(3) *Banana/fingerling potatoes* means various varieties of potatoes which, when mature, have a significantly different shape from normal commercial varieties of potatoes to the extent that they may be seriously misshapen as set forth in the U.S.Standards for Grades of Potatoes, §§ 51.1540 through 51.1566.

(j) *Exemptions.* The grade, size, quality, and maturity requirements of this section shall not be applicable to potatoes imported for canning, freezing, other processing, livestock feed, charity, or relief, but such potatoes shall be subject to the safeguard provisions contained in section 980.501. Processing includes canning, freezing, dehydration, chips, shoestrings, starch, cooking the potatoes for use in fresh potato salad, and flour. Processing does not include potatoes that are only peeled, or cooled, sliced, diced, or treated to prevent oxidation.

Dated: December 17, 1996.

Robert C. Keeney,

Director, Fruit and Vegetable Division.

[FR Doc. 96–32514 Filed 12–20–96; 8:45 am]

BILLING CODE 3410–02–P

NUCLEAR REGULATORY COMMISSION

10 CFR Part 61

[Docket No. PRM–61–3]

Heartland Operation To Protect the Environment: Denial of Petition for Rulemaking

AGENCY: Nuclear Regulatory Commission.

ACTION: Denial of petition for rulemaking.

SUMMARY: The Nuclear Regulatory Commission (NRC) is denying a petition for rulemaking (PRM–61–3) submitted by the Heartland Operation to Protect the Environment. The petitioner requested that the NRC amend its regulations to adopt a rule regarding government ownership of a low-level radioactive waste (LLRW) or (LLW) disposal site that is consistent with petitioner's view of the applicable Federal statutes. The petition is being denied because the NRC believes there is no conflict between Section 151(b) of the Nuclear Waste Policy Act (NWPA) and its regulations requiring that LLW disposal facilities be sited on land owned by Federal or State government. The NRC has the authority to require Federal or State land ownership as a condition for licensing a LLW disposal facility and continues to believe the existing regulatory procedures are appropriate.

ADDRESSES: Copies of the petition for rulemaking, the public comments received, and the NRC's letter to the petitioner are available for public inspection or copying in the NRC Public Document Room, 2120 L Street NW. (Lower Level), Washington, DC.

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

SUPPLEMENTARY INFORMATION:

Background

On August 3, 1994 (59 FR 39485), prior to receipt of the petition (PRM–61–3), the NRC published an advance notice of proposed rulemaking (ANPRM) in the Federal Register regarding land ownership. The ANPRM announced that the NRC was considering amending its regulations in 10 CFR 61.59(a) to allow private ownership of the land used for a LLRW disposal facility site as an alternative to the current requirements for Federal or State ownership. On July 18, 1995 (60 FR 36744), the NRC published in the Federal Register a notice withdrawing the ANPRM because the rule change was not warranted or needed. The basis for this decision was the general indication from States and compacts that they do not need, nor would they allow, private ownership, and that the rule change under consideration could be potentially disruptive to the current LLW program.

The Petition

On January 9, 1996 (61 FR 633), the NRC published a notice of receipt of a petition for rulemaking filed by the Heartland Operation to Protect the Environment (HOPE). The petitioner states that the NRC's present regulation (10 CFR 61.59(a)), which permits disposal of LLW ''only on land owned in fee by the Federal or a State government,'' is in conflict with a provision in Section 151(b) of the Nuclear Waste Policy Act of 1982, as amended. The NWPA authorizes the U.S. Department of Energy (DOE) ''to assume title and custody of low-level radioactive waste and the land on which such waste is disposed of, upon request of the owner of such waste and land and following termination of the license issued by the Commission for such disposal * * *.'' Therefore, the petitioner proposes that the NRC regulations should conform to the NWPA provision and require private land ownership during operations and closure of the facility, then converting title to the site to the DOE.

The petitioner, who also commented on the ANPRM, further states that the notice withdrawing the ANPRM contains no documentation or statement of any issue of public health and safety as the basis for the regulation. Therefore, the petitioner believes that public health and safety cannot be an issue upon which the NRC regulation is based.

The notice of withdrawal contains the statement: ''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.'' In response, the petitioner asserts that the Commission's role is to regulate nuclear material in a manner that protects public health and safety and the environment, that its role is not to facilitate specific processes, i.e., the current LLRW disposal process.

The petitioner references the following quotation the NRC used in the withdrawal notice. This quotation came from one of the comments received on the ANPRM.

> 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.

In response, the petitioner states that ''* * * credibility problems occur when misrepresentations—i.e. government ownership is necessary in order to assure proper LLRW management—are initially made, and that such credibility problems are exacerbated the longer such misrepresentations are allowed to continue.'' The petitioner asserts that there would appear to be a larger credibility problem for the Commission to maintain 10 CFR 61.59(a) that is, in the petitioners's view, in direct conflict with a statute (i.e., Section 151(b) of the NWPA). The petitioner offers that, ''The Commission might reflect on the Department of Energy's recent efforts to gain credibility by coming clean on past misrepresentations—i.e. secret radiation studies.''

Public Comments on the Petition

The notice of receipt of the petition for rulemaking invited interested persons to submit written comments

concerning the petition. The NRC received six comment letters. Three comment letters were received from States, one from the DOE, one from the Nuclear Energy Institute (NEI), and one from an environmental organization. The comments generally focused on the main element of the petition, that the Commission amend its regulations to adopt a rule regarding government ownership of a LLW disposal facility that mirrors the NWPA or the resultant impact of this rule change. One commenter supported the petitioner and the other five believe the petition should be denied. The comments and responses were reviewed and considered in the development of NRC's decision on this petition. These comments are available in the NRC Public Document Room. A summary of the significant comments follows:

The commenter that supported this petition for rulemaking was the State of Nebraska. Nebraska had also commented on the ANPRM discussed above, and its position continues to support the petitioner's view that the current NRC rule conflicts with the NWPA. Its comment also states that, ''* * * there is very little connection between promulgating regulations deemed necessary or desirable to protect public health or to minimize danger to life and property and the current regulation which requires low-level waste disposal on land owned by the federal or state government before a facility can be licensed. While there may be a need for having the state or federal government involved in owning the property AFTER the operation and closure of a facility, this is not what the current rule does. Instead, it requires state or federal ownership prior to the license being issued'' (emphasis in the original).

The positions and specific comments from the five commenters who believe the petition should be denied are basically covered in the ''Reasons for Denial'' Section.

Reasons for Denial

The NRC is denying the petition for the following reasons: First, the NRC believes the petitioner is incorrect that the current regulations are inconsistent with Section 151(b) of the NWPA; second, the NRC has the authority to require Federal or State land ownership as a condition for licensing a LLW disposal facility and continues to believe the existing regulatory procedures are appropriate; and third, the NRC continues to believe that there would be a negative impact if the changes proposed by the petitioner were implemented.

1. The NRC agrees with those commenters who believe the petitioner has incorrectly interpreted the language and intent of the NWPA. Section 151(b) of the NWPA merely authorizes, but does not require, the DOE to take title to LLW disposal facility sites following termination of an NRC license for such disposal. This is demonstrated by the discretionary language of the statute. For example, under Section 151(b), as quoted by the petitioner, ''The Secretary (DOE) [sic] shall have the [sic] authority to assume title and custody of low-level radioactive waste and the land on which such waste is disposed of, upon request by [sic] the owner of such waste and land and following termination of the license issued by the Commission (NRC) [sic] for such disposal * * *.'' The NRC believes that there is no conflict between Section 151(b) of the NWPA and 10 CFR 61.59(a). NRC's requirement under § 61.59(a), that facilities be sited on land owned by Federal or State government, does not prevent DOE from exercising its authority under Section 151(b) of the NWPA to assume title and custody after license termination. The DOE is a Federal entity and thus could satisfy the § 61.59(a) requirement for governmental land ownership. The NRC regulation in § 61.59(a) is broader than the statutory requirement. For example, assuming for purposes of argument, if DOE lacked the authority under Section 151(b) of the NWPA to own a disposal site prior to license termination, NRC's regulations would allow another Federal or State entity to own the land as required by § 61.59(a). The focus of § 61.59(a) is on Federal or State land ownership, whereas the focus of Section 151(b) is on DOE's authority to assume title and custody of a LLW disposal facility.

Further, under Section 151(b)(2), ''If the Secretary assumes title and custody of any such waste and land under this subsection, the Secretary shall maintain such waste and land in a manner that will protect the public health and safety, and the environment.'' The NWPA thus allows the DOE, if it so chooses, to assume title and custody of the waste and land after license termination. The discretionary nature of the statutory language indicates that the petitioner's conclusion is incorrect.

Finally, § 61.59(a), on its face does not impose any obligation on the States, rather it imposes a condition with respect to land disposal of low-level waste, namely that the Commission will permit disposal of low-level waste only on land owned by a Federal or State entity. Thus, we see no conflict with the holding in *New York* v. *United States*, 112 S. Ct. 2408 (1992) that Congress does not have the authority under the Constitution to compel the States to take affirmative action with regard to waste disposal. Similarly, NRC's regulation, § 61.59(a), does not direct or compel the States to take affirmative action with regard to waste disposal.

2. As stated in the notice of withdrawal of the ANPRM, the ''Commission believes there is adequate statutory authority for the NRC to require Federal or State land ownership.'' This authority comes from the Atomic Energy Act of 1954, as amended, in Section 161b which gives the Commission the authority to promulgate regulations deemed necessary or desirable to protect health or to minimize danger to life or property. The requirement for Federal or State government ownership of land for disposal of waste at a land disposal facility has been a requirement in the Commission's regulations since the inception of commercial disposal operations (NRC promulgated the land ownership requirement in 1961 (26 FR 352, January 18, 1961)). In exceptional cases an exemption from this requirement may be granted in the public interest if life or property is not endangered pursuant to 10 CFR 61.6. The granting of an exemption by the State of Utah from State land ownership regulations led the Commission to issue the ANPRM in order to solicit comments regarding the possible desirability of changing the rule, but the majority of comments received in response to that solicitation convinced the Commission that no change should be made. The NRC continues to believe that the requirement for governmental land ownership in § 61.59(a) will ensure control of the disposal site after closure, and thereby reduce the potential for inadvertent intrusion, better ensure integrity of the site, and facilitate monitoring of site performance. Further, the NRC staff believes that requiring government ownership prior to licensing is beneficial so that a potential licensing issue is settled prior to the facility beginning operation. The experience of the State of California in obtaining Federal land for the proposed Ward Valley disposal facility is a case in point that transfer of land is not automatic and should not be assumed at the time the license is granted. Therefore, requiring governmental land ownership prior to licensing is an appropriate regulatory requirement.

3. In addition, as discussed in the notice of withdrawal of the ANPRM and by several of the commenters, the proposed change in the requirements could have a de-stabilizing effect on the ongoing efforts by the States to license

LLW disposal facilities. The NRC believes that because there would be no health and safety benefit from the proposed change in requirements, it is inappropriate to take an action which could have an adverse impact on the timely development of safe LLW disposal facilities.

For reasons cited in this document, the NRC denies the petition.

Dated at Rockville, Maryland, this 9th day of December, 1996.

For the Nuclear Regulatory Commission.

James M. Taylor,

Executive Director for Operations.

[FR Doc. 96–32486 Filed 12–20–96; 8:45 am]

BILLING CODE 7590–01–P

FEDERAL RESERVE SYSTEM

12 CFR Parts 207, 220, and 221

[Regulations G, T, and U; Docket No. R–0944]

Securities Credit Transactions

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Proposed rule; extension of comment period.

SUMMARY: The Board is extending the comment period on its proposal to amend its margin regulations, Regulations G, T, and U, to give the public additional time to comment on the proposal. The Secretary of the Board, acting pursuant to delegated authority, has extended the comment period from December 26, 1996, to January 31, 1997, to give the public additional time to provide comments.

DATES: Comments should be received on or before January 31, 1997.

ADDRESSES: Comments should refer to Docket R–0944, and may be mailed to William Wiles, Secretary, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue, N.W., Washington, DC 20551. Comments addressed to Mr. Wiles also may be delivered to Room B–2222 of the Eccles Building between 8:45 a.m. and 5:15 p.m. weekdays, or to the guard station in the Eccles Building courtyard on 20th Street N.W. (between Constitution Avenue and C Street N.W.) at any time. Comments received will be available for inspection in Room MP–500 of the Martin Building between 9:00 a.m. and 5:00 p.m. weekdays, except as provided in 12 CFR 261.9 of the Board's Rules Regarding the Availability of Information.

FOR FURTHER INFORMATION CONTACT: Oliver Ireland, Associate General Counsel (202) 452–3625, Gregory Baer, Managing Senior Counsel (202) 452–3236, or Scott Holz, Senior Attorney (202) 452–2966, Legal Division; for the hearing impaired only, Telecommunications Device for the Deaf (TDD), Dorothea Thompson (202) 452–3544.

SUPPLEMENTARY INFORMATION: On November 26, 1996, the Board requested comment on amendments to its margin regulations, Regulations G, T, and U (61 FR 60168).

By order of the Secretary of the Board, acting pursuant to delegated authority for the Board of Governors of the Federal Reserve System, December 17, 1996.

William W. Wiles,

Secretary of the Board.

[FR Doc. 96–32474 Filed 12–20–96; 8:45 am]

BILLING CODE 6210–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 94–SW–28–AD]

Airworthiness Directives; Bell Helicopter Textron, Inc. Model 214ST Helicopters

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 Bell Helicopter Textron, Inc. (BHTI) Model 214ST helicopters. This proposal would require creation of a component history card using a Retirement Index Number (RIN) system; would establish a system for tracking increases to the accumulated RIN; and would establish a maximum accumulated RIN for the pillow block bearing bolts (bearing bolts). This proposal is prompted by fatigue analyses and tests that show certain bearing bolts fail sooner than originally anticipated because of the unanticipated high number of takeoffs and external load lifts utilizing high-power settings in addition to the time-in-service (TIS) accrued under other operating conditions. The actions specified by the proposed AD are intended to prevent fatigue failure of the bearing bolts, which could result in failure of the main rotor system and subsequent loss of control of the helicopter.

DATES: Comments must be received by February 21, 1997.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Office of the Assistant Chief Counsel, Attention: Rules Docket No. 94–SW–28–AD, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137. 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 Bell Helicopter Textron, Inc., Product Support Department, P.O. Box 482, Fort Worth, Texas, 76101.

FOR FURTHER INFORMATION CONTACT: Mr. Charles Harrison, Aerospace Engineer, FAA, Rotorcraft Certification Office, Rotorcraft Directorate, Fort Worth, Texas 76193–0170, telephone (817) 222–5447, fax (817) 222–5959.

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 should 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 No. 94–SW28–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, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 94–SW–28–AD, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137.