except to clarify or explain provisions of the proposed rule.

Authority: 21 U.S.C. 151–159, 7 CFR 2.17, 2.51, and 371.2(d).

Lonnie J. King,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 95–17738 Filed 7–17–95; 8:45 am]

BILLING CODE 3410–34–P

NUCLEAR REGULATORY COMMISSION

10 CFR Part 61

RIN 3150–AE88

Land Ownership Requirements for Low-Level Waste Sites

AGENCY: Nuclear Regulatory Commission.

ACTION: Advance notice of proposed rulemaking; withdrawal.

SUMMARY: The Nuclear Regulatory Commission (NRC or Commission) is withdrawing an advance notice of proposed rulemaking that presented a possible change to the NRC Federal or State land ownership requirements for low-level waste (LLW) facility sites. The Commission has decided that a rule change to allow private ownership of a LLW site is not warranted or needed. The basis for this decision is that States and compacts have generally indicated that they do not need, nor would they allow, private ownership, and that this rule change could be potentially disruptive to the current LLW program.

FOR FURTHER INFORMATION CONTACT: Mark Haisfield, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, telephone (301) 415–6196.

SUPPLEMENTARY INFORMATION: On August 3, 1994 (59 FR 39485), the Commission published an advance notice of proposed rulemaking (ANPRM) to consider amending its regulations to allow private ownership of LLW facility sites as an alternative to the current requirement for Federal or State ownership. In the ANPRM, the Commission requested information on specific questions that dealt with (1) the potential use of this alternative, (2) impacts to public health and safety or the environment, and (3) liability considerations.

The 60-day comment period was extended another 60 days at the request of the Nuclear Information and Resource Service (October 20, 1994; 59 FR 52941). The comment period expired on December 2, 1994. The Commission received 49 comment letters: 19 commenters were from States, compacts, or their representatives; 12 were from public organizations; 11 were from commercial/industrial organizations or their representative; 4 were from individuals; and 1 each were from a Federal agency, a national laboratory, and a professional organization. Most of the commenters took a definitive position regarding whether to initiate a proposed rule. For the most part the commenters, at a ratio of about 4 to 1, were against developing a generic rule. The Commission prepared a detailed summary of the comments received. 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.

As noted in the ANPRM, the purpose for making a generic rule change would be to facilitate the objectives of the Low-Level Radioactive Waste Policy Act of 1980, as amended. Therefore, as noted in the ANPRM, the NRC was particularly interested in determining whether Agreement States or compacts would use a provision allowing private ownership of the land for a LLW facility. The Commission believes that if there did not seem to be a significant interest or need for such a provision, addressing private ownership issues through appropriate exercise of exemption authority would be sufficient.

The Agreement State and compact commenters generally indicated that they would not allow private land ownership, and in many cases, State ownership of the land is required by State law or regulation. Of the 19 comments from States, compacts, or their representatives, only Nebraska indicated a desire to actively consider changes permitting private ownership. Nebraska and the Cortland County, New York, Low-Level Radioactive Waste Office stated that there is not an adequate basis for requiring Federal or State land ownership, which therefore would support private ownership. The Commission believes there is adequate statutory authority for the NRC to require Federal or State land ownership. Moreover, because Nebraska is the only additional State considering changes permitting private ownership, the Commission believes assisting Nebraska on a case-specific basis, if requested and appropriate, is preferable to developing a generic rule change.

Many commenters, including States and compacts, also believe that this type of change to 10 CFR part 61 is not only unnecessary but would be a significant disruption to the current siting and licensing process. As one commenter noted, this would have a negative impact on public health and safety because it would affect the timely development of new LLW disposal facilities needed to reduce on-site storage at thousands of licensee sites throughout the country. The Commission believes that these comments have merit. The Commission believes that the potential negative impact of disrupting the current process far outweighs any potential benefits that might be derived from making a generic rule change at this time.

This change could also generate significant public misunderstanding and unwarranted public concern about the potential rollback of other LLW disposal requirements. The Idaho National Engineering Laboratory's National Low-Level Waste Management Program summarized this issue, stating:

> 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.

The Commission has not objected to private ownership of the Envirocare site under Agreement State authority in the State of Utah because of special reasons and provisions applicable to that site. The Commission believes that if any other State desires to use an exemption provision, a case-specific evaluation would be conducted, as was done for the State of Utah. Any evaluation would consider whether the underlying purpose of governmental ownership, assuring the existence of a responsible entity for long-term care and monitoring of the site, can be achieved.

For the reasons discussed, the Commission is withdrawing the ANPRM.

Dated at Rockville, Maryland this 12th day of July, 1995.

For the Nuclear Regulatory Commission.

John C. Hoyle,

Secretary of the Commission.

[FR Doc. 95–17562 Filed 7–17–95; 8:45 am]

BILLING CODE 7590–01–P

DEPARTMENT OF ENERGY

Office of Energy Efficiency and Renewable Energy

10 CFR Part 430

Appliance and Equipment Energy Efficiency Standards: Public Workshop to Discuss Test Procedure Issues for Fluorescent and Incandescent Lamps

AGENCY: Office of Energy Efficiency and Renewable Energy, Department of Energy.

ACTION: Notice of public workshop.

SUMMARY: The Department of Energy (the Department) will hold a public workshop to discuss certain issues concerning test procedures for fluorescent and incandescent lamps. The issues for discussion and comment are the impact of measurement tolerances, testing and compliance of incandescent lamps at design voltage, voltage range of incandescent lamps, and the definitions of basic model and colored lamp. All persons are hereby given notice of the opportunity to submit written comments concerning these issues, and to attend the public workshop.

DATES: The public workshop will be held on Wednesday, July 19, 1995. Five copies of any written comments must be received by July 28, 1995.

ADDRESSES: Please label your written comments as ''Comments on the Fluorescent and Incandescent Lamp Test Procedures'' and submit them to Ms. Sandy Cooper, Office of Energy Efficiency and Renewable Energy, Mail Station EE–431, U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585. Telephone: (202) 586–7574; Telefax: (202) 586–4617.

The workshop will begin at 9:30 a.m. at the U.S. Department of Energy, Conference and Training Center, 1110 Vermont Avenue, NW., Suite 500, Room E, Washington, DC. Telephone: (202) 653–6788 or (202) 653–6789. Telefax: (202) 653–6799.

Copies of the comments on the Interim Final Rule for fluorescent and incandescent lamps are available in the DOE Freedom of Information Reading Room, U.S. Department of Energy, Forrestal Building, Room 1E–190, 1000 Independence Avenue, SW., Washington, DC, (202) 586–6020, between the hours of 9 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT:

Terry Logee, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Forrestal Building, Mail Station EE–431, 1000 Independence Avenue SW., Washington, DC 20585, (202) 586–1689

James Raba, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Forrestal Building, Mail Station EE–431, 1000 Independence Avenue SW., Washington, DC 20585, (202) 586–8654

Eugene Margolis, Esq., U.S. Department of Energy, Office of General Counsel, Forrestal Building, Mail Station GC–72, 1000 Independence Avenue SW., Washington, DC 20585, (202) 586–9507.

SUPPLEMENTARY INFORMATION:

1. Authority

Part B of Title III of the Energy Policy and Conservation Act (EPCA), Pub. L. 94–163, as amended, created the Energy Conservation Program for Consumer Products other than Automobiles (Program). The products currently subject to this Program include certain fluorescent and incandescent lamps, and medium base compact fluorescent lamps among others. EPCA sets minimum energy conservation standards for general service fluorescent and incandescent reflector lamps, and requires the Department of Energy to develop test procedures.

2. Background

On September 28, 1994, the Department published an interim final rule defining ''basic models'' and establishing test procedures for general service fluorescent and incandescent lamps, and for medium based compact fluorescent lamps. 59 FR 49468. Also on September 28, 1994, the Department published a notice of proposed rulemaking to define colored fluorescent and incandescent lamps, and to define the exemption from energy conservation standards for a rough or vibration service incandescent reflector lamp. 59 FR 49478. The Department received eight comments on the interim final rule and the notice of proposed rulemaking, including comments from manufacturers, a national trade association, a professional society, a utility, and another Federal agency.

Certain comments included requests that: (1) The Department's test procedures be modified to make greater allowances for measurement uncertainty and manufacturing variance; (2) the Department permit testing and compliance for incandescent lamps at design voltage; (3) the Department define the term ''basic model'' as a class of lamps with similar lumen output and color rendering index; (4) the Department expand the voltage range from 115 through 130 volts in EPACT to 100 through 150 volts; (5) the Department define colored lamps as the ratio of two collinear distances on the chromaticity diagram or define colored lamps according to application specific requirements; and, (6) the Department define an exemption for the bulged reflector (BR) bulb shape incandescent reflector lamp. With respect to these points, the Department has determined that it should gather additional information and data, and further discussion should occur, before a final rule is issued.

3. Discussion

The purpose of the workshop is to gather information and data that will assist the Department in addressing the six aforementioned requests.

The National Electrical Manufacturers Association (NEMA), speaking for lamp manufacturers, claims that there are several sources of lamp testing variability. Reference lamp calibration errors and test procedure errors within and among laboratories cause measurement uncertainties. Manufacturing process and materials variations also contribute to testing variability. NEMA believes that these errors cannot be accounted for by sample size and confidence limits alone. NEMA recommends that a cumulative tolerance factor be used to determine compliance with the standard and it cites a tolerance factor of ±2.95% for general service fluorescent lamps. NEMA further recommends that the Department collaborate with industry, the National Voluntary Laboratory Accreditation Program (NVLAP) and the National Institute of Standards and Technology (NIST), to specify the applicable tolerance factors.

All parties should note that section 325(i)(1)(A) of the EPCA states that general service fluorescent lamps and incandescent reflector lamps ''shall meet or exceed * * * lamp efficacy and CRI [color rendering index] standards.'' Thus, the statute may prevent the Department from applying a negative tolerance factor to lamps. Participants at the workshop should be prepared to discuss whether the existing statistical sampling plan and confidence level approach or some other approach can provide adequate recognition of the manufacturing variances and measurement uncertainties in lamp testing and, if so, how. The Department would like to ascertain the magnitude of the measurement uncertainty in lamp testing and the magnitude of the

variability in lamp manufacturing. Those values would help the Department evaluate current and proposed approaches to account for measurement uncertainty.

NEMA, speaking for manufacturers, claims that if the Department requires all incandescent lamps to be tested or measured for compliance at 120 volts regardless of rated voltage, that would render obsolete lamps designed for operation at other than 120 volts. This is because lamps that are designed for operation at voltages greater than 120 volts may not meet the minimum efficacy standard when tested at 120 volts; lamps that are tested at 120 volts and found to comply with the energy efficiency standards will have a shorter life when operated in regions where line voltages are greater than 120 volts. According to NEMA, for those regions, an inevitable consequence of a rule requiring compliance testing at 120 volts would be the virtual elimination of existing lamp products designed for use where line voltages are greater than 120 volts. NEMA also contends that ''when EPACT was enacted, Congress and the lamp industry understood that compliance with energy efficacy standards would be determined at an incandescent reflector lamp's design voltage.''

The statute does not directly address whether testing and compliance of incandescent lamps must be fixed at one voltage or must be at the rated voltage. But section 324(a)(2)(C)(i) of the EPCA states that labeling ''shall be based on performance when operated at 120 volts input, regardless of the rated lamp voltage.'' Consistent with this language, it is at least arguable that testing and compliance of all incandescent lamps must also be at 120 volts. If the statute is read as not containing such a requirement, however, the following are possible alternatives to determining compliance of all lamps at 120 volts: (1) Incandescent lamps should be tested and comply at the rated voltage, i.e., the voltage of intended use; (2) establish several voltage classes with testing and compliance at a specific voltage in each class; or (3) in addition to 1 or 2, take steps (such as labeling requirements, for example) to assure that lamps are sold only for use at their rated voltage. The Department is seeking discussion of (1) Its authority to permit or require testing at voltages other than 120 volts, (2) the foregoing three alternatives, and (3) any other alternatives which relate to the issue of the voltage level(s) at which incandescent lamps should be tested and measured for compliance.

A NEMA comment requests that the Department treat a family of fluorescent lamps of different colors but with the same wattage and light output as a basic model. Some lamp manufacturers also claimed that it was unclear whether a basic model of lamp is an individual lamp type or a family of lamps with similar lumen output and other characteristics. This issue is critical to manufacturers because they want to assure themselves that they will not test more lamps than are necessary. The Department's interim final test procedures for lamps require testing of each ''basic model,'' and in essence define basic model for lamps as consisting of ''a given type'' or ''class'' of lamps that have ''photometric and electrical characteristics, including lumens per watt and Color Rendering Index (CRI), which are essentially identical. The Department seeks discussion on whether manufacturers believe an alternative definition is appropriate, and, if so, why and what alternatives they would propose.

NEMA suggested in its comments that the statutory limitation to a ''voltage range at least partially within 115 to 130 volts, could unintentionally create a potential for evading the standard for incandescent lamps.'' Commenters suggested that there may be some manufacturers who are preparing to build 114V lamps, and that the Department should clarify or expand what is included in the voltage range. To the extent that the ''voltage range'' of a product such as a 114 volt lamp ''lies at least partially within 115 and 130 volts,'' section 321(30)(C)(ii) of EPCA, the statue clearly covers that product. Standards and test procedures, therefore, would clearly apply to the product. Possible alternatives, however, are (1) To declare that a lamp is covered if its intended use is in the 115–130V range or (2) to expand the voltage range from 100 to 150 volts. Workshop participants should be prepared to discuss the need and means for further addressing this issue.

The definition of colored lamp in the proposed rule on lamp definitions provides two alternatives, (1) A CRI value less than 30 for fluorescent lamps or CRI values below 50 for incandescent lamps, or (2) a lamp color correlated temperature either below 2,500 °K or above 7,000 °K. Other possible alternatives suggested in the comments are to: (3) use excitation purity which is defined as the ratio of two collinear distances on the chromaticity diagram, (4) raise the CRI for fluorescent lamps to 40, or (5) base the exemption for colored lamp on the lamp application. The Department is seeking information and data on the workability and practicality of these alternatives.

4. Public Meeting Procedure

The meeting will be informal but, will be transcribed by a court reporter. Participants will receive a copy of the **Federal Register** notice of the Interim Final Rule at the meeting. 59 FR 49468. Copies of the Interim Final Rule, the Notice of Proposed Rulemaking on definitions, and this notice are available in the DOE public reading room. A copy of the meeting transcript will be available in the DOE public reading room approximately 10 days after the workshop.

Issued in Washington, DC July 11, 1995.

Christine A. Ervin,

Assistant Secretary, Energy Efficiency and Renewable Energy.

[FR Doc. 95–17624 Filed 7–17–95; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Chapter I

[Summary Notice No. PR–95–2]

Petition for Rulemaking; Summary of Petitions Received; Dispositions of Petitions Issued

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for rulemaking received and of dispositions of prior petitions.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for rulemaking (14 CFR Part 11), this notice contains a summary of certain petitions requesting the initiation of rulemaking procedures for the amendment of specified provisions of the Federal Aviation Regulations and of denials or withdrawals of certain petitions previously received. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATES: Comments on petitions received must identify the petition docket number involved and must be received September 18, 1995.

ADDRESSES: Send comments on any petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket No. _____, 800 Independence Avenue SW., Washington, D.C. 20591.