

sections 104(a)(2)(A) and 104(a)(3) of Part 1 of title I of ERISA which authorize the Secretary to prescribe simplified reports. See 29 CFR 2520.104-41.

#### Effective Date of the Forms

The change to the Form 5500-C/R items 15h and 26h is effective for plan years beginning on or after January 1, 1995. The Department has determined that publication of the change as a proposal for comment prior to publication of the 1995 Form 5500 Series is impracticable and contrary to the public interest. The Department believes that reporting and disclosure of this information is important for the 1995 plan year, and, without incorporating the change immediately, the Department, and participants and beneficiaries, will not be able to monitor and take action on this information. The additional time needed to provide prior notice and opportunity for comment would delay printing and disseminating the 1995 Forms, creating administrative difficulties for filers, and ultimately would be detrimental to the interests of the participants and beneficiaries. Thus, the Department finds for good cause that this prompt action is necessary and permissible under section 553(b)(3)(B) of the Administrative Procedures Act (APA). The Department also has determined that good cause exists to waive the 30 day pre-effective date requirement of section 553(b)(3)(D) of the APA.

Although an opportunity to comment on the change has not been provided prior to the publication of the 1995 Form 5500 Series, the Department will consider public comment on the change for subsequent filing years.

#### Economic Impact

The Department certifies that the change will not have a "significant economic impact on a substantial number of small entities" within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601 et seq. The Department has also determined that this action is not a "significant regulatory action" within the meaning of Executive Order 12866 (58 FR 51735, Oct. 4, 1993).

#### Paperwork Reduction Act

The collection of information contained in this modification to the 1995 Form 5500 C/R has been submitted to the Office of Management and Budget for emergency processing under section 3507(d) of the Paperwork Reduction Act of 1995, 44 U.S.C. 3507(d). OMB approval has been requested by February 6, 1996. For copies of the OMB

submission, contact Mrs. Theresa O'Malley, U.S. Department of Labor, OASAM/DIRM, Room N-1301, 200 Constitution Ave. NW, Washington, D.C. 20210, 202-219-5095 or via internet to tomalley@dol.gov.

Comments are solicited on the Department's need for this information, specifically to: (1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) enhance the quality, utility, and clarity of the information to be collected; and (4) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses. Persons wishing to comment on the collection of information should direct their comments to the Office of Information and Regulatory Affairs, OMB, Room 10235, NEOB, Washington, D.C. 20503, Attn: Desk Officer for PWBA. Comments must be filed with the Office of Management and Budget within 60 days of this publication. Although an opportunity to comment on the change has not been provided prior to the publication of the 1995 Form 5500 Series, the Department will consider public comment on the change for subsequent filing years. A copy of any comments filed with the Office of Management and Budget should also be sent to the following address at the Department: Mrs. Theresa O'Malley, U.S. Department of Labor, OASAM/DIRM, Room N-1301, 200 Constitution Ave. NW, Washington, D.C. 20210. For further information, contact Gerald B. Lindrew at 202-219-4782.

*Title:* Annual Report/Form 5500 Series (1210-0016).

*Summary:* Section 104(a)(1)(A) of ERISA requires plan administrators to file an annual report containing the information described in section 103 of ERISA. The Form 5500 Series provides a standard format for fulfilling that requirement.

*Needs and Uses:* The change to the Forms 5500-C and R described here is calculated to enhance the security and protection of participant contributions and to enable more effective monitoring of the handling of participant contributions by employers.

*Respondents and Proposed Frequency of Response:* The Department staff estimates that approximately 665,000 plans will file either Form 5500-C or Form 5500-R for the 1995 plan year (of the estimated 822,000 annual filers).

*Estimated Annual Burden:* The change to the Forms described here substitute one yes/no/amount question for another in reference to contributions to the plan. It is the belief of the Department of Labor that the same business records should be reviewed as in previous years, so there should be no affect upon the recordkeeping burden of the respondent plans. Therefore, the Department's annual collection burden for the Form 5500 Series will remain at the previously budgeted 1,014,000 hours.

*The Change to Form 5500-C/R:* Form 5500-C, line 26h, and Form 5500-R, line 15h, are modified to read as follows:

During this plan year:

Were any participant contributions transmitted to the plan more than 31 days after receipt or withholding by the employer?

Yes  No  Amount \_\_\_\_\_

*Additional Guidance to the Form 5500-C/R Instructions:*<sup>3</sup>

An instruction for Form 5500-C, line 26h, and Form 5500-R, line 15h, has been added as follows:

Amounts paid by a participant or beneficiary to an employer and/or withheld by an employer for contribution to the plan are participant contributions that become plan assets as of the earliest date on which such contributions can reasonably be segregated from the employer's general assets (see 29 CFR 2510.3-102). An employer holding these assets after that date commingled with its general assets will have engaged in a prohibited use of plan assets (see ERISA section 406). If a nonexempt prohibited transaction occurred with respect to a disqualified person (see Code section 4975(e)(2)), file IRS Form 5330 to pay any applicable excise tax on the transaction.

Signed at Washington, DC, this 29th day of January 1996.

Alan D. Lebowitz,

*Deputy Assistant Secretary for Program Operations, Pension and Welfare Benefits Administration, Department of Labor.*

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<sup>3</sup>The Department notes that similar guidance is provided for 1995 Form 5500 items 27e and f, relating to nonexempt prohibited transactions.

**NATIONAL SCIENCE FOUNDATION****Advisory Committee for Engineering;  
Notice of Meeting**

In accordance with the Federal Advisory Committee Act (Pub. L. 92-463, as amended), the National Science Foundation announces the following meeting.

*Name:* Advisory Committee for Engineering (1170).

*Date and Time:* February 22; 9:00 a.m.–4:00 p.m.

*Place:* National Science Foundation, 4201 Wilson Boulevard, Room 970, Arlington, VA 22230.

*Type of Meeting:* Closed.

*Contact Person:* Janie M. Fouke, Division Director, Division of Bioengineering and Environmental Systems, Room 565, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230, Telephone: (703) 306-1320.

*Purpose of Meeting:* To carry out Committee of Visitors (COV) review, including examination of decisions on proposals, reviewer comments, and other privileged materials.

*Agenda:* To provide oversight review of the Bioengineering and Environmental Systems Division.

*Reason for Closing:* The meeting is closed to the public because the Committee is reviewing proposal actions that will include privileged intellectual property and personal information that could harm individuals if they were disclosed. If discussions were open to the public, these matters that are exempt under 5 U.S.C. 552b(c) (4) and (6) of the Government in the Sunshine Act would be improperly disclosed.

Dated: January 29, 1996.

M. Rebecca Winkler,

*Committee Management Officer.*

[FR Doc. 96-2147 Filed 1-13-96; 8:45 am]

**BILLING CODE 7555-01-M**

**NUCLEAR REGULATORY  
COMMISSION****The Lobbying Disclosure Act of 1995**

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Notice.

**SUMMARY:** President Clinton recently signed into law the Lobbying Disclosure Act of 1995 (the "Act"), which requires some individuals and entities who lobby "covered" Federal officials to register with Congress and file semiannual reports describing their lobbying activities.

For purposes of the Act, NRC "covered" officials are limited to the Members of the Commission and their personal staffs, the Inspector General, the Executive Director for Operations, the General Counsel and the Directors of

the Offices of Nuclear Reactor Regulation, Nuclear Material Safety and Safeguards and Nuclear Regulatory Research.

**FOR FURTHER INFORMATION CONTACT:**

Daryl M. Shapiro, Office of the General Counsel at 301-415-1600.

Dated at Rockville, Maryland, this 25th day of January, 1996.

For the Nuclear Regulatory Commission.

John C. Hoyle,

*Secretary of the Commission.*

[FR Doc. 96-1862 Filed 1-31-96; 8:45 am]

**BILLING CODE 7590-01-P**

**[Docket No. 50-275]****Diablo Canyon Nuclear Power Plant,  
Unit No. 1; Notice of Consideration of  
Issuance of Amendment to Facility  
Operating License, Proposed No  
Significant Hazards Consideration  
Determination, and Opportunity for a  
Hearing**

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. DPR-80 issued to Pacific Gas and Electric Company (the licensee) for operation of the Diablo Canyon Nuclear Power Plant, Unit No. 1, located in San Luis Obispo County, California.

The proposed amendment would revise the combined Technical Specifications (TS) for the Diablo Canyon Power Plant, Unit Nos. 1 and 2, to allow operation of Unit 1 in Mode 3 (Hot Standby) during installation of a replacement nonvital auxiliary transformer 1-1. Specifically, TS 3/4.8.1.1, "Electrical Power Systems—A.C. Sources—Operating," Action Statement (a), would be revised to permit a one-time extension of the allowed outage time (AOT) from 72 hours to 120 hours.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations.

The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a

margin of safety. As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. The proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

A probabilistic risk assessment (PRA) evaluation shows that the probability of a loss of off site power duration is increased slightly by the allowed outage time (AOT) increase from 72 to 120 hours. The core damage probability is  $1.2 \text{ E-}7$  for the total 120 hour AOT. Based on EPRI/NEI [Electric Power Research Institute/Nuclear Energy Institute] guidance, this increase is not considered significant.

The consequences of the 230 kV system loss are not affected by increasing the AOT of the 500 kV system. Additionally, the consequences of the potential event are mitigated by the compensatory measures taken to assure the reliability of the remaining power sources.

Therefore, the proposed change does not significantly increase the probability or consequences of an accident previously evaluated.

2. The proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

The proposed change does not affect the method of operating any equipment at Diablo Canyon Power Plant. Additionally, the proposed extension of the AOT does not result in a physical modification to any equipment.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. The proposed change does not involve a significant reduction in a margin of safety.

A PRA evaluation has shown that the impact of extending the AOT has no significant impact on core damage frequency. Additionally, compensatory measures have been implemented to minimize the potential of losing the 230 kV system.

Therefore, the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period.