health and safety; (2) YAEC to cease any such activities; and

(3) NRC Region I to reinspect Yankee Rowe to determine whether there has been compliance with the Commission's Order of October 12, 1995 (CLI–95–14), and to issue a report within ten days of the requested order to Region I.

As the bases for their requests, Petitioners state that:

(1) *CAN* v. *NRC* requires the cessation, and prohibits commencement, of decommissioning activities at Yankee Rowe, pending final approval of the licensee's decommissioning plan after opportunity for a hearing. CLI 95–14 forbids YAEC from conducting any further major dismantling or decommissioning activities until final approval of its decommissioning plan after completion of the hearing process;

(2) *CAN* v. *NRC* obliges the Commission and the staff to provide an opportunity to interested persons for a hearing to approve a decommissioning plan;

(3) *CAN* v. *NRC* requires the Commission to reinstate its pre-1993 interpretation of its decommissioning regulations, General Requirements for Decommissioning Nuclear Facilities, 53 FR 24,018, 24,025–26 (June 27, 1988), limiting the scope of permissible activities prior to approval of a decommissioning plan to decontamination, minor component disassembly, and shipment and storage of spent fuel, if permitted by the operating license and/or 10 C.F.R. 50.59. Under *Long Island Lighting Co.* (Shoreham Nuclear Power Station, Unit 1), CLI–90–08, 32 NRC 201, 207, n.3 (1990), this means that the licensee may not take any action that would materially affect the methods or options available for decommissioning, or that would substantially increase the costs of decommissioning, prior to approval of a decommissioning plan. Under CLI–91–2, 33 NRC at 73, n.5, and CLI–92–2, 35 NRC at 61, n.7, other decommissioning activities, in addition to major ones, are prohibited, including offsite shipments of low-level radioactive waste produced by decommissioning activities, until after approval of a decommissioning plan;

(4) decommissioning activities permitted by NRC Inspection Manual, Chapter 2561, § 06.06, ''Modifications or Changes to the Facility'', before approval of a decommissioning plan are limited to maintenance, removal of relatively small radioactive components or non-radioactive components, and characterization of the plant or site;

(5) YAEC is conducting decommissioning activities, with the approval of the NRC technical staff, in flagrant violation of *CAN* v. *NRC* and of CLI–95–14, thus threatening to render the decommissioning process nugatory and to deprive Petitioners of their hearing rights under Section 189a of the Atomic Energy Act;

(6) by letter dated October 19, 1995, YAEC described decommissioning activities in progress, and by letter dated October 24, 1994, interpreted permissible ''major'' dismantling as removal of non-radioactive material required to support safe storage of spent fuel and of those portions of the facilities which remain, or to support future dismantlement. Of the nine activities proposed in the letter of October 19, 1995, five constitute major dismantling or other impermissible decommissioning activities, such as major structural changes in the nature of Component Removal Project activities found unlawful in *CAN* v. *NRC* and in CLI–95–14;

(7) by letter dated November 2, 1995, the NRC staff approved the activities described by the Licensee in its letter of October 19, 1995;

(8) Petitioners advocate the SAFSTOR decommissioning alternative because it allows levels of radioactivity and waste volumes to decrease, thus reducing occupational and public radiation exposures, and lowering decommissioning costs;

(9) NRC Inspection Report No. 50–29/95–05 (December 16, 1995) concludes that the issue whether activities observed were in compliance with CLI 95–14 is unresolved, but approves YAEC's proposed activities, contrary to the requirements of NRC Inspection Manual, Chapter 2561, § 06.06, ''Modifications or Changes to the Facility'' (March 20, 1992); and

(10) YAEC's criterion for permissible decommissioning activities, that any activity involving less than 1 percent of the on-site radioactive inventory is not ''major'' and may take place before approval of a decommissioning plan, violates *CAN* v. *NRC* because it would allow completion of decommissioning before any decommissioning plan could be approved in hearing, and constitutes unlawful segmentation under the National Environmental Policy Act.

The Petitioners' request for emergency action to cease decommissioning activities was mooted in part by the Licensee's completion of eight of the nine activities evaluated by the NRC staff letter of November 2, 1995. Even if these activities had not been completed, they would have been permissible under the Commission's pre-1993 interpretation of its decommissioning regulations. By letter dated January 31, 1996, Petitioners' request for emergency action to cease shipment of low-level radioactive waste produced by decommissioning activities was denied, and Petitioners' request for reinspection of the Yankee Rowe facility to determine compliance with CLI–95–14 and to issue an inspection report was granted.

The Petition is being evaluated pursuant to 10 C.F.R. 2.206 of the Commission's regulations by the Director of the Office of Nuclear Reactor Regulation. As provided by the Commission's Order of January 23, 1996, a decision on the Petition as a whole will be issued no later than 30 days from the date of the Order, or February 22, 1996.

A copy of the Petition is available for inspection at the Commission's Public Document Room at 2120 L Street, NW., Washington, DC 20555.

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

For the Nuclear Regulatory Commission.

William T. Russell,

Director, Office of Nuclear Reactor Regulation.

[FR Doc. 96–2837 Filed 2–8–96; 8:45 am]

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OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Trade Policy Staff Committee (TPSC); Request for Comments Concerning Foreign Government Discrimination in Procurement

AGENCY: Office of the United States Trade Representative.

ACTION: Notice of request for public comments.

SUMMARY: This notice requests written submissions from the public concerning discrimination against U.S. products and services by foreign governments in their procurement practices. This information will be used in compiling the annual report on government procurement specified by Section 305 of the Trade Agreements Act of 1979 (Trade Agreements Act), as amended by Title VII of the Omnibus Trade and Competitiveness Act of 1988 and Title III, Section 341 of the Uruguay Round Agreements Act of 1994 (19 U.S.C. 2515).

Section 305 of the Trade Agreement Act requires the President to submit an annual report on the extent to which foreign countries discriminate against U.S. products or services in making government procurement. Section 341 of the Uruguay Round Agreement Act specifies that the report also contain

information about countries which employ non-transparent procurement procedures or fail to maintain effective prohibitions on bribery and other corrupt practices. Specifically, the President is required to identify any countries that:

(a) Are signatories to the former GATT and/or WTO Agreement on Government Procurement (Agreement) and are not in compliance with the requirements of the Agreement;

(b) Are signatories to the Agreement; are in compliance with the Agreement, but maintain a significant and persistent pattern or practice of discrimination in the government procurement of products or services from the United States not covered by the Agreement, which results in identifiable harm to U.S. business; and whose products or services are acquired in significant amounts by the U.S. Government; or

(c) Are not signatories to the Agreement and maintain a significant and persistent pattern or practice of discrimination in government procurement of products or services from the United States, which results in identifable harm to U.S. business, and whose products or services are acquired in significant amounts by the U.S. Government; or

(d) Are not signatories to the Agreement and fail to apply transparent and competitive procedures to its government procurement equivalent to those in the Agreement and whose products and services are acquired in significant amounts by the U.S. Government; or

(e) Are not Signatories to the Agreement and fail to maintain and enforce effective prohibitions on bribery and other corrupt practices in connection with government procurement and whose products and services are acquired in significant amounts by the U.S. Government.

The functions vested in the President under Section 305 of the Trade Agreements Act were delegated to the United States Trade Representative (USTR) pursuant to Section 4–101 of Executive Order 12661 (54 FR 779).

DATES: Submissions containing the information described below must be received on or before March 1, 1996.

ADDRESSES: Comments must be submitted to Carolyn Frank, Executive Secretary, Trade Policy Staff Committee, Office of the United States Trade Representative, 600 17th Street, NW., Washington, DC 20508, and must include not less than twenty (20) copies. Submissions will be available for public inspection by appointment with the staff of the USTR Public Reading Room, except for information granted ''business confidential'' status pursuant to 15 CFR 2003.6. Any business confidential material must be clearly marked as such at the top of the cover page or letter and each succeeding page and must be accompanied by a nonconfidential summary.

FOR FURTHER INFORMATION CONTACT: Elena Bryan (202–395–5097) or Mark Linscott (202–395–3063), Office of WTO and Multilateral Affairs, or Laura B. Sherman (202–395–3150), Office of the General Counsel, Office of the U.S. Trade Representative, 600 17th Street, NW., Washington, DC 20508.

SUPPLEMENTARY INFORMATION: Section 305 of the Trade Agreements Act requires an annual report to be submitted no later than April 30, 1996 to the appropriate Committees of the House of Representatives and the Senate. The USTR is required to request consultations with any countries identified in the report to remedy the procurement practices cited in the report.

Effective January 1, 1996, the new WTO Government Procurement Agreement entered into force and the United States withdrew from the GATT Government Procurement Code. Therefore, this year's Title VII review will include both agreements. The WTO Code significantly expands coverage beyond goods to include services, including construction, and to procurement of goods, services and construction by subcentral governments and government enterprises. Singapore and Hong Kong are members of the GATT Code but have yet to join the WTO Code, although Singapore has requested accession to the WTO Code and tabled a first offer. The Republic of Korea (ROK) is a member of the WTO Code but may delay implementation until January 1, 1997. The ROK was not a member of the GATT Code. Otherwise, and with the exception of the United States, the membership in the GATT and WTO Codes are identical.

USTR invites submissions from interested parties concerning foreign government procurement practices that should be considered in developing the annual report. Pursuant to Section 305(d)(5) of the Trade Agreements Act, submissions are sought from any interested parties in the United States and in countries that are signatories to the Agreement, as well as in other foreign countries whose products or services are acquired in significant amounts by the U.S. Government.

Each submission should provide, in order, the following general information: (1) the party submitting the information; (2) the foreign country or countries that are the subject of the submission and the entities of each subject country's government whose practices are being cited, and (3) the U.S. products or services that are affected by the non-compliance or discrimination.

Each submission should also provide specific information on the particular problem: (1) noncompliance with the former GATT Agreement on Government Procurement or new WTO Government Procurement Agreement; (2) the type of discrimination encountered, including information regarding the date and nature of affected procurement(s); (3) policies or practices which are discriminatory, not transparent or anti-competitive (where possible, include copies of discriminatory laws, policies or regulations), and (4) the extent to which the problem has impeded the ability of U.S. suppliers to participate in procurements on terms comparable to those available to suppliers of the country in question when they are seeking to sell goods or services to the U.S. Government; (5) examples of failure to maintain and enforce effective prohibitions on bribery and other corrupt practices in connection with government procurement.

Finally, each submission should: (1) If applicable, identify provisions of the former GATT or WTO Codes which are not being observed by the country identified or describe how the country identified has maintained a significant and persistent pattern or practice of discrimination in government procurement of non-Code-covered goods or services; (2) identify the specific impact of the discriminatory policy or practice on U.S. businesses (including an estimate of the value of market opportunities lost and, if any, the cost of preparing bids which are rejected during the course of procurement evaluation for discriminatory reasons), and (3) describe the extent of which the products or services of the country identified are acquired in significant amounts by the U.S. Government.

Frederick L. Montgomery,

Chairman, Trade Policy Staff Committee.

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OFFICE OF PERSONNEL MANAGEMENT

The National Partnership Council

Editorial Note: This document supersedes the notice published on Monday, February 5, 1996.