

all fuel assemblies in storage casks or in the pool. See, e.g., 10 CFR Part 50 Appendix B, XVII, "Quality Assurance Records," and 10 CFR 72.174, "Quality Assurance Records." Therefore, additional records as proposed by the petitioner are not necessary.

Part 7: The petitioner requests the following revisions to § 72.104(a): in place of "real" put "maximally exposed"; after "individual" add "or fetus"; change "25 mrem" to "5 mrem"; change "75 mrem" to "15 mrem"; and change "25 mrem" to "5 mrem." The sentence will then read, "* * * dose equivalent to any maximally exposed individual or fetus who is located beyond the controlled area must not exceed 5 mrem to the whole body, 15 mrem to the thyroid and 5 mrem to any other organ * * *"

The change of the word "real" to "maximally exposed" in § 72.104(a) is not needed. In the regulation, the word "real" in the phrase "The annual dose equivalent to any real individual who is located beyond the controlled area * * *" refers to an individual who lives closest to the boundary of the controlled area. This individual is, in general, the maximally exposed individual because other individuals are further away from the controlled area. If the petitioner's suggested words "maximally exposed" were adopted, it could mean that an imaginary individual would be continually present at the boundary of the controlled area. The NRC regulates radiation doses on the basis of real people in proximity to the boundary of the controlled area.

Section 72.104(a) establishes the bases for the amount of radioactive materials permitted in ISFSI effluents and direct radiation from an ISFSI. It imposes limits on the annual dose equivalent that is received by an individual who is located beyond the controlled area. The petitioner referred to a 1990 study by Alice Stewart that allegedly supports the conclusion that the standards incorporated in § 72.104(a) are too high for a developing fetus, women, and children. The petitioner cited additional references during the comment period.

Section 72.104(a) does not incorporate exposure limits that are unique to ISFSI operation. Rather, the exposure limits used in Part 72 are based on the Environmental Protection Agency's (EPA) Environmental Radiation Standards for fuel cycle facilities specified in 40 CFR Part 190. 45 FR 74693 (November 11, 1980). Moreover, the EPA, commenting on the proposed 10 CFR Part 72, stated: "Our only comment of substance concerns your requirement that such independent storage facilities provide radiation

protection consistent with the Agency's public health protection standards for the Uranium Fuel Cycle (40 CFR 190). We generally support your use of these requirements."

The § 72.104(a) exposure limits are also consistent with the recent revision of 10 CFR Part 20—Standards for Protection Against Radiation which became effective on January 1, 1994. This revision was comprehensive in scope and reflects state-of-the-art data on radiation protection. This revision was based on recommendations and studies of expert groups through 1990, including the International Commission on Radiological Protection, the National Council on Radiation Protection and Measurements, the United Nations Scientific Committee on the Effects of Atomic Radiation, and the National Academy of Science's Committee on the Biological Effects of Ionizing Radiation (BEIR). Among other things, these studies analyzed the data on radiation exposure to a developing fetus. In sum, the NRC's radiation protection standards are based on a body of recent, authoritative, and substantial data. The petition fails to provide an adequate basis for its requested revisions to § 72.104(a).

It should also be noted that both 10 CFR Parts 20 and 72 have requirements to keep radiation exposures as low as reasonably achievable (ALARA). Experience to date with ISFSI operations has demonstrated that due to the conservative ISFSI designs and the application of ALARA requirements, the radiation levels associated with ISFSI operations are in fact well below regulatory limits.

For the foregoing reasons, the petition is denied.

Dated at Rockville, Maryland, this 11th day of July, 1995.

For the Nuclear Regulatory Commission.

James M. Taylor,

Executive Director for Operations.

[FR Doc. 95-18318 Filed 7-25-95; 8:45 am]

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DELAWARE RIVER BASIN COMMISSION

18 CFR Chapter III

Water Quality Regulations; Proposed Amendments to Comprehensive Plan, Water Code of the Delaware River Basin, Administrative Manual—Part III Water Quality Regulations; Public Hearings

AGENCY: Delaware River Basin Commission.

ACTION: Notice of proposed rulemaking and public hearings.

SUMMARY: Notice is hereby given that the Delaware River Basin Commission will hold public hearings to receive comments on proposed amendments to its Comprehensive Plan, Water Code and Water Quality Regulations concerning water quality criteria for toxic pollutants and policies and procedures to establish wasteload allocations and effluent limitations for point source discharges to Zones 2 through 5 (Trenton, New Jersey to the Delaware Bay) of the tidal Delaware River.

DATES: The public hearings are scheduled as follows: October 5, 1995 beginning at 1:30 p.m. and continuing until 5:00 p.m., as long as there are people present wishing to testify.

October 11, 1995 beginning at 1:30 p.m. and continuing until 5:00 p.m. and resuming at 6:30 p.m. and continuing until 9:00 p.m., as long as there are people present wishing to testify.

October 13, 1995 beginning at 1:30 p.m. and continuing until 5:00 p.m., as long as there are people present wishing to testify.

The deadline for inclusion of written comments in the hearing record will be announced at the hearings.

ADDRESSES: The October 5, 1995 hearing will be held in the Second Floor Auditorium of the Carvel State Building, 820 North French Street, Wilmington, Delaware.

The October 11, 1995 hearing will be held in the Franklin Room of the Holiday Inn at 4th and Arch Streets, Philadelphia, Pennsylvania.

The October 13, 1995 hearing will be held in the Goddard Conference Room of the Commission's offices at 25 State Police Drive, West Trenton, New Jersey.

FOR FURTHER INFORMATION CONTACT: Susan M. Weisman, Commission Secretary, Delaware River Basin Commission, P.O. Box 7360, West Trenton, New Jersey 08628. Telephone (609) 883-9500 ext. 203.

SUPPLEMENTARY INFORMATION:

Background and Rationale

The 1987 amendments to the Federal Clean Water Act required states to adopt water quality criteria for all toxic pollutants for which the U.S. Environmental Protection Agency has issued criteria guidance. This requirement resulted in a total of five separate sets of criteria which apply to the tidal portions of the Delaware River from the head of the tide at Trenton, New Jersey to Delaware Bay. In response, the Commission established

the Delaware Estuary Toxics Management Program in 1989, an interstate, cooperative effort, to develop uniform policies and procedures to control the release of substances toxic to humans and aquatic life in point source discharges to the tidal Delaware River.

The principal outputs of the program are:

1. Uniform water quality criteria for toxic pollutants for the mainstem river and tributaries to these waters up to the head of the tide to protect aquatic life, and human health through ingestion of water and fish, and

2. Uniform policies and procedures to establish wasteload allocations and effluent limitations for toxic pollutants for NPDES permits for point sources discharging to these waters.

In 1992, the Commission held briefings on recommended water quality criteria for toxic pollutants to solicit input from the public and regulated community. In 1994, briefings were held on recommended policies and procedures for establishing wasteload allocations and effluent limitations for point source discharges.

The proposed changes to the Commission's regulations were developed with scientific, academic and policy input from the Commission's Water Quality Advisory Committee. Participants in Committee deliberations included representatives from the environmental departments of Delaware, New Jersey, New York, Pennsylvania; U.S. Environmental Protection Agency Regions II and III; and public members from the University of Rhode Island and the Academy of Natural Sciences. Members of the general public also attended various Committee meetings. Comments received from the public briefings and the inputs received through the Advisory Committee deliberations have led to the revisions now being proposed.

Specifically, water quality criteria for selected toxic pollutants are proposed for incorporation in the Comprehensive Plan and Article 3 of the Water Code and Water Quality Regulations as stream quality objectives. Revisions are also proposed for Article 4 of the Water Quality Regulations describing the policies and procedures to be used to establish wasteload allocations for those discharges containing pollutants which impact the designated uses of the river.

Adoption of these revisions will provide a mechanism for identifying toxic pollutants which may impair aquatic life and human health, and developing uniform and equitable wasteload allocations for these pollutants for all NPDES discharges to the tidal Delaware River. The permitting

authorities of the states will utilize the allocations developed by the Commission to establish effluent limitations for NPDES permittees in their jurisdictions.

The Commission has prepared Basis and Background Documents entitled "Water Quality Criteria For Toxic Pollutants For the Delaware River Estuary" and "Implementation Policies and Procedures: Phase I TMDLs For Toxic Pollutants in the Delaware River Estuary". These Documents describe the proposed amendments and their rationale in considerable depth and may be obtained by contacting Christopher M. Roberts at the Commission at (609) 883-9500 ext. 205.

Copies of the full text of the proposed amendments may be obtained by contacting Ms. Weisman at the address provided in **FOR FURTHER INFORMATION CONTACT**. Persons wishing to testify are requested to notify the Secretary in advance. Written comments on the proposed amendments should also be submitted to the Secretary.

Delaware River Basin Compact, 75 Stat. 688.

Dated: July 17, 1995.

Susan M. Weisman,
Secretary.

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DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 35

[Docket Nos. RM95-8-000 and RM94-7-001]

Promoting Wholesale Competition Through Open Access Non-Discriminatory Transmission Services by Public Utilities and Recovery of Stranded Costs by Public Utilities and Transmitting Utilities; Notice of Fixed Charge Rate Methodology

Issued July 14, 1995.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Notice of proposed rulemaking and supplemental notice of proposed rulemaking; notice of fixed charge rate methodology.

SUMMARY: The Federal Energy Regulatory Commission's notice of proposed rulemaking in this proceeding in footnote 403 (60 FR 17662 at 17720, April 7, 1995) referred to the representative transmission fixed charge rate of 17.5 percent. This notice demonstrates the derivation of that rate.

DATES: Comments on the proposed rule are due on or before August 7, 1995; reply comments are due on or before October 4, 1995.

FOR FURTHER INFORMATION CONTACT: David D. Withnell (Legal Information), Federal Energy Regulatory Commission, Office of the General Counsel, 825 North Capitol St., N.E., Washington, D.C. 20426, Telephone: (202) 208-2063
Patricia M. Alexander (Technical Information), Office of Electric Power Regulation, 825 North Capitol Street, N.E., Washington, D.C. 20426, Telephone: (202) 208-0750

ADDRESSES: Send comments to: Office of the Secretary, Federal Energy Regulatory Commission, 825 N. Capitol St., NE, Washington, DC 20426.

SUPPLEMENTARY INFORMATION: In addition to publishing the full text of this document in the **Federal Register**, the Commission also provides all interested persons an opportunity to inspect or copy the contents of this document during normal business hours in Room 3104, at 941 North Capitol Street, N.E., Washington, D.C. 20426.

The Commission Issuance Posting System (CIPS), an electronic bulletin board service, provides access to the texts of formal documents issued by the Commission. CIPS is available at no charge to the user and may be accessed using a personal computer with a modem by dialing (202) 208-1397. To access CIPS, set your communications software to 19200, 14400, 12000, 9600, 7200, 4800, 2400 or 1200bps, full duplex, no parity, 8 data bits, and 1 stop bit. The full text of this document will be available on CIPS in ASCII and WordPerfect 5.1 format. The complete text on diskette in WordPerfect format may also be purchased from the Commission's copy contractor, La Dorn Systems Corporation, also located in Room 3104, 941 North Capitol Street, N.E., Washington, D.C. 20426.

Docket No. RM95-8-000: Derivation of 17.5% Fixed Charge Rate

The following narrative describes the fixed charge rate referenced in footnote 403 in the Stage One implementation section of the NOPR and explains the basis for the Commission's proposed uniform fixed charge rate of 17.5%.

A fixed charge rate is the ratio of a utility's annual fixed costs [depreciation, return (overall and on equity) on investment, taxes, and operating and administrative expenses] to its investment (plant-in-service). To determine the annual fixed costs of providing transmission service, the fixed charge rate is multiplied by the