Securities Transactions to a Same-Day Funds Settlement System

January 3, 1996.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] notice is hereby given that on November 3, 1995, the Stock Clearing Corporation of Philadelphia (''SCCP'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change (File No. SR–SCCP–95–06) as described in Items I, II, and III below, which items have been prepared primarily by SCCP. On December 19, 1995, SCCP filed an amendment to the proposed rule change.[2] The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

SCCP proposes to amend Rules 4, 10 and 27 and adopt Rule 4(A) and certain SCCP Procedures.[3] The proposed rule change reflects a planned industry conversion to an expanded same-day funds settlement (''SDFS'') environment.

[1] 15 U.S.C. 78s(b)(1) (1988).

[2] Letter from Keith Kessel, Compliance Officer, SCCP and Philadep to Peter R. Geraghty, Esq., Division of Market Regulation, Commission (December 14, 1995).

[3] The text of these proposals is attached as Exhibit B to File No. SR–SCCP–95–06. The file is available for review in the Commission's Public Reference Room and at the principal office of SCCP.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, SCCP included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. SCCP has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Introduction

The proposed rule change sets forth the rules and procedures governing SCCP's SDFS system service. SCCP intends to support the Philadelphia Depository Trust Company (''Philadep'') to provide participants full SDFS depository and clearing services for all eligible securities. SCCP has made a substantial commitment to designing and building the data processing and computer network that will be the foundation for SCCP's SDFS system. Throughout this major industry conversion, SCCP has worked closely with Philadep, other registered clearing agencies, the Commission and the Board of Governors of the Federal Reserve System (''Federal Reserve'').

In assessing the impact of an expanded SDFS environment, the operational requirements, risk, liquidity needs, among other matters, were evaluated on a joint SCCP/Philadep basis. Operationally, both wholly-owned subsidiaries of the Philadelphia Stock Exchange, Inc. (''PHLX'') are integrally-related. Both registered clearing agencies have a substantial overlap of participants as well as strategic business objectives.

Many links or tie-ins between SCCP and Philadep exist by bylaw, rule and agreement. For example, pursuant to a long-standing joint agency agreement between SCCP and Philadep, SCCP, on behalf of Philadep, effects, among other things, daily money settlements on behalf of Philadep participants for securities received into and delivered out of their accounts; processing of CNS movements from one participant to another; processing of all SCCP/Philadep dividend and reorganization settlements; and the preparation, rendering and collection of bills to Philadep participants for depository services.

In addition to these services, Philadep, on behalf of SCCP, facilitates book-entry movements through a joint SCCP and Philadep allocation system in order to assure continuous net settlements for the accounts of SCCP participants. Philadep also has contractually agreed to provide SCCP with the means to pledge collateral to banks so that SCCP may obtain secured loans from such respective banks.

In addition to these arrangements, SCCP will make several modifications in its Rules and Procedures to accommodate SDFS. First and foremost, SCCP will revise Rule 10 related to money settlements to provide that all payments must be sent by Federal Funds instead of by next-day funds or check. Second, SCCP will modify Rule 27 to further clarify that SCCP will serve as the agent for money settlements of all participants transacting business with either SCCP or Philadep. SCCP Rule 27 currently provides that SCCP will act to effect daily money settlements on behalf of those organizations or entities which are participants of both SCCP and Philadep.

SCCP and its participants have directly benefited from the interrelationship between SCCP and Philadep. They will continue to directly benefit from this relationship, most notably now in the risk management and control areas as described more fully in SR–Philadep–95–08.

2. Revised Participants Fund

To compensate for the risks in a SDFS environment and to respond to SCCP's liquidity needs, SCCP will modify its Participants Fund in its form and size. SCCP will maintain an all cash Participants Fund.

The all cash requirement applies to both the minimum and any additional, voluntary deposits. If participants decide to make voluntary, additional deposits, they will accomplish two objectives: first, it allows them to increase the level of activities that may occur without potential disruption and, second, they will receive interest rebates from SCCP/Philadep for deposits in excess of $50,000.

Each SCCP participant must deposit a minimum amount of $10,000.[4] Whereas some inactive participants will only maintain a required deposit of $10,000, many participants will have to deposit additional amounts based upon the type and extent of their clearing and depository activities. In order to effect the transition of SCCP and its participants to the SDFS environment, SCCP will implement these changes on or before February 1996.

SCCP will calculate the required cash deposit according to a participant's activity [5] in accordance with the following formulae:

(a) Inactive Account [6]—The contributions of Inactive Participants are set at a uniform rate of $10,000. Inactive is defined as 20 or fewer trades on average per month.

(b) Full Service (''CNS'') Account—The contributions of CNS Participants are based upon the larger of: (1) A participant's monthly average of trading activity during the preceding quarter, $1,000 for every 25 trading units of 100 shares (with a $10,000 minimum and a $75,000 maximum contribution); or (2) a participant's aggregate dollar amount of all long trades at their execution price for each quarter divided by the number of days in such quarter times two percent (with a minimum $10,000 contribution and a maximum $1,000,000 contribution). The required contributions are rounded upward to $5,000 increments.

(c) Regional Interface Operations (''RIO'') Accounts—The contribution of RIO Participants are based upon a participant's monthly average of trading activity during the preceding quarter, $1,000 for every 25 trading units of 100 shares (with a $10,000 minimum and a $75,000 maximum contribution). The required contributions are rounded upward to $5,000 increments. RIO is defined as a participant account whereby the participant elects to settle with a clearing corporation other than SCCP or Philadep.

(d) Layoff Account—The contributions of Layoff Participants are set at a uniform rate of $25,000. Layoff is defined as a participant account whereby the participant elects to settle with a clearing corporation other than SCCP or Philadep for trades not executed on the Philadelphia Stock Exchange.

(e) Specialist Margin Account—The contributions of Specialist Margin Participants are set at a uniform rate of $35,000.

(f) Non-Specialist Margin Account—The contributions of Non-Specialist Margin Participants are set at a uniform rate of $35,000.

(g) A participant shall be only responsible for making the highest deposit amount required by any single formula above. The formulae, therefore, are not additive.

SCCP will recalculate the Participants Fund deposit requirements at the end of each month based on the previous three months prior to the most recent month. SCCP will notify its participants of any required deposit increases and the amount of such additional deposit within ten (10) business days of the end of the month. Participants whose deposit requirements have decreased will be notified at least quarterly, although they may inquire and withdraw excess deposits monthly. In this way, participants may leave excess cash deposits in the Participants Fund and reduce the level of monthly administration that would otherwise be necessary.

SCCP estimates that at the time of implementing the foregoing modifications to the risk management controls, SCCP and Philadep will have combined liquidity resources of over $60 million, comprising $7 million in combined cash deposits to the Participants Fund (under the revised formulae), $4.7 million in unrestricted capital and $50 million in lines of credit,[7] altogether designed to support the new SDFS system. SCCP/Philadep will routinely monitor these amounts and assess the need to increase them over time based on SCCP and Philadep activity levels.

SCCP believes that the proposed rule change is consistent with Section 17A under the Exchange Act in that it promotes the prompt and accurate clearance and settlement of securities transactions in securities and funds. SCCP's Rules and Procedures are designed to promote efficiencies and protect Philadep and its participants in an expanded SDFS environment.

(B) Self-Regulatory Organization's Statement on Burden on Competition

SCCP does not believe that the proposed rule change will impact or impose a burden on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments have been solicited or received. SCCP will notify the Commission of any written comments received by SCCP.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within thirty-five days of the date of publication of this notice in the Federal

[4] See Exhibits B1 and B3 to File No. SR–SCCP–95–06. The file is available for review in the Commission's Public Reference Room and at the principal office of SCCP.

[5] For Participants that utilize the RIO interface for settlement, half of the SCCP Clearing Fund deposit requirement shall be allocated to Philadep's Participants Fund to protect against potential settlement defaults for securities not eligible for the RIO interface. Similarly, those Philadep Participants that clear and settle through CNS accounts at SCCP shall have their respective Philadep and SCCP Participants Fund deposits combined and then divided equally and allocated between Philadep and SCCP to satisfy the Fund deposit requirement at each clearing corporation.

[6] For SCCP Inactive Participants that are also Philadep Inactive Participants, the SCCP Participants Fund deposit shall be $5,000. For SCCP Inactive Participants that are also Philadep Active Participants, no additional SCCP Participants Fund deposit will be required.

[7] As of the date of this filing, SCCP/Philadep has secured $30 million in such credit lines and projects to secure $20 to $40 million in additional lines.

Register or within such longer period (i) as the Commission may designate up to ninety days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding, or (ii) as to which SCCP consents, the Commission will:

(a) By order approve such proposed rule change, or

(b) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of such filing will also be available for inspection and copying at the principal office of SCCP. All submissions should refer to the file number SR–SCCP–95–06 and should be submitted by January 30, 1996.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[8]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 96–264 Filed 1–8–96; 8:45 am]

BILLING CODE 8010–01–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Intent to Request Renewal From the Office of Management and Budget (OMB) of Current Public Collections of Information

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of intent to renew six currently approved public information collection activities.

SUMMARY: Under the provisions of the Paperwork Reduction Act of 1995, and 5 CFR Part 1320, Reporting and Recordkeeping Requirements, the FAA invites public comment on six currently approved public information collections being submitted to OMB for renewal.

DATES: Comments must be received on or before March 11, 1996.

ADDRESSES: Comments on any of these collections may be mailed or delivered in duplicate copies to the FAA at the following address: Ms. Judith Street, Federal Aviation Administration, Corporate Information Division, ABC–100, 800 Independence Ave., SW., Washington, DC 20591.

FOR FURTHER INFORMATION CONTACT: Ms. Judith Street, Federal Aviation Administration, Corporate Information Division, ABC–100, 800 Independence Ave., SW., Washington, DC 20591, (202) 267–9895.

Interested persons can receive copies of the justification packages by contacting Ms. Street at this same address or phone number.

SUPPLEMENTARY INFORMATION: The FAA solicits comments in order to: Evaluate the necessity of the collection; accuracy of the agency's estimate of the burden; the quality, utility, and clarity of the information to be collected; and possible ways to minimize the burden of the collection

The six currently approved public information collection activities, the respondents, and the associated burden hours being submitted to OMB for renewal are as follows:

1. 2120–0003, Malfunction or Defect Report; FAA Form 8010–4; the respondents are an estimated 20,490 repair stations certificated under part 145 and Air Taxi operators certificated under part 135; the estimated annual burden is 6,147 hours.

2. 2120–0005, General Operating and Flight Rules; the respondents are all in the aviation community who must adhere to the provision of FAR part 91; the estimated annual burden is 231,064 hours.

3. 2120–0042, Aircraft Registration; Aeronautical Center Forms AC 8050–1, AC 8050–2, AC 8050–4, AC 8050–81, AC 8050–98, and AC 8050–117; the respondents are an estimated 73,002 wishing to register an aircraft; the estimated annual burden is 73,847 hours.

4. 2120–0514, Aviation Insurance, the respondents are an estimated 45 airlines; the estimated annual burden is 68 hours.

5. 2120–0517, FAR Part 150—Airport Noise Compatibility Planning; the respondents are an estimated 17 state and local governments (airport operators); the estimated annual burden is 54,900 hours.

6. 2120–0570, Simulator Rule—Part 142 Certificated Training Centers, the respondents are an estimated 42 businesses and state and local governments; the estimated annual burden is 5,450 hours.

Issued in Washington, DC., on December 21, 1995.

Steve Hopkins,

Acting Manager, Corporate Information Division, ABC–100.

[FR Doc. 96–276 Filed 1–8–96; 8:45 am]

BILLING CODE 4910–13–M

Notice of Passenger Facility Charge (PFC) Approvals and Disapprovals

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Monthly notice of PFC approvals and disapprovals. In November 1995, there were 11 applications approved. Additionally, four approved amendments to previously approved applications are listed.

SUMMARY: The FAA publishes a monthly notice, as appropriate, of PFC approvals and disapprovals under the provisions of 49 U.S.C. 40117 (Pub. L. 103–272) and Part 158 of the Federal Aviation Regulations (14 CFR Part 158). This notice is published pursuant to paragraph d of § 158.29.

PFC Applications Approved

Public Agency: Columbus Municipal Airport Authority, Columbus, Ohio.

Application Number: 95–04–U–00–CMH.

Application Type: Use PFC revenue.

PFC Level: $3.00.

Total Net PFC Revenue Approved for Use in This Application: $17,466,087.

Charge Effective Date: October 1, 1992.

Estimated Charge Expiration Date: May 1, 1996.

Class of Air Carriers not Required to Collect PFC's: No change from previous approvals.

Brief Description of Projects Approved for Use at Port Columbus International Airport (CMH):

Wonderland acquisition/relocation,
Relocate taxiway B from taxiway A to C–3 (engineering),
Southeast cargo apron, taxiway to runway 13/31, and tug road,
Runway 5 essements,
Relocate taxiway B from taxiway A to C–3 (construction),
Maintenance runup pad,
Southeast cargo apron (construction),

[8] 17 CFR 200.30–3(a)(12) (1994).

Relocate taxiway B (phase II) (engineering),
Relocate taxiway B (phase II) (construction),
Stabilized shoulders runway 28L/10R,
Stablilized shoulder—runway 28L/10R and runway 10R blast pad (construction),
Relocate lights taxiway G,
Replace runway 5/23 lighting cable,
Communication and closed circuit television system,
Electronic monitoring/airfield lighting (construction),
Sawyer Road rehabilitation (engineering/construction—east),
Airfield guidance signs,
Master plan/Part 150 amendments,
Ramp sweeper,
Airfield fencing phase II,
Relocate control room,
Land acquisition/relocation—west side properties,
Land acquisition/relocation—Englewood Heights,
Residential soundproofing—phase I,
Terminal building modification,
Gate 17 ramp expansion.

Brief Description of Projects Approved For Use at Bolton Field: T-hangar apron and taxiway.

Brief Description of Partially Approved Projects For Use at Port Columbus International Airport (CMH): North concourse apron.

Determination: The apron overlay portion of this project is approved. The apron expansion, Swayer Road relocation, triturator building relocation, gas station and east cargo building demolition, and FAA employee parking lot are not approved. No evidence of consultation with the air carriers on these new projects was provided in this application in accordance with sections 158.23(b), the requirement for a consultation meeting, and 158.25(b)(11), which requires a summary of consultation with air carriers and foreign air carriers operating at the airport be included in an application for which the imposition of PFC funds for a project is requested.

Relocate taxiway D, construct runway 28L runup apron.

Determination: Only the design portion of this project is a approved. The actual construction portion as revised and included in this application is not approved. No evidence of consultation with the air carriers on the construction of this project was provided in this application in accordance with sections 158.23(b), the requirement for a consultation meeting, and 158.25(b)(11) and (13), which requires a summary of consultation with air carriers and foreign air carriers operating at the airport and revised funding plan be included in an application for which the imposition of PFC funds for a project is requested.

Emergency preparedness equipment/communications.

Determination: The rehabilitation of the airport command post vehicle and the purchase of an automated emergency notification system, information transaction equipment, portable light stands, and emergency radio equipment portions of this project are approved. The safety self-inspection vehicle, aircraft rescue and firefighting proximity suits, and the installation of security equipment including a turnstile at a security checkpoint and a lock and key system are not approved. No evidence of consultation with the air carriers on the purchase of additional equipment or construction of this project was provided in this application in accordance with sections 158.23(b), the requirement for a consultation meeting, and 158.25(b)(11) and (13), which requires a summary of consultation with air carriers and foreign air carriers operating at the airport and revised funding plan be included in an application for which the imposition of PFC funds for a project is requested.

North concourse expansion.

Determination: The 147,751 square foot terminal expansion on the north end of the terminal building portion of this project is approved. The 8,103 square foot increase to accommodate commuter airline operations, renovation of 29,950 square feet of the existing terminal, construction of additional airline operations, renovation of 29,950 square feet of the existing terminal, construction of additional airline operations and office/support areas, and relocation of the triturator building, taxi staging area, and an FAA employee parking lot are not approved. No evidence of consultation with the air carriers on these new projects was provided in this application in accordance with sections 158.23(b), the requirement for a consultation meeting, and 158.25 (b)(11) and (13), which requires a summary of consultation with air carriers and foreign air carriers operating at the airport and revised funding plan be included in an application for which the imposition of PFC funds for a project is requested.

Terminal curb front improvements—planning study.

Determination: The curbside improvement study is approved. The south ramp settlement study and the skycap and parking toll booth planning studies are not approved. No evidence of consultation with the air carriers on the two additional planning studies contained in this project was provided in this application in accordance with sections 158.23(b), the requirement for a consultation meeting, and 158.25(b) (11) and (13), which requires a summary of consultation with air carriers and foreign air carriers operating at the airport and revised funding plan be included in an application for which the imposition of PFC funds for a project is requested.

Decision Date: November 8, 1995.

FOR FURTHER INFORMATION CONTACT: Mary W. Jagiello, Detroit Airports District Office, (313) 487–7296.

Public Agency: Maryland Aviation Administration, Baltimore, Maryland.

Application Number: 95–03–U–00–BWI.

Application Type: Use PFC revenue.

PFC Level: $3.00.

Total Net PFC Revenue Approved For Use in This Appication: $2,261,000

Charge Effective Date: October 1, 1992.

Estimated Charge Expiration Date: April 1, 2009.

Class of Air Carriers Not Required to Collect PFC's: No change from previous decisions.

Brief Description of Project Approved For Use: New aircraft rescue and firefighting (ARFF) facility.

Decision Date: November 14, 1995.

FOR FURTHER INFORMATION CONTACT: Robert Mendez, Washington Airports District Office, (703) 285–2570.

Public Agency: Houghton County Airport Committee, Hancock, Michigan.

Application Number: 95–03–U–00–CMX.

Application Type: Use PFC revenue.

PFC Level: $3.00.

Total Net PFC Revenue Approved For Use in This Application: $76,747.

Charge Effective Date: July 1, 1993.

Estimated Charge Expiration Date: July 1, 1996.

Class of Air Carriers Not Required to Collect PFC's: No change from previous decisions.

Brief Description of Project Approved For Use: Construct partial parallel taxiway C.

Decision Date: November 14, 1995.

FOR FURTHER INFORMATION CONTACT: Jon B. Gilbert, Detroit Airports District Office, (313) 487–7281.

Public Agency: Dubuque Airport Commission, Dubuque, Iowa.

Application Number: 95–03–C–00–DBQ.

Application Type: Impose and use a PFC.

PFC Level: $3.00.

Total Approved Net PFC Revenue: $394,694.

Estimated Charge Effective Date: February 1, 1996.

Estimated Charge Expiration Date: November 1, 1999.

Class of Air Carriers Not Required to Collect PFC's: None.

Brief Description of Projects Approved For Collection and Use:

Runway 13/31 rehabilitation,
Airport emergency generator,
Reconstruct taxilane area,
Airport landside lighting,
Terminal area sidewalk replacement,
Runway broom.

Decision Date: November 17, 1995.

FOR FURTHER INFORMATION CONTACT: Lorna Sandrige, Central Region Airports Division, (816) 426–4730.

Public Agency: Airport Board, City of Springfield, Missouri.

Application Number: 95–02–U–00–SGF.

Application Type: Use PFC revenue.

PFC Level: $3.00.

Total Net PFC Revenue Approved For Use in This Application: $1,830,157.

Charge Effective Date: November 1, 1993.

Estimated Charge Expiration Date: August 1, 1997.

Class of Air Carriers Not Required to Collect PFC's: No change from previous decision.

Brief Description of Projects Approved For Use:

Remove hangars and expand apron,
Construct snow removal equipment building,
Construct partial parallel taxiway to runway 2/20,
Rehabilitate air carrier apron.

Decision Date: November 17, 1995.

FOR FURTHER INFORMATION CONTACT: Lorna Sandridge, Central Region Airports Division, (816) 426–4730.

Public Agency: Department of Commerce, Division of Aviation, City of Philadelphia, Pennsylvania.

Application Number: 95–05–C–00–PHL.

Application Type: Impose and use a PFC.

PFC Level: $3.00.

Total Approved Net PFC Revenue: $14,000,000.

Estimated Charge Effective Date: January 1, 1997.

Estimated Charge Expiration Date: September 1, 1997.

Class of Air Carriers Not Required to Collect PFC's: Air taxi/commercial operators.

Determination: Approved. Based on information contained in the public agency's application, the FAA has determined that the proposed class accounts for less than 1 percent of the total annual enplanements at Philadelphia International Airport.

Brief Description of Project Approved For Collection and Use: Design and construct new commuter runway.

Decision Date: November 21, 1995.

FOR FURTHER INFORMATION CONTACT: L. W. Walsh, Harrisburg Airports District Office, (717) 730–2835.

Public Agency: Huntsville-Madison County Airport Authority, Huntsville, Alabama.

Application Number: 95–05–U–00–HSV.

Application Type: Use PFC revenue.

PFC Level: $3.00.

Total Net PFC Revenue Approved For Use in This Application: $1,563,128.

Charge Effective Date: June 1, 1992.

Estimated Charge Exportation Date: December 1, 2007.

Class of Air Carriers Not Required to Collect PFC's: No changes from previous approvals.

Brief Description of Projects Approved For Use:

Land acquisition (23 acres).
Air cargo apron expansion.
Runway 18R/36L rehabilitation.

Decision Date: November 22, 1995.

FOR FURTHER INFORMATION CONTACT: Elton E. Jay, Jackson Airports District Office, (601) 965–4628.

Public Agency: Milwaukee County Airport Division, Milwaukee, Wisconsin.

Application Number: 95–02–U–00–MKE.

Application Type: use PFC revenue.

PFC Level: $3.00.

Total Net PFC Revenue Approved For Use in This Application: $2,287,000.

Charge Effective Date: May 1, 1995.

Estimated Charge Expiration Date: January 1, 1999.

Class of Air Carriers Not Required to Collect PFC's: No changes from previous approvals.

Brief Description of Projects Approved For Use:

Sales assistance in runway C–1 area,
Realign runway 7L/25R.

Decision Date: November 24, 1995.

FOR FURTHER INFORMATION CONTACT: Franklin D. Benson, Minneapolis Airports District Office, (612) 725–4221.

Public Agency: Mason City Airport Commission, Mason City, Iowa.

Application Number: 95–01–C–00–MCW.

Application Type: Impose and use a PFC.

PFC Level: $3.00.

Total Approved Net PFC Revenue: $302,790.

Earliest Charge Effective Date: February 1, 1996.

Estimated Charge Expiration Date: August 1, 2001.

Class of Air Carriers Not Required to Collect PFC's: None.

Brief Description of Projects Approved For Collection and Use:

Airfield electrical reconstruction (phase I),
Airfield electrical reconstruction (phase II),
Land acquisition and fencing; airfield crack repair and slurry seal; reconstruct airfield storm water intakes,
Airfield directional signage; slurry seal runways (phase II),
Modify terminal to meet Americans with Disabilities Act requirements; seal coat taxiways A, B, and C; install runway and taxiway edge drains; reconstruct airfield storm water inlet (phase II),
Purchase snow blower; ARFF radio communications system,
Purchase snow broom; front end loader,
Acquire high speed snow plow,
Pavement overlay; terminal security fence and gates; expand snow removal equipment building,
Utility improvements; purchase sander truck and motor grader.

Decision Date: November 29, 1995.

FOR FURTHER INFORMATION CONTACT: Lorna Sandridge, Central Region Airports Division, (816) 426–4730.

Public Agency: Kenton County Airport Board (Board), Covington, Kentucky.

Application Number: 95–02–C–00–CVG

Application Type: Impose and use a PFC.

PFC Level: $3.00.

Total Approved net PFC Revenue: $111,930,000.

Earliest Charge Effective Date: February 1, 1996.

Estimated Charge Expiration Date: September 1, 2000.

Classes of Air Carriers Not Required to Collect PFC's: (1) Part 121 supplemental operators which operate at Cincinnati/Northern Kentucky International Airport (CVG) without an operating agreement with the Board and enplane less than 1,500 passengers per year; (2) Part 135 on-demand air taxis, both fixed wing and rotary.

Determination: Approved. Based on information contained in the Board's application, the FAA has determined that each proposed class accounts for less than 1 percent of the total annual enplanements at CVG.

Brief Description of Projects Approved For Collection and Use:

Noise compatibility land use measure (phase 2),

Runway 18R/36L extension—1,500 feet and related rehabilitation.

Decision Date: November 29, 1995.

FOR FURTHER INFORMATION CONTACT: Peggy S. Kelley, Memphis Airports District Office, (901) 544–3495.

Public Agency: Chippewa Valley Regional Airport, Eau Claire, Wisconsin.

Application Number: 95–01–C–00–EAU.

Application Type: Impose and use a PFC.

PFC Level: $3.00.

Total Approved Net PFC Revenue: $755,028.

Earliest Charge Effective Date: February 1, 1996.

Estimated Charge Expiration Date: September 1, 2005.

Class of Air Carriers Not Required to Collect PFC's: None.

Brief Description of Projects Approved For Collection and Use:

Terminal building improvements,
Taxiway/apron improvements (design only),
Airport snow removal vehicle (I),
Taxiway B and C reconstruction,
Snow removal equipment building expansion (design only),
Taxiway/apron improvements,
Snow removal equipment building expansion (construction),
Airport snow removal vehicle (II),
PFC administration.

Decision Date: November 29, 1995.

FOR FURTHER INFORMATION CONTACT: Franklin D. Benson, Minneapolis Airports District Office, (612) 725–4221.

Amendments to PFC Approvals

Amendment No. city, state	Amendment approved date	Amended approved net PFC revenue	Original approved net PFC revenue	Original estimated charge exp. date	Amended estimated charge exp. date
93–01–C–01–TPA, Tampa, FL	10/03/95	$93,007,614	$87,102,000	09/01/99	08/01/99
93–01–C–01–TYS, Knoxville, TN	11/13/95	5,067,227	122,505,681	01/01/97	02/01/97
92–01–C–02–MEI, Meridian, MS	11/20/95	122,500	122,500	06/01/94	06/01/94
93–02–C–01–MEI, Meridian, MS	11/20/95	155,223	155,223	08/01/96	08/01/96

Issued in Washington, D.C. on January 3, 1996.

Donna P. Taylor,

Manager, Passenger Facility Charge Branch.

[FR Doc. 96–277 Filed 1–8–96; 8:45 am]

BILLING CODE 4910–13–M

Sunshine Act Meetings

Federal Register
Vol. 61, No. 6
Tuesday, January 9, 1996

This section of the FEDERAL REGISTER contains notices of meetings published under the ''Government in the Sunshine Act'' (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

BROADCASTING BOARD OF GOVERNORS

DATE AND TIME: January 9, 1996; 9:00 a.m.

PLACE: Cohen Building, 330 Independence Avenue, S.W., Visitors Center, Washington, D.C. 20547.

CLOSED MEETING: The members of the Broadcasting Board of Governors (BBG) will meet in closed session to address internal procedural issues, as well as sensitive foreign policy and personnel issues relating to potential options in the U.S. international broadcasting field. This meeting is closed because if open it likely would either disclose matters that would be properly classified to be kept secret in the interest of foreign policy under the appropriate executive order (5 U.S.C. 552b.(c)((1)) or would disclose information the premature disclosure of which would be likely to significantly frustrate implementation of a proposed agency action. (5 U.S.C. 552b. (c)(9)(B)) In addition, part of the discussion will relate solely to the internal personnel rules and practices, and personnel, of the BBG, the International Broadcasting Bureau, and USIA. (5 U.S.C. 552b. (c) (2) and (6)) The Board meeting will be followed by a closed meeting of the Board of Directors of RFE/RL, Inc., a private nonprofit grantee of the BBG.

CONTACT PERSON FOR MORE INFORMATION: Persons interested in obtaining more information should contact Barbara Floyd at (202) 401–3736.

Dated: January 5, 1996.

David W. Burke,

Chairman.

[FR Doc. 96–390 Filed 1–5–96; 2:48 pm]

BILLING CODE 6155–01–M

FEDERAL HOUSING FINANCE BOARD

''FEDERAL REGISTER '' CITATION OF PREVIOUS ANNOUNCEMENT: 61 FR 230, January 3, 1996.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 10:00 A.M. Wednesday, January 10, 1996.

CHANGES IN THE MEETING: Cancellation of Meeting.

Matters previously scheduled for consideration will be published in the Federal Register when rescheduled.

CONTACT PERSON FOR MORE INFORMATION: Elaine L. Baker, Secretary to the Board, (202) 408-2837.

Rita I. Fair,

Managing Director.

[FR Doc. 96–352 Filed 1–5–96; 12:14 pm]

BILLING CODE 6725–01–M

FEDERAL RETIREMENT THRIFT INVESTMENT BOARD

TIME AND DATE: 10:00 a.m. (EST), January 16, 1996.

PLACE: 4th Floor, Conference Room, 1250 H Street, N.W., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Approval of the minutes of the December 18, 1995, Board meeting.
2. Thrift Savings Plan activity report by the Executive Director.
3. Review of audit report: ''Pension and Welfare Benefits Administration Review of the Thrift Savings Plan C and F Fund Investment Management Operations at Wells Fargo Institutional Trust Company and Wells Fargo Nikko Investment Advisors.''

CONTACT PERSON FOR MORE INFORMATION: Thomas J. Trabucco, Director, Office of External Affairs, (202) 942–1640.

Dated: January 4, 1996.

Roger W. Mehle,

Executive Director, Federal Retirement Thrift Investment Board.

[FR Doc. 96–333 Filed 1–5–96; 10:47 am]

BILLING CODE 6760–01–M

Federal Register

Tuesday
January 9, 1996

Part II

Department of Housing and Urban Development

Office of the Secretary

24 CFR Part 25

Mortgagee Review Board; Streamlined Final Rule

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

24 CFR Part 25

[Docket No. FR–3979–F–01]

RIN 2501–AC09

Mortgagee Review Board; Streamlined Final Rule

AGENCY: Office of the Secretary, HUD.

ACTION: Final rule.

SUMMARY: This rule further streamlines HUD's regulations on the Mortgagee Review Board (MRB). This rule is part of HUD's efforts to comply with the President's regulatory reform initiatives by producing concise regulations that are easy to use and understand. This rule will not change the substantive requirements of the MRB regulations, but it will eliminate provisions that are redundant of the MRB statute.

EFFECTIVE DATE: February 8, 1996.

FOR FURTHER INFORMATION CONTACT: Emmett N. Roden, Assistant General Counsel for Administrative Proceedings, Office of General Counsel, Department of Housing and Urban Development, 451 7th Street, S.W., Room 10251, Washington, D.C. 20410, telephone (202) 708–2350. The telephone number for the hearing impaired (TDD) is (202) 708–9300. These are not toll-free numbers.

SUPPLEMENTARY INFORMATION: The Mortgagee Review Board (MRB or the Board) final rule was published in the Federal Register on August 1, 1995 (60 FR 39236). The August 1, 1995 final rule streamlined the hearing procedures to allow the Board to delegate its hearing authority to a hearing official. This new process is much less time-consuming and expensive, and it is consistent with the President's regulatory reform initiatives expressed in Executive Order 12866 and the President's memorandum of March 4, 1995 to all Federal departments and agencies.

However, HUD has determined that it can further streamline the regulations by removing language that is redundant of the MRB statute (12 U.S.C. 1708(c)–(d)). For example, the statute fully describes the types of administrative actions that the Board may take against mortgagees, the Board's authority to request the Secretary to issue cease and desist orders to mortgagees, and the requirement to notify GNMA of withdrawal actions. Since these statutory provisions are nearly self-explanatory and widely accessible, it is unnecessary to repeat them in the Code of Federal Regulations.

Therefore, this rule removes several redundant provisions from the MRB regulations. This rule revises § 25.3 to remove the following definitions: administrative action, cease and desist order, letter of reprimand, notice of charges, party, probation, reasonable cause, suspension, and withdrawal. The rule revises § 25.5 (Administrative actions) and removes § 25.12 (Cease and desist orders). The rule also revises § 25.14 concerning the requirement to notify GNMA of withdrawal actions, and removes § 25.15 concerning annual reports to the Secretary. In place of the redundant statutory language, this rule includes the references to the appropriate statutory provisions.

Although the statutory provisions are accessible and are referenced in the new rule text, HUD seeks to ensure that this rule is easy to use. Therefore, HUD intends to provide mortgagees with a copy of the MRB statute along with the copies of the updated regulatory text that HUD routinely provides.

This rule also amends the regulations to correct three minor errors. First, this rule corrects a typographical error in § 25.9(l); the word ''inquiries'' should appear instead of ''inquires.'' Second, this rule corrects § 25.9(p) to refer to prudent ''mortgagees'' rather than ''lenders.'' HUD had intended to use the term ''mortgagees'' in this paragraph, in conformance with the definition of that term in § 25.3. Third, this rule restores language in § 25.5(d) regarding the effect of a suspension upon Title I lenders that was inadvertently deleted from § 202.9(a)(3) in the August 1, 1995 final rule.

Justification for Final Rulemaking

HUD generally publishes a rule for public comment before issuing a final rule for effect, in accordance with its regulations on rulemaking (24 CFR part 10). However, part 10 provides exceptions from the general rule if HUD finds good cause to omit advance notice and public participation. The good cause requirement is satisfied when prior public procedure is ''impracticable, unnecessary, or contrary to the public interest'' (24 CFR 10.1). HUD finds that good cause exists to publish this rule for effect without first soliciting public comment. Since this rule does not alter any rights or responsibilities of parties affected by the rule nor any substantive requirements of the rule, such prior public procedure is unnecessary.

Findings and Other Matters

National Environmental Policy Act

In accordance with 40 CFR 1508.4 of the regulations of the Council on Environmental Quality and 24 CFR 50.20(k) of HUD regulations, the policies and procedures contained in this rule relate only to administrative decisions, which do not constitute development decisions and do not affect the physical condition of a project area or building. Therefore, this rule is categorically excluded from the requirements of the National Environmental Policy Act.

Regulatory Flexibility Act

In accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), the Secretary hereby certifies that this rule would not have a significant economic impact on a substantial number of small entities. The rule streamlines the Mortgagee Review Board regulations by removing language from the Code of Federal Regulations that is redundant of language that appears in the United States Code. It will have no adverse or disproportionate economic impact on small businesses.

Executive Order 12606, The Family

The General Counsel, as the Designated Official under Executive Order 12606, The Family, has determined that this final rule does not have potential for significant impact on family formation, maintenance, and general well-being. No significant change in existing HUD policies or programs will result from promulgation of this rule, as those policies and programs relate to family concerns. Therefore, the rule is not subject to review under the Order.

Executive Order 12612, Federalism

The General Counsel, as the Designated Official under Section 6(a) of Executive Order 12612, Federalism, has determined that the policies contained in this rule will not have substantial direct effects on States or their political subdivisions, or the relationship between the Federal Government and the States, or on the distribution of power and responsibilities among the various levels of government. As a result, the final rule is not subject to review under the Order.

List of Subjects in 24 CFR Part 25

Administrative practice and procedure, Loan programs—housing and community development, Organization and functions (Government agencies).

Accordingly, 24 CFR part 25 is amended as follows:

PART 25—MORTGAGEE REVIEW BOARD

1. The authority citation for part 25 continues to read as follows:

Authority: 12 U.S.C. 1708 (c)–(d)), 1709(s), 1715b, and 1735 (f)–14; 42 U.S.C. 3535(d).

2. Section 25.3 is amended by removing the definitions for the following terms: ''*administrative action*'', ''*cease and desist order*'', ''*letter of reprimand*'', ''*notice of charges*'', ''*party*'', ''*probation*'', ''*reasonable cause*'', ''*suspension*'', and ''*withdrawal*''; and by revising the definitions for the terms ''*lender*'', ''*loan correspondent*'', and ''*mortgagee*'', to read as follows:

§ 25.3 Definitions.

* * * * *

Lender. A financial institution as defined in § 202.2(a) of this title.

Loan correspondent. A financial institution as defined in § 202.2(b) of this title.

Mortgagee. For purposes of the regulations in this part, the term ''mortgagee'' includes:

(1) The original lender under the mortgage, as that term is defined at sections 201(a) and 207(a)(1) of the National Housing Act (12 U.S.C. 1707(a), 1713(a)(1));

(2) A lender or loan correspondent as defined in this section;

(3) A branch office or subsidiary of the mortgagee, lender, or loan correspondent; or

(4) Successors and assigns of the mortgagee, lender, or loan correspondent, as are approved by the Commissioner.

* * * * *

3. Section 25.5 is revised to read as follows:

§ 25.5 Administrative actions.

(a) *General.* The Board is authorized to take the following administrative actions: letter of reprimand, probation, suspension, withdrawal, or settlement agreement. These actions are described at 12 U.S.C. 1708(c)(3), and as further set out in this section.

(b) *Letter of reprimand.* A letter of reprimand shall be effective upon receipt of the letter by the mortgagee. Failure to comply with a directive in the letter of reprimand may result in any other administrative action under this part that the Board finds appropriate.

(c) *Probation.* Probation shall be effective upon receipt of the notice of probation by the mortgagee. Failure to comply with the terms of probation may result in any other administrative action under this part that the Board finds appropriate.

(d) *Suspension.* A suspension shall be based upon adequate evidence and shall be effective upon receipt of the notice of suspension by the mortgagee. During the period of suspension, HUD will not endorse any mortgage originated by the suspended mortgagee unless prior to the date of suspension a firm commitment has been issued relating to any such mortgage, or a Direct Endorsement underwriter has approved the mortgagor for any such mortgage. During the period of suspension, a lender or loan correspondent may not originate new title I loans under their Title I Contracts of Insurance or apply for a new Contract of Insurance.

(e)(1) *Withdrawal.* During the period of withdrawal, HUD will not endorse any mortgage originated by the withdrawn mortgagee unless prior to the date of withdrawal a firm commitment has been issued relating to any such mortgage, or a Direct Endorsement underwriter has approved the mortgagor for any such mortgage. During the period of withdrawal, a lender or loan correspondent may not originate new title I loans under their Title I Contracts of Insurance or apply for a new Contract of Insurance. The Board may limit the geographical extent of the withdrawal, or limit its scope (e.g., to either the single family or multifamily activities of a withdrawn mortgagee). Upon the expiration of the period of withdrawal, the mortgagee may file a new application for approval under 24 CFR part 202.

(2) *Effective date of withdrawal.* (i) If the Board determines that immediate action is in the public interest or in the best interests of the Department, then withdrawal shall be effective upon receipt of the Board's notice of withdrawal.

(ii) If the Board does not determine that immediate action is necessary according to paragraph (e)(2)(i) of this section, then withdrawal shall be effective either:

(A) Upon the expiration of the 30-day period specified in § 25.8, if the mortgagee has not requested a hearing; or

(B) Upon receipt of the Board's decision under § 25.8, if the mortgagee requests a hearing.

4. Section 25.9 is amended by revising paragraphs (l) and (p) to read as follows:

§ 25.9 Grounds for an administrative action.

* * * * *

(l) Failure of a mortgagee to respond to inquiries from the Board;

* * * * *

(p) Business practices which do not conform to generally accepted practices of prudent mortgagees or which demonstrate irresponsibility;

* * * * *

§ 25.12 [Removed]

5. Section 25.12 is removed.

§ 25.13 [Redesignated as § 25.12]

6. Section 25.13 is redesignated as § 25.12.

7. Section 25.14 is redesignated as § 25.13, and is revised to read as follows:

§ 25.13 Notifying GNMA of withdrawal actions.

When the Board issues a notice of violation that could lead to withdrawal of a mortgagee's approval, or is notified by GNMA of an action that could lead to withdrawal of GNMA approval, the Board shall proceed in accordance with 12 U.S.C. 1708(d).

(Approved by the Office of Management and Budget under Control Number 2502–0450.)

§ 25.15 [Removed]

8. Section 25.15 is removed.

§ 25.16 [Redesignated as § 25.14]

9. Section 25.16 is redesignated as § 25.14.

§ 25.18 [Redesignated as § 25.15]

10. Section 25.18 is redesignated as § 25.15.

Dated: December 15, 1995.

Henry G. Cisneros,

Secretary.

[FR Doc. 96–113 Filed 1–8–96; 8:45 am]

BILLING CODE 4210–32–P

Federal Register

Tuesday
January 9, 1996

Part III

Department of Transportation

Research and Special Programs Administration

49 Part 171

Extension of Authority for Open-Head Fiber Drum Packaging for Liquid Hazardous Materials; Proposed Rule

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Part 171

[Docket No. HM–221A; Notice No. 96–1]

RIN 2137–AC77

Extension of Authority for Open-Head Fiber Drum Packaging for Liquid Hazardous Materials

AGENCY: Research and Special Programs Administration (RSPA), DOT.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: In accordance with Section 406 of the ''Interstate Commerce Commission Sunset Act'' (the Act), RSPA is proposing to extend for one year, until September 30, 1997, the authority to ship certain liquid hazardous materials in open-head fiber drums that do not meet performance-oriented packaging standards for hazardous materials in Packing Group III. The Act provides that a final rule must be issued by February 27, 1996.

DATES: Comments must be received on or before February 5, 1996.

ADDRESSES: Address comments to Dockets Unit (DHM–30), Office of Hazardous Materials Safety, Research and Special Programs Administration, U.S. Department of Transportation, Washington, DC 20590–0001. Comments should identify the docket (Docket No. HM–221A) and be submitted, when possible, in five copies. Persons wishing to receive confirmation of receipt of their comments should include a self-addressed stamped postcard. The Dockets Unit is located in Room 8421 of the Nassif Building, 400 Seventh Street, SW, Washington, DC 20590–0001. Office hours are 8:30 a.m. to 5:30 p.m., Monday through Friday except Federal holidays, when the office is closed.

FOR FURTHER INFORMATION CONTACT: Frazer C. Hilder, Office of the Chief Counsel, Research and Special Programs Administration, U.S. Department of Transportation, 400 Seventh Street, SW, Washington, DC 20590–00001; telephone 202–366–4400.

SUPPLEMENTARY INFORMATION: A central tenet of DOT's regulation of hazardous materials is the assurance that packagings will retain their contents during normal conditions of transportation. Prior to 1991, the Hazardous Materials Regulations (HMR, 49 CFR Parts 171–180) generally specified the use of packagings manufactured to design specifications. However, the HMR also authorized the use of certain non-specification packagings (including fiber drums) for shipping certain categories of hazardous materials, such as flammable liquids with a flash point above 73° F, liquid cleaning compounds and other liquid corrosives, and hazardous wastes and hazardous substances not included in another hazard class. In general, these specific authorizations had been added to the HMR when a material posing a low or moderate hazard, which had not been previously regulated, was first included within the HMR's classification of hazardous materials. In these cases, DOT had permitted the continued use of packagings then being used for shipping the material. These packagings were required to be only ''strong, tight packages'' that were ''designed and constructed, [with their] contents so limited, that under conditions normally incident to transportation:

(1) There will be no significant release of the hazardous materials to the environment;

(2) The effectiveness of the package will not be substantially reduced; and

(3) There will be no mixture of gases or vapors in the package which could, through any credible spontaneous increase of heat or pressure, or through an explosion, significantly reduce the effectiveness of the packaging.

49 CFR 173.24(a), (b) (1990 ed.)

On December 21, 1990, RSPA issued a final rule in Docket No. HM–181 (55 FR 52401; revisions and response to petitions for reconsideration, 56 FR 66124 [Dec. 20, 1991]; further corrections and amendments, 57 FR 45442, 45446 [Oct. 1, 1992], 46624 [Oct. 9, 1992]). In this rulemaking, RSPA adopted performance-oriented packaging standards for non-bulk packagings (up to 450 liters [119 gallons] capacity or 400 kg [882 lbs.] net mass). Hazardous materials have been assigned to Packing Groups I, II, or III, based on their level of hazard (with Packing Group I indicating those materials posing the greatest hazards), and minimum levels of performance were established for each Packing Group. These ''HM–181 performance standards'' are intended to simulate the normal transportation environment and to achieve international uniformity.

In the HM–181 rulemaking, RSPA eliminated most instances where the HMR previously authorized the use of non-specification packagings, including packagings for more than 200 environmentally hazardous substances (such as polychlorinated biphenyls (PCBs)). In addition, RSPA classified as hazardous materials certain lower toxicity poisons that had not previously been regulated.

To allow for an orderly transition to the HM–181 rules, RSPA authorized packagings meeting the HM–181 performance standards to be used immediately but provided a five-year phase-out period (ending on September 30, 1996) for previously authorized packagings. RSPA specified that on

October 1, 1996, requirements in parts 172 and 173 of [49 CFR] for maintenance and use of packagings that were not previously in effect are effective * * *. [P]ackaging authorizations removed from part 173 of [49 CFR] by [HM–181] may no longer be used in place of new packaging requirements.

49 CFR 171.14(a)(1)(iii), previously located at 49 CFR 171.14(b)(8).

On December 29, 1995, the President signed the Act (Pub. L. 104–88). Section 406 of the Act reads as follows:

SEC. 406. FIBER DRUM PACKAGING

(a) IN GENERAL.—In the administration of chapter 51 of title 49, United States Code, the Secretary of Transportation shall issue a final rule within 60 days after the date of the enactment of this Act authorizing the continued use of fiber drum packaging with a removable head for the transportation of liquid hazardous materials with respect to those liquid hazardous materials transported by such drums pursuant to regulations in effect on September 30, 1991, if—

(1) the packaging is in compliance with regulations of the Secretary under the Hazardous Materials Transportation Act as in effect on September 30, 1991; and

(2) the packaging will not be used for the transportation of hazardous materials that include materials which are poisonous by inhalation or materials in Packing Groups I and II.

(b) EXPIRATION.—The regulation referred to in subsection (a) shall expire on the later of September 30, 1997, or the date on which funds are authorized to be appropriated to carry out chapter 51 of title 49, United States Code (relating to transportation of hazardous materials), for fiscal years beginning after September 30, 1997.

(c) STUDY.—

(1) IN GENERAL.—Within 90 days after the date of enactment of this Act, the Secretary shall contract with the National Academy of Sciences to conduct a study—

(A) to determine whether the requirements of section 5103(b) of title 49, United States Code (relating to regulations for safe transportation), as they pertain to fiber drum packaging with a removable head can be met for the transportation of liquid hazardous materials (with respect to those liquid hazardous materials transported by such drums pursuant to regulations in effect on September 30, 1991) with standards (including fiber drum industry standards set forth in a June 8, 1992, exemption application submitted to the Department of Transportation), other than the performance-oriented packaging standards adopted under docket number HM–181 contained in part 178 of title 49, Code of Federal Regulations; and

(B) to determine whether a packaging standard (including such fiber drum industry standards), other than performance-oriented packaging standards, will provide an equal or greater level of safety for the transportation of liquid hazardous materials than would be provided if such performance-oriented packaging standards were in effect.

(2) COMPLETION.—The study shall be completed before March 1, 1997, and shall be transmitted to the Committee on Commerce, Science, and Transportation of the Senate and the Transportation and Infrastructure Committee of the House of Representatives.

(d) SECRETARIAL ACTION.—By September 30, 1997, the Secretary shall issue final regulations to determine what standards should apply to fiber drum packaging with a removable head for transportation of liquid hazardous materials (with respect to those liquid hazardous materials transported by such drums pursuant to regulations in effect on September 30, 1991) after September 30, 1997. In issuing such regulations, the Secretary shall give full and substantial consideration to the results of the study conducted in subsection (c).

To carry out the mandate in Sections (a) and (b) of the Act, RSPA is proposing to add a new paragraph (a)(2)(iii) to 49 CFR 171.14. Interested parties are invited to submit comments on this proposal. Comments are specifically invited with regard to the possibility that, under Section (b) of the Act, the transition period for continued use of non-specification open-head fiber drums for certain liquid hazardous materials may extend to a future date (beyond September 30, 1997) that is now uncertain.

RSPA considers that this eventuality may best be dealt with, if necessary, in the ''final regulations'' to be issued by September 30, 1997, under Section (d) of the Act. At that time, further appropriations for fiscal years beginning after September 30, 1997, may have been authorized, and the transition period would end on September 30, 1997. Otherwise, RSPA and interested parties should have a better appreciation at that time for the date when further appropriations may be authorized. However, RSPA will consider alternatives that commenters wish to suggest for handling the uncertain length of this extended transition period for the continued use of non-specification open-head fiber drums for certain liquid hazardous materials.

Because the Act requires the present rulemaking to be completed by February 27, 1996, RSPA is specifying a deadline for comments that is less than the 60 days recommended in Executive Order 12866. To encourage interested parties to submit comments, and somewhat compensate for a shortened comment period, RSPA is mailing a typewritten copy of this Notice to each person who submitted comments in RSPA's rulemaking proceeding in Docket No. HM–221, Alternate Standards for Open-Head Fiber Drum Packaging (Termination Notice, 60 FR 50714 [Sept. 29, 1995]). Although RSPA will consider late-filed comments to the extent practicable, in accordance with 49 CFR 106.23, the Act's requirement that a final rule be issued within 60 days of enactment will make it extremely difficult for RSPA to consider comments received after February 5, 1996.

Regulatory Analyses and Notices

A. Executive Order 12866 and DOT Regulatory Policies and Procedures

This notice of proposed rulemaking is not considered a significant regulatory action under section 3(f) of Executive Order 12866 and was not reviewed by the Office of Management and Budget. This notice of proposed rulemaking is not considered significant under the regulatory policies and procedures of the Department of Transportation (44 FR 11034; February 26, 1979).

B. Executive Order 12612

This notice of proposed rulemaking has been analyzed in accordance with the principles and criteria in Executive Order 12612 (''Federalism''). The Federal hazardous material transportation law (49 U.S.C. 5101–5127) contains an express preemption provision that preempts State, local and Indian tribe requirements on certain covered subjects. Covered subjects are:

(i) the designation, description, and classification of hazardous material;

(ii) the packing, repacking, handling, marking, and placarding of hazardous material;

(iii) the preparation, execution, and use of shipping documents pertaining to hazardous material and requirements related to the number, contents, and placement of those documents;

(iv) the written notification, recording, and reporting of the unintentional release in transportation; and

(v) the design, manufacturing, fabricating, marking, maintenance, reconditioning, repairing, or testing of a packaging or a container represented, marked, certified, or sold as qualified for use in transporting hazardous material.

This proposed rule concerns the packaging authorized for certain hazardous materials. If adopted, this rule would preempt State, local, or Indian tribe requirements concerning this subject unless the non-Federal requirements are ''substantively the same as'' the Federal requirements. RSPA lacks discretion in this area, and preparation of a federalism assessment is not warranted.

Section 5125(b)(2) of 49 U.S.C. provides that if DOT issues a regulation concerning any of the covered subjects after November 16, 1990, DOT must determine and publish in the Federal Register the effective date of Federal preemption. That effective date may not be earlier than the 90th day, and not later than two years, following the date of issuance of the final rule. RSPA proposes that October 1, 1996, would be the effective date of Federal preemption for the continued authorization of these fiber drums.

C. Regulatory Flexibility Act

This proposed rule would continue until September 30, 1997, authority for shipment of certain liquid hazardous materials in open-head fiber drums that do not meet the performance standards in the HMR. I certify that the rule proposed in this notice will not have a significant economic impact on a substantial number of small entities. This certification is subject to modification as a result of a review of comments received in response to this proposal.

D. Paperwork Reduction Act

There are no new information requirements in this proposed rule.

E. Regulations Identifier Number (RIN)

A regulation identifier number (RIN) is assigned to each regulatory action listed in the Unified Agenda of Federal Regulations. The Regulatory Information Service Center publishes the Unified Agenda in April and October of each year. The RIN number contained in the heading of this document can be used to cross-reference this action with the Unified Agenda.

List of Subjects in 49 CFR Part 171

Exports, Hazardous materials transportation, Hazardous waste, Imports, Incorporation by reference, Reporting and recordkeeping requirements.

In consideration of the foregoing, 49 CFR part 171 would be amended as follows:

PART 171—GENERAL INFORMATION, REGULATIONS, AND DEFINITIONS

1. The authority citation for part 171 would continue to read as follows:

Authority: 49 U.S.C. 5101–5127; 49 CFR 1.53.

2. In § 171.14, a new paragraph (a)(2)(iii) would be added to read as follows:

§ 171.14 Transitional provisions for implementing requirements based on the UN Recommendations.

* * * * *

(a) * * *

(2) * * *

(iii) *Non-specification fiber drums.* Until September 30, 1997, a non-specification fiber drum with a removable head is authorized for a liquid hazardous material in Packing Group III that is not poisonous by inhalation for which this packaging was authorized under the requirements of Part 172 or Part 173 in effect on September 30, 1991.

* * * * *

Issued in Washington, DC on January 4, 1996, under authority delegated in 49 CFR Part 106.

Alan I. Roberts,

Associate Administrator for Hazardous Materials Safety.

[FR Doc. 96–337 Filed 1–8–96; 8:45 am]

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FEDERAL REGISTER PAGES AND DATES, JANUARY

CFR PARTS AFFECTED DURING JANUARY

At the end of each month, the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

REMINDERS

The rules and proposed rules in this list were editorially compiled as an aid to Federal Register users. Inclusion or exclusion from this list has no legal significance.

Rules Going Into Effect Today

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Radio stations; table of assignments:
- Missouri; published 12-5-95

HEALTH AND HUMAN SERVICES DEPARTMENT

Food and Drug Administration

Food additives:
- N-butoxypoly(oxyethylene) poly(oxypropylene) glycol; published 1-9-96¶

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Agricultural Marketing Service

Okra (frozen); grade standards; comments due by 1-8-96; published 12-7-95

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- Texas; comments due by 1-11-96; published 12-12-95

Peas, field and black-eye (frozen); grade standards; comments due by 1-8-96; published 12-7-95

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- Bering Sea and Aleutian Islands groundfish; comments due by 1-10-96; published 12-11-95

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- Employee stock ownership plans; comments due by 1-8-96; published 11-7-95

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Natural gas companies (Natural Gas Act):
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- Chromium emissions from hard and decorative chromium electroplating and anodizing tanks, etc.; comments due by 1-12-96; published 12-13-95

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- Pennsylvania; comments due by 1-12-96; published 12-13-95
- South Carolina; comments due by 1-10-96; published 12-11-95
- Washington; comments due by 1-8-96; published 12-8-95

Air quality implementation plans; √A√approval and promulgation; various States; air quality planning purposes; designation of areas:
- Florida; comments due by 1-8-96; published 12-7-95
- New Jersey; comments due by 1-8-96; published 12-7-95

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  - California; comments due by 1-8-96; published 12-7-95
  - California; comments due by 1-8-96; published 12-7-95
  - California; comments due by 1-8-96; published 12-7-95

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