If using a method other than the toll free number to contact FedWorld, then the NRC subsystem will be accessed from the main FedWorld menu by selecting the "F—Regulatory, Government Administration and State Systems", then selecting "A—Regulatory Information Mall". At that point, a menu will be displayed that has an option "A—U.S. Nuclear Regulatory Commission" that will take you to the NRC Online main menu. You can also go directly to the NRC Online area by typing "/go nrc" at a FedWorld command line. If you access NRC from FedWorld's main menu, then you may return to FedWorld by selecting the "Return to FedWorld" option from the NRC Online Main Menu. However, if you access NRC at FedWorld by using NRC's toll-free number, then you will have full access to all NRC systems, but you will not have access to the main FedWorld system. For more information on NRC bulletin boards call Mr. Arthur Davis, Systems Integration and Development Branch, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone (301) 415–5780; e-mail AXD3@nrc.gov.

FOR FURTHER INFORMATION CONTACT: Ms. Charleen T. Raddatz, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone (301) 415–6215.

SUPPLEMENTARY INFORMATION: On August 22, 1994, the Nuclear Regulatory Commission published for comment a proposed rule on Radiological Criteria for Decommissioning (59 FR 43200). The period for submitting comments on the proposed rule ends on December 20, 1994. The Commission is extending the comment period for the proposed rule until January 20, 1995, for the following reasons: the original **Federal Register** Notice did not explicitly seek comments on the appropriateness of the proposed 15 mrem/yr distinguishable from background radiation standard; the complexity of the issues involved; the broad interest in the rulemaking; the solicitation of comments on supporting documents (e.g., NUREG–1500); and the short time available for submitting written comments after the Site Characterization Workshop held November 29–30, 1994, and the SSAB Workshop held from December 6–8, 1994.

During a review of the August 22, 1994, notice of proposed rulemaking, a concern was expressed that sufficient emphasis had not been placed on the Commission's desire to receive comment on the appropriateness of the proposed 15 mrem/y distinguishable from background standard. Since the 15 mrem/yr distinguishable from background proposed standard is central to the proposed rule, the Commission is particularly interested in comments concerning the appropriateness of this standard. Comments received during the enhanced participatory workshop process expressed a range of viewpoints and recommendations concerning an appropriate dose or risk level. For example, some commenters recommended that NRC decommissioning standards be based on, and be consistent with, the scientific information and advice of such organizations as NCRP and ICRP; that NRC consider adopting a risk limit standard equating to a radiation dose of 25 to 100 mrem/y; and that the NRC establish a risk or dose limit on the order of the variability of natural background radiation occurring across the United States. Other commenters recommended using the NCRP recommendation of a "Negligible Individual Risk Level" of 1 mrem/y as the limit; using values consistent with the EPA standards of one in 10,000 to 1 in 1,000,000 lifetime risk of fatal cancer promulgated under superfund; and that NRC use a zero increment above background in establishing its standard. A more complete discussion of the comments received is contained in the supplemental information for the proposed rule (59 FR 43200).

Commenters are also invited to comment on each of the other issues presented in the original Notice of Proposed Rulemaking (59 FR 43200).

Dated at Rockville, Maryland, this 2nd day of December 1994.

For the Nuclear Regulatory Commission.

John C. Hoyle,

Acting Secretary of the Commission.

[FR Doc. 94–30336 Filed 12–8–94; 8:45 am]

BILLING CODE 7590–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 94–NM–122–AD]

Airworthiness Directives; Fokker Model F28 Mark 0100 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 Fokker Model F28 Mark 0100 series airplanes. This proposal would require modification of a certain galley; repetitive inspections to detect damage and determine the clearance of generator wires in the auxiliary power unit (APU); and repair or replacement of the damaged wires. This proposal would also require an additional modification of a certain galley, which would terminate the repetitive inspection requirements. This proposal is prompted by reports that, during an unscheduled removal of a certain galley from the production line, the insulation of one of the generator wires of the APU was found damaged due to inadequate clearance with the adjacent structure. The actions specified by the proposed AD are intended to prevent such damage, which could result in a short in the electrical wiring of the APU and, thus, pose a potential fire hazard.

DATES: Comments must be received by February 7, 1995.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 94–NM–122–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 Fokker Aircraft USA, Inc., 1199 North Fairfax Street, Alexandria, Virginia 22314. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Tim Dulin, Aerospace Engineer, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (206) 227–2141; fax (206) 227–1320.

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–122–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–122–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

The Rijksluchtvaartdienst (RLD), which is the airworthiness authority for the Netherlands, recently notified the FAA that an unsafe condition may exist on certain Fokker Model F28 Mark 0100 series airplanes. The RLD advises that, during an unscheduled removal of a Nordskog Galley Model No. 1–871 from the production line, the insulation of one of the generator wires of the auxiliary power unit (APU) was found to be damaged. The cause of such damage has been attributed to inadequate clearance between the generator wires and adjacent structure. This condition, if not corrected, could result in a short in the electrical wiring of the APU and, thus, pose a potential fire hazard.

Fokker has issued Service Bulletin SBF100–24–029, dated June 28, 1993, which describes procedures for modification of Nordskog Galley Model 1–871 to replace a bolt; repetitive inspections to detect damage and determine the adequacy of clearance between the generator wires, having part numbers (P/N) AJC0001A, AJ0001B, and AJC0001C, of the APU and the adjacent structure; and repair or replacement of the damaged wires. This service bulletin also contains an attachment (Nordskog Engineering Change Order 43589, dated May 20, 1993) that describes procedures for modification of the Nordskog Galley Model 1–871. This modification involves removing existing screws and "T" nuts and installing new screws, washers, and nuts inside the cart compartment of the rear galley. This modification would eliminate the need for the repetitive inspections. The RLD issued Netherlands airworthiness directive BLA 93–117 (A), dated September 10, 1993, in order to assure the continued airworthiness of these airplanes in the Netherlands.

This airplane model is manufactured in the Netherlands 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 RLD has kept the FAA informed of the situation described above. The FAA has examined the findings of the RLD, 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 Nordskog Galley Model 1–871 to replace a specific bolt; repetitive inspections to detect damage and determine the adequacy of clearance of certain generator wires of the APU; and repair or replacement of the damaged wires. This proposed AD would also require an additional modification of the Nordskog Galley Model 1–871, which, when accomplished, would constitute terminating action for the repetitive inspection requirements. The actions would be required to be accomplished in accordance with the service bulletin described previously.

As a result of recent communications with the Air Transport Association (ATA) of America, the FAA has learned that, in general, some operators may misunderstand the legal effect of AD's on airplanes that are identified in the applicability provision of the AD, but that have been altered or repaired in the area addressed by the AD. The FAA points out that all airplanes identified in the applicability provision of an AD are legally subject to the AD. If an airplane has been altered or repaired in the affected area in such a way as to affect compliance with the AD, the owner or operator is required to obtain FAA approval for an alternative method of compliance with the AD, in accordance with the paragraph of each AD that provides for such approvals. A note has been included in this notice to clarify this requirement.

The FAA estimates that 52 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 2 work hours per airplane to accomplish the proposed actions, and that the average labor rate is $60 per work hour. Required parts would cost approximately $1,000 per airplane. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be $58,240, or $1,120 per airplane.

The total 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. App. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

§ 39.13 [Amended]

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

Fokker: Docket 94–NM–122–AD.

Applicability: Model F28 Mark 0100 series airplanes; as listed in Fokker Service Bulletin SBF100–24–029, dated June 28, 1993; 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 (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 a short in the electrical wiring of the auxiliary power unit (APU) and a potential fire hazard, accomplish the following:

(a) Within 250 flight hours after the effective date of this AD, accomplish paragraphs (a)(1) and (a)(2) of this AD.

(1) Modify Nordskog Galley Model 1–871, in accordance with paragraphs 2.A., 2.B., and 2.C. of the Accomplishment Instructions of Fokker Service Bulletin SBF100–24–029, dated June 28, 1993.

(2) Perform an inspection to detect damage and determine the adequacy of clearance of the generator wires, having part numbers (P/N) AJC0001A, AJ0001B, and AJC0001C, of the auxiliary power unit (APU), in accordance with Fokker Service Bulletin SBF100–24–029, dated June 28, 1993.

(i) If no wires are found damaged and they adequately clear the adjacent structure (positive clearance), repeat the inspection thereafter at intervals not to exceed 3,000 flight hours.

(ii) If no wires are found damaged and they do not adequately clear the adjacent structure, repeat the inspection thereafter at intervals not to exceed 250 flight hours.

(iii) If any wire is found damaged, prior to further flight, modify the Nordskog Galley Model 1–871 in accordance with paragraph (b) of this AD, and repair or replace the damaged wire in accordance with the service bulletin. However, the modification and repair/replacement actions may be postponed for a maximum of 10 days after detection of the damage, provided that the APU generator is rendered inoperative in accordance with the Master Minimum Equipment List (MMEL), and that modification and repair/replacement actions are accomplished prior to reactivation of the APU generator.

(b) At the next removal of the Nordskog Galley Model 1–871, or within 9,000 flight hours after the effective date of this AD, whichever occurs first, modify the Nordskog Galley in accordance with Fokker Service Bulletin SBF100–24–029 (reference Nordskog Engineering Change Order 43589 Attachment), dated June 28, 1993. Accomplishment of this modification constitutes terminating action for the repetitive inspection requirements of 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 December 5, 1994.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 94–30399 Filed 12–8–94; 8:45 am]

BILLING CODE 4910–13–U

Office of the Secretary

14 CFR Part 255

[Docket No. 49812]

Computer Reservations System (CRS) Regulations

AGENCY: Office of the Secretary, DOT.

ACTION: Request for Comments, petition for rulemaking.

SUMMARY: The Department is inviting interested persons to comment on a petition for rulemaking filed by Alaska Airlines (Alaska) that asks the Department to amend its rules on computer reservations systems (CRSs). Alaska asks the Department to amend those rules to include a prohibition against CRS vendor contract clauses that bar a non-vendor carrier from choosing a level of participation in a vendor's system that would be lower than the carrier's level of participation in any other system.

DATES: Comments must be submitted on or before January 9, 1995. Reply comments must be submitted on or before January 23, 1995.

ADDRESSES: Comments must be filed in Room 4107, Docket 49812, U.S. Department of Transportation, 400 7th St., SW., Washington, DC 20590. Late filed comments will be considered to the extent possible. To facilitate consideration of comments, each commentor should file twelve copies of its comments.

FOR FURTHER INFORMATION CONTACT: Thomas Ray, Office of the General Counsel, 400 7th St., SW., Washington, DC 20590, (202) 366–4731.

SUPPLEMENTARY INFORMATION: Travel agencies, who sell the great majority of all airline tickets in the United States, largely rely on computer reservations systems to learn what airline services and fares are available for their customers, to make bookings, and to issue tickets. Each of the CRSs operating in the United States is owned by one or more airlines or airline holding companies. Those owners of the CRSs ("the vendors") have some ability to distort airline competition and to deny travel agency customers accurate information on airline services because most travellers buy airline tickets from travel agencies and because travel agencies rely heavily on CRSs in selling airline transportation to travellers. The Civil Aeronautics Board, the agency that formerly administered the economic regulatory provisions of the Federal Aviation Act ("the Act"), now Subtitle VII of Title 49 of the U.S. Code, therefore adopted rules regulating CRS operations under section 411 of the Act, now 49 U.S.C. 41712. We reexamined and readopted those rules with changes designed to further protect airline competition. 14 CFR part 255 (57 FR 43780 (September 22, 1992)).

One of our goals in that rulemaking was to give carriers (and travel agencies) a greater ability to choose alternative means of electronically transmitting information and making airline booking transactions. For example, we adopted a rule that gave travel agency subscribers the right to use CRS terminals not owned by a vendor to access other systems and databases with airline service information. We expected that this rule would make it practicable for carriers to create direct links between the carriers' internal reservations systems and CRS terminals at travel agencies, which would enable carriers to bypass CRSs for some transactions. 57 FR 43796–43798.

Each CRS offers carriers several levels of participation in its system. For example, a carrier can participate at the "call direct" level, in which case the

system displays the carrier's schedules but does not show whether seats are available and does not enable the agent to make a booking on the carrier. If a carrier participates at the "full availability" level, travel agents can use the system to learn whether seats are available on the carrier and make a booking. Almost all major carriers have participated in each system at the full availability level or at an even higher level involving some form of direct access. The vendors obtain payment from participating carriers for CRS services by charging them a fee for each booking made through the system. The booking fee increases as the carrier's level of participation increases.

Alaska's Petition

Alaska has filed a petition for rulemaking that asks us to amend the rules to add a provision which would prohibit each vendor from requiring a non-vendor carrier participating in its system to participate at a level based on the carrier's participation in another system. Alaska's proposed rule reads as follows:

> No system may claim discrimination or require participating carriers which are not system owners to maintain any particular level of participation in its system on the basis of participation levels selected by participating carriers in any other system.

Alaska's petition stems from the efforts of American Airlines, whose affiliate operates the largest U.S. CRS, Sabre, to keep Alaska from lowering its level of participation in Sabre. To keep Alaska from reducing its level of participation, American is relying on a contractual clause of the kind that would be barred if we adopted Alaska's proposed rule.

Alaska has been considering reducing its level of participation in Sabre from the full availability level to the call direct level in order to reduce its costs. One of Alaska's major competitors, Southwest Airlines, participates in Sabre at the call direct level and thus incurs lower CRS costs than Alaska for Sabre bookings. Like other systems, Sabre charges higher booking fees when a carrier participates in the system at a higher level. Sabre's booking fee for carriers at the full availability level is $2.43, while the booking fee for carriers at the call direct level is only $1.25. To enable Sabre subscribers to continue booking Alaska electronically, Alaska was considering creating direct links between many of those agencies and Alaska's internal reservations system.

When American learned that Alaska was considering reducing its level of participation in Sabre, American told Alaska that Alaska's contract with Sabre barred Alaska from reducing its level of participation in Sabre if Alaska would then be participating at a higher level in any other system. Alaska would continue to participate in other systems at the full-availability level (Alaska alleges that it cannot afford to reduce its level of participation in other systems to the call direct level, since Alaska has been relying heavily on CRSs in distributing its services through travel agencies). As a result, Alaska's Sabre contract requires Alaska to continue participating in Sabre at the full availability level. The mandatory participation clause cited by Alaska is apparently a standard clause in Sabre's contracts with participating carriers. American, moreover, has filed suit against Alaska to enforce the mandatory participation clause in Alaska's contract with Sabre. *American Airlines* v. *Alaska Airlines*, N.D. Texas Civ. Action No. 4–94CV–595–Y. Although American is attempting to use the Sabre contract to block Alaska's possible switch to call direct participation, Southwest can participate in Sabre at the call direct level since Southwest does not participate at all in other systems.

Alaska's petition argues that the mandatory participation clause imposed by Sabre is contrary to the public interest and should be proscribed by our regulations. Alaska suggests that we act by rulemaking since two other systems—Worldspan and System One—allegedly have similar clauses in their contracts with participating carriers.

To support its petition, Alaska first notes that we adopted a rule, section 255.9, in our last CRS rulemaking which gives travel agencies the right to use their CRS terminals, if not owned by the vendor, to access other systems and databases. We intended that this rule would give a non-vendor airline some ability to avoid CRS fees by creating direct links between travel agencies and the carrier's internal reservations system. Alaska argues that the vendors' mandatory participation clauses will discourage carriers from creating direct links, since the clauses would keep them from reducing their level of participation in one system unless they reduced it in all systems, which would be too risky for most carriers. According to Alaska, if a carrier cannot reduce its booking fee costs by reducing its participation level, the carrier will have little incentive to incur the costs of creating direct links between the agencies using that system and the carrier's own internal reservations system.

Secondly, Alaska contends that the mandatory participation clauses limit a non-vendor carrier's ability to respond to unacceptable CRS service or pricing. If a carrier decides to reduce its level of participation in one system because the system's service was poor or overly expensive, the carrier could not do so unless it simultaneously reduced its level of participation in other systems, even if the other systems' service and pricing were superior.

Request for Comments

We have decided that we wish to consider further the issues raised by Alaska's rulemaking petition. We invite interested persons to comment on Alaska's contention that the mandatory participation clauses are inconsistent with our goals of enabling carriers to create alternative methods of providing information on schedules, fares, and availability to travel agents and of enabling travel agents to book carriers electronically. Parties should also comment on whether the clauses unreasonably restrict a carrier from responding to unsatisfactory CRS services and fees, as Alaska claims.

In addition, 49 U.S.C. 41712, formerly section 411 of the Federal Aviation Act, 49 U.S.C. 1381, authorizes us to prevent unfair methods of competition, which includes practices that violate the letter or the spirit of the antitrust laws. *See, e.g.*, 57 FR 43789. We ask interested persons to comment on whether the mandatory participation clauses violate antitrust principles.

We have decided to request comments on Alaska's petition without waiting for the completion of our current study of the effects of our 1992 revision of the CRS rules, a study begun by Order 94–9–35 (September 26, 1994). Our tentative view is that we should not delay our consideration of Alaska's petition pending the study's completion.

We also note that one of our new rules, 14 CFR 255.7(a), requires carriers with a significant ownership interest in a U.S. CRS to participate in each other system and each of its enhancements (to the extent that such carrier participates in those features in its own system). Alaska's petition covers mandatory participation clauses applicable to carriers having no significant ownership interest in a U.S. CRS and thus does not appear to be contrary to the purposes of section 255.7(a).

The Department accordingly invites other persons to file comments on Alaska's petition. After reviewing the comments the Department will consider whether any amendment to our rules should be proposed.

Issued in Washington, DC on December 6, 1994.

Patrick V. Murphy,

Acting Assistant Secretary for Aviation and International Affairs.

[FR Doc. 94–30359 Filed 12–8–94; 8:45 am]

BILLING CODE 4910–62–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

21 CFR Parts 1307, 1309, 1310, 1313 and 1316

[DEA No. 112M]

RIN 1117–AA23

Implementation of the Domestic Chemical Diversion Control Act of 1993 (Pub. L. 103–200)

AGENCY: Drug Enforcement Administration (DEA), Justice.

ACTION: Proposed rule, partial withdrawal.

SUMMARY: DEA is withdrawing selected portions of its notice of proposed rulemaking (NPRM) to implement the Domestic Chemical Diversion Control Act of 1993 (Pub. L. 103–200) (DCDCA) which deal with the exemption process for chemical mixtures and the manufacturer reporting requirements. The current proposed requirements regarding chemical mixtures and manufacturer reporting may result in a larger volume of submissions than originally anticipated, or possible duplicative reporting. Therefore, they are being withdrawn for reassessment and redrafting.

FOR FURTHER INFORMATION CONTACT: G. Thomas Gitchel, Chief, Liaison and Policy Section, Office of Diversion Control, Drug Enforcement Administration, Washington, DC 20537, Telephone (202) 307–7297.

SUPPLEMENTARY INFORMATION: On October 13, 1994, DEA published a notice of proposed rulemaking (NPRM) regarding implementation of the DCDCA in the **Federal Register** (59 FR 51887). Included as part of that NPRM are proposed regulations regarding the exemption of chemical mixtures, set forth in the proposed §§ 1310.12 and 1310.13; and manufacturer reports, set forth in §§ 1310.05(d) and 1310.06(h). Following publication of the NPRM, DEA has determined that the requirements set forth in the noted sections may result in a significantly greater volume of submissions than originally anticipated. Specifically, the number of affected chemical mixtures currently manufactured is much larger than originally anticipated, and the requirement for manufacturer reporting may duplicate existing reports made by chemical manufacturers. It is in the best interests of the affected industry and DEA that the requirements be withdrawn at this time and further study of the subject be conducted. DEA will solicit further input and advice from representatives of the affected chemical industry prior to re-proposing the requirements. As noted in the NPRM, chemical mixtures that met the definition of "chemical mixture" set forth in § 1310.01(g) prior to the effective date of the DCDCA shall remain exempted from the definition of regulated transaction until DEA has promulgated final regulations regarding the procedures by which manufacturers may request exemption of chemical mixtures.

Accordingly, in DEA's notice of proposed rulemaking entitled Implementation of the Domestic Chemical Diversion Control Act of 1993 (Pub. L. 103–200), as published in the **Federal Register** on October 13, 1994 (59 FR 51887) it is ordered that:

On page 51902, in the second column, in § 1310.05, paragraph (d) is withdrawn;

On page 51903, at the beginning of the first column, in § 1310.06, paragraph (h) is withdrawn;

On page 51904, beginning in the second column, § 1310.12 is withdrawn; and

On page 51905, in the first column, § 1310.13 is withdrawn.

Dated: December 2, 1994.

Stephen H. Greene,

Deputy Administrator, Drug Enforcement Administration.

[FR Doc. 94–30313 Filed 12–8–94; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 934

[ND–031; Amendment XXI]

North Dakota Regulatory Program

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Proposed rule; public comment period and opportunity for public hearing on proposed program amendment.

SUMMARY: OSM is announcing receipt of a proposed amendment to the North Dakota regulatory program (hereinafter, the "North Dakota program") under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The proposed amendment consists of revisions to and additions of rules pertaining to: Areas unsuitable for mining; permit applications (environmental monitoring plans); permit application approval procedures; permit revisions, renewals, and transfer or sale; performance bond; resoiling performance standards; sediment pond performance standards; contemporaneous reclamation performance standards; and enforcement actions. The amendment is intended to revise the North Dakota program to be consistent with the corresponding Federal regulations, clarify ambiguities, correct cross-references, and improve program efficiency.

This document sets forth the times and locations that the North Dakota program and proposed amendment to that program are available for public inspection, the comment period during which interested persons may submit written comments on the proposed amendment, and procedures that will be followed regarding the public hearing, if one is requested.

DATES: Written comments must be received by 4:00 p.m., m.s.t. January 9, 1995. If requested, a public hearing on the proposed amendment will be held on January 3, 1995. Requests to present oral testimony at the hearing must be received by 4:00 p.m., m.s.t. on December 27, 1994.

ADDRESSES: Written comments should be mailed or hand delivered to Guy Padgett at the address listed below.

Copies of the North Dakota program, the proposed amendment, and all written comments received in response to this document will be available for public review at the addresses listed below during normal business hours, Monday through Friday, excluding holidays. Each requester may receive one free copy of the proposed amendment by contacting OSM's Casper Field Office.

Guy Padgett, Director, Casper Field Office, Office of Surface Mining Reclamation and Enforcement, 100 East B Street, Room 2128, Casper, WY 82601–1918, Telephone: (307) 261–5776

Edward J. Englerth, Director, Reclamation Division, North Dakota Public Service Commission, Capitol Building, Bismarck, ND 58505–0165, Telephone: (701) 224–4092

FOR FURTHER INFORMATION CONTACT:
Guy Padgett, Telephone: (307) 261–5776.

SUPPLEMENTARY INFORMATION:

I. Background on the North Dakota Program

On December 15, 1980, the Secretary of the Interior conditionally approved the North Dakota program. General background information on the North Dakota program, including the Secretary's findings, the disposition of comments, and the conditions of approval of the North Dakota program can be found in the December 15, 1980, **Federal Register** (45 FR 82214). Subsequent actions concerning North Dakota's program and program amendments can be found at 30 CFR 934.12, 934.13, 934.15, 934.16, and 934.30.

II. Proposed Amendment

By letter dated November 10, 1994, North Dakota submitted a proposed amendment to its program pursuant to SMCRA (Amendment number XXI, Administrative Record No. ND–V–1). North Dakota submitted the proposed amendment in response to the required program amendments at 30 CFR 934.16(u) and at its own initiative. The provisions of the North Dakota Administrative Code (NDAC) that North Dakota proposes to revise or add are: NDAC 69–05.2–04–07(3), lands unsuitable for mining; NDAC 69–05.2–05–09, permit applications (environmental monitoring plans); NDAC 69–05.2–06–01(2), permit applications (identification of interests); NDAC 69–05.2–06–02, permit applications (compliance information); NDAC 69–05.2–10–03(5), criteria for permit approval; NDAC 69–05.2–11–02, permit revisions; NDAC 69–05.2–11–03, permit renewals; NDAC 69–05.2–11–06, transfer, sale, or assignment of permit rights: NDAC 69–05.2–12–09(2), performance bond (period of liability); NDAC 69–05.2–15–02(2a), performance standards (suitable plant growth material, removal); NDAC 69–05.2–16–09(7) and (20), performance standards (sediment ponds); NDAC 69–05.2–21–01(2) performance standards (backfilling and grading, timing requirements); and NDAC 69–05.2–28–03, inspection and enforcement (cessation orders). The specific changes and additions proposed by North Dakota are described below.

1. NDAC 69–05.2–04–07(3a) [lands unsuitable for mining].

North Dakota proposes to revise a cross-reference from NDAC 69–05.2–04–05(3) to North Dakota Century Code (NDCC) 38–14.1–05(3).

2. NDAC 69–05.2–05–09 [permit applications (environmental monitoring plans)].

North Dakota proposes to add this new rule, which would allow the consolidation of monitoring plans for several permits authorizing a single mining operation into a single consolidated monitoring plan. Such consolidated monitoring plans would be subject to the approval procedures for permit revisions; each individual permit would have to be revised to describe its individual monitoring plans proposed to be subject to review at midterm or renewal of each individual permit; and a permittee would be allowed to propose modifications to the consolidated monitoring plan by applying for a permit revision to the most recently issued of the individual permits included in the plan. The monitoring plans proposed for consolidation would be those required by NDAC article 69–05.2 and NDCC Chapter 38–14.1.

North Dakota also appends to its proposed amendment a narrative statement further describing how much consolidated monitoring plans would be administered and enforced. Among other things, the narrative states that the intent of the rule is directed toward ground water monitoring, surface water monitoring, alluvial valley floor monitoring, and fish and wildlife monitoring.

3. NDAC 69–05.2–06–01(2) [permit applications (identification of interests)].

North Dakota proposes to revise this rule to change the point during the approval process at which the applicant must update ownership and control information; currently, the rule requires this after the application is approved but before the permit is issued; the proposed revision would require this when the application is deemed ready for approval but before the permit is issued.

4. NDAC 69–05.2–06–02(6) [permit applications (compliance information)].

Similar to the rule discussed above, North Dakota's proposed revision would change the point at which a permit applicant must update compliance information, to after the application is deemed ready for approval but before the permit is issued.

5. NDAC 69–05.2–10–03(5) [criteria for permit approval].

Similar to the two rules discussed above, North Dakota's proposed revision would change the point at which the commission would make its decision on application approval or disapproval in light of updated ownership and control and compliance information.

6. NDAC 69–05.2–11–02(1)(d) [permit revisions].

North Dakota proposes to revise this rule to correct a cross-reference from NDAC 69–05.2–11–02(5) to subsection (2).

7. NDAC 69–05.2–11–03(5c) [permit renewals].

North Dakota proposes to revise this rule to correct a cross-reference from NDAC 69–05.2–11–03(3) to subsection (6).

8. NDAC 69–05.2–11–06(1c) [transfer, sale, or assignment of permit rights].

North Dakota proposes to revise this rule to correct a cross-reference from NDAC 69–05.2–11–06(2) to subsection (4).

9. NDAC 69–05.2–12–09(2) [performance bond (period of liability)].

North Dakota proposes to revise this rule to correct a cross-reference from NDAC 69–05.2–22–07(5) to subsection (4j).

10. NDAC 69–05.2–15–02(2a) [performance standards (suitable plant growth material, removal)].

North Dakota proposes to revise this rule by deleting the requirement that the topsoil removal operation for an area be approved by the commission prior to any other disturbances.

11. NDAC 69–05.2–16–09(7) [performance standards (sediment ponds)].

North Dakota proposes to revise this rule to require that for sediment ponds designed to contain the ten-year, twenty-four-hour storm, there must be no spillway outflow from the design event or lesser event, unless multiple runoff events occur before the pond can be dewatered in accordance with the permit.

12. NDAC 69–05.2–16–09(20) [performance standards (sediment ponds)].

North Dakota proposes to revise this rule to require that impoundments not meeting the criteria of subsection (17) must be examined at least quarterly.

13. NDAC 69–05.2–21–01(2) [performance standards (backfilling and grading, timing requirements)].

North Dakota proposes to revise this rule to allow the commission to approve additional time, as well as additional distance, for rough backfilling and grading.

14. NDAC 69–05.2–28–03(6) [inspection and enforcement (cessation orders)].

North Dakota proposes to revise this rule by deleting reclamation operations from those operations that, conducted without a valid permit, under some circumstances constitute significant imminent environmental harm.

III. Public Comment Procedures

In accordance with the provisions of 30 CFR 732.17(h), OSM is seeking comments on whether the proposed amendment satisfies the applicable program approval criteria of 30 CFR 732.15. If the amendment is deemed adequate, it will become part of the North Dakota program.

1 Written Comments

Written comments should be specific, pertain only to the issues proposed in this rulemaking, and include explanations in support of the commenter's recommendations. Comments received after the time indicated under **DATES** or at locations other than the Casper Field Office will not necessarily be considered in the final rulemaking or included in the administrative record.

2. Public Hearing

Persons wishing to testify at the public hearing should contact the person listed under **FOR FURTHER INFORMATION CONTACT** by 4:00 p.m., m.s.t. on December 27, 1994. The location and time of the hearing will be arranged with those persons requesting the hearing. If no one requests an opportunity to testify at the public hearing, the hearing will not be held.

Any disabled individual who has need for a special accommodation to attend a public hearing should contact the individual listed under **FOR FURTHER INFORMATION CONTACT.** Filing of a written statement at the time of the hearing is requested as it will greatly assist the transcriber. Submission of written statements in advance of the hearing will allow OSM officials to prepare adequate responses and appropriate questions.

The public hearing will continue on the specified date until all persons scheduled to testify have been heard. Persons in the audience who have not been scheduled to testify, and who wish to do so, will be heard following those who have been scheduled. The hearing will end after all persons scheduled to testify and persons present in the audience who wish to testify have been heard.

3. Public Meeting

If only one person requests an opportunity to testify at a hearing, a public meeting, rather than a public hearing, may be held. Persons wishing to meet with OSM representatives to discuss the proposed amendment may request a meeting by contacting the person listed under **FOR FURTHER INFORMATION CONTACT.** All such meetings will be open to the public and, if possible, notices of meetings will be posted at the locations listed under **ADDRESSES.** A written summary of each meeting will be made a part of the administrative record.

IV. Procedural Determinations

1. Executive Order 12866

This rule is exempted from review by the Office of Management and Budget (OMB) under Executive Order 12866 (Regulatory Planning and Review).

2. Executive Order 12778

The Department of the Interior has conducted the reviews required by section 2 of Executive order 12778 (Civil Justice Reform) and has determined that this rule meets the applicable standards of subsections (a) and (b) of that section. However, these standards are not applicable to the actual language of State regulatory programs and program amendments since each such program is drafted and promulgated by a specific State, not by OSM. Under sections 503 and 505 of SMCRA (30 U.S.C. 1253 and 12550) and the Federal regulations at 30 CFR 730.11, 731.15, and 732.17(h)(10), decisions on proposed State regulatory programs and program amendments submitted by the States must be based solely on a determination of whether the submittal is consistent with SMCRA and its implementing Federal regulations and whether the other requirements of 30 CFR Parts 730, 731, and 732 have been met.

3. National Environmental Policy Act

No environmental impact statement is required for this rule since section 702(d) of SMCRA (30 U.S.C. 1292(d)) provides that agency decisions on proposed State regulatory program provisions do not constitute major Federal actions within the meaning of section 102(2)(C) of the National Environmental Policy Act (42 U.S.C. 4332(2)(C)).

4. Paperwork Reduction Act

This rule does not contain information collection requirements that require approval by OMB under the Paperwork Reduction Act (44 U.S.C. 3507 *et seq.*).

5. Regulatory Flexibility Act

The Department of the Interior has determined that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The State submittal that is the subject of this rule is based upon counterpart Federal regulations for which an economic analysis was prepared and certification made that such regulations would not have a significant economic effect upon a substantial number of small entities. Accordingly, this rule will ensure that existing requirements previously promulgated by OSM will be implemented by the State. In making the determination as to whether this rule would have a significant economic impact, the Department relied upon the data and assumptions for the counterpart Federal regulations.

List of Subjects in 30 CFR Part 934

Intergovernmental relations, Surface mining, Underground mining.

Dated: December 1, 1994.

Charles E. Sandberg,

Acting Assistant Director, Western Support Center.

[FR Doc. 94–30347 Filed 12–8–94; 8:45 am]

BILLING CODE 4310–05–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[CA 125–1–6804a; FRL–5119–7]

Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, San Diego County Air Pollution Control District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: EPA is proposing to approve a revision to the California State Implementation Plan (SIP). The revision concerns the control of volatile organic compound (VOC) emissions from metal parts and products coating operations.

The intended effect of proposing approval of this rule is to regulate emissions of VOCs in accordance with the requirements of the Clean Air Act, as amended in 1990 (CAA or the Act). EPA's final action on this NPRM will incorporate this rule into the federally approved SIP. In addition, final action on this rule will serve as a final determination that deficiencies in the rule identified by EPA in a limited approval/limited disapproval action on May 13, 1993 have been corrected and that any sanctions or Federal Implementation Plan (FIP) obligations are permanently stopped. An Interim Final Determination published in today's **Federal Register** will defer the imposition of sanctions until EPA takes final rulemaking action. EPA has evaluated this rule and is proposing to