importer pursuant to paragraphs (f) (2) and (3) of this section.

(g) *Safeguard procedures.* (1) Prior to arrival of a foreign produced peanut lot at a port of entry, the importer, or customs broker acting on behalf of the importer, shall mail or send by facsimile transmission (fax) a copy of the Customs Service entry documentation for the peanut lot to the inspection service office that will perform sampling of the peanut shipment. The documentation shall include identifying lot or container number(s) and volume of the peanut lot being entered, and the location (including city and street address), date and time for inspection sampling. The inspection office shall sign, stamp, and return the entry document to the importer. The importer shall present the stamped document to the Customs Service at the port of entry and send a copy of the document to the Secretary. The importer also shall cause a copy of the entry document to accompany the peanut lot and be presented to the inspection service at the inland destination of the lot.

(2) The importer shall file with the Secretary copies of the entry document and grade, aflatoxin, and identification certifications sufficient to account for all peanuts in each entry filed by the importer. Certificates and other documentation providing proof of non-edible disposition, such as bills of lading and sales receipts which report the weight of peanuts being disposed and the name, address and telephone number of the non-edible peanut receiver, must be sent to the Marketing Order Administration Branch, Attn: Report of Imported Peanuts. Facsimile transmissions and overnight mail may be used to ensure timely receipt of inspection certificates and other documentation. Fax reports should be sent to (202) 720–5698. Overnight and express mail deliveries should be addressed to USDA, AMS, Marketing Order Administration Branch, 14th and Independence Avenue, SW, Room: 2526–S, Washington, DC, 20250. Regular mail should be sent to AMS, USDA, P.O. Box 96456, room 2526–S, Washington, DC 20090–6456. Telephone inquiries should be made to (202) 720–6862.

(3) Certificates and other documentation for each peanut lot must be filed within 23 days of the filing date of the entry for the lot. Failure of an importer to receive edible certification—or arrange for appropriate non-edible disposition—on all foreign produced peanuts, and file such reports with the Secretary within 23 days of an entry declaration, may result in a request for a redelivery demand by the Customs Service. Extensions granted by the Customs Service will be correspondingly extended by the Secretary, upon request of the importer.

(4) The Secretary shall ask the Customs Service to demand redelivery of foreign produced peanut lots failing to meet requirements of this section. Importers unable to redeliver or account for all peanuts covered in a redelivery order shall be liable for liquidated damages. Failure to fully comply with quality and handling requirements or failure to notify the Secretary of disposition of all foreign produced peanuts, as required under this section, may result in a compliance investigation by the Secretary. Falsification of reports submitted to the Secretary is a violation of Federal law punishable by fine or imprisonment, or both.

(h) *Additional requirements:* (1) Nothing contained in this section shall be deemed to preclude any importer from milling or reconditioning prior to entry any shipment of peanuts for the purpose of making such lot eligible for importation. However, all peanuts presented for importation into the United States for human consumption use must be certified as meeting the quality requirements specified in paragraph (c) of this section.

(2) Conditionally released peanut lots of like quality and belonging to the same importer may be commingled. Defects in an inspected shelled lot may not be blended out by commingling with other shelled lots of higher quality. Such commingling must be consistent with applicable Customs Service regulations. Commingled lots must be reported and disposed of pursuant to paragraphs (f)(2) and (f)(3) respectively of this section.

(3) Inspection by the Federal or Federal-State Inspection Service shall be available and performed in accordance with the rules and regulations governing certification of fresh fruits, vegetables and other products (7 CFR part 51). The importer shall make each conditionally released lot available and accessible for inspection as provided herein. Because inspectors may not be stationed in the immediate vicinity of some ports-of-entry, importers must make arrangements for inspection and certification through one of the offices listed in this section.

(4) Imported peanut lots sampled and inspected at the port of entry, or at other locations, shall meet the quality requirements of this section in effect on the date of inspection.

(5) A foreign produced peanut lot, released by the Customs Service for consumption, may be transferred or sold to another person: *Provided,* That the original importer shall be the importer of record unless the new owner applies for bond and files Customs Service documents pursuant to 19 CFR 141.113 and 141.20: and *Provided further,* That such peanuts must be certified and reported to the Secretary pursuant to paragraphs (f)(2) and (3) of this section.

(6) The cost of transportation, sampling, inspection, certification, chemical analysis, and identification, as well as remilling and blanching, and further inspection of remilled and blanched lots, and disposition of failing peanuts, shall be borne by the importer. Whenever peanuts are presented for inspection, the importer shall furnish any labor and pay any costs incurred in moving, opening containers, and shipment of samples as may be necessary for proper sampling and inspection. The inspection service shall bill the importer for fees covering quality and size inspections; time for sampling; packaging and delivering aflatoxin samples to laboratories; certifications of lot identification and lot transfer to other locations, and other inspection certifications as may be necessary to verify edible quality or non-edible disposition, as specified herein. The USDA and PAC-approved laboratories shall bill the importer separately for fees for aflatoxin assay. The importer also shall pay all required Customs Service costs as required by that agency.

(7) Each person subject to this section shall maintain true and complete records of activities and transactions specified in this part. Such records and documentation accumulated during importation shall be retained for not less than two years after the calendar year of acquisition, except that Customs Service documents shall be retained as required by that agency. The Secretary, through duly authorized representatives, shall have access to any such person's premises during regular business hours and shall be permitted, at any such time, to inspect such records and any peanuts held by such person.

(8) The provisions of this section do not supersede any restrictions or prohibitions on peanuts under the Federal Plant Quarantine Act of 1912, the Federal Food, Drug and Cosmetic Act, any other applicable laws, or regulations of other Federal agencies, including import regulations and procedures of the Customs Service.

Dated: January 23, 1996.

Sharon Bomer Lauritsen,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 96–1667 Filed 1–31–96; 8:45 am]

BILLING CODE 3410–02–P

NUCLEAR REGULATORY COMMISSION

10 CFR Part 72

[Docket No. PRM–72–2]

Portland General Electric Company; Receipt of Petition for Rulemaking

AGENCY: Nuclear Regulatory Commission.

ACTION: Petition for rulemaking; Notice of receipt.

SUMMARY: The Nuclear Regulatory Commission (NRC) has received and requests public comment on a petition for rulemaking filed by the Portland General Electric Company. The petition has been docketed by the Commission and has been assigned Docket No. PRM–72–2. The petitioner requests that the NRC amend its regulations which govern independent storage of spent nuclear fuel and high-level radioactive waste to specifically include radioactive waste produced from reactor operations pending its transfer to a permanent disposal facility. The petitioner believes that its proposal would clarify the process for interim storage pending transfer for disposal of this class of material.

DATES: Submit comments by April 16, 1996. Comments received after this date will be considered if it is practical to do so, but assurance of consideration cannot be given except as to comments received on or before this date.

ADDRESSES: Submit comments to: Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Attention: Docketing and Service Branch.

Deliver comments to 11555 Rockville Pike, Rockville, Maryland, between 7:45 am and 4:15 pm on Federal workdays.

For a copy of the petition, write: Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

For information regarding electronic submission of comments, see the language in the **SUPPLEMENTARY INFORMATION** section of this notice.

FOR FURTHER INFORMATION CONTACT: Michael T. Lesar, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Telephone: 301–415–7163 or Toll Free: 800–368–5642.

SUPPLEMENTARY INFORMATION:

Background

The Nuclear Regulatory Commission received a petition for rulemaking dated November 2, 1995, submitted by Portland General Electric Company. The petition was docketed as PRM–72–2 on November 8, 1995. The petitioner is an NRC-licensed public utility authorized to possess the Trojan Nuclear Plant (TNP). The petitioner requests that the NRC amend its regulations in 10 CFR Part 72 entitled, ''Licensing Requirements for the Independent Storage of Spent Nuclear Fuel and High-Level Radioactive Waste.'' Specifically, the petitioner requests that 10 CFR Part 72 be amended to include radioactive waste that exceeds the concentration limits of radionuclides established for Class C waste in 10 CFR 61.55(a)(2)(iv).

The petitioner anticipates that it will need to dispose of radioactive waste categorized in 10 CFR 61.55(a)(2)(iv) as generally unsuitable for near-surface disposal during decommissioning activities at TNP. This material is commonly referred as ''greater than Class C'' (GTCC) waste because it exceeds the radionuclide concentration limits of Class C waste. 10 CFR 61.55(a)(2)(iv) requires that this type of waste must be disposed of in a geologic repository unless the NRC authorizes disposal at another licensed site.

The petitioner indicates that its TNP decommissioning plan, submitted to the NRC on January 26, 1995, specifies plans for transfer of spent reactor fuel currently being stored in the spent fuel pool to an onsite Independent Spent Fuel Storage Installation (ISFSI). The petitioner believes that because the ISFSI will be licensed under the requirements of 10 CFR Part 72, these regulations should be clarified to explicitly provide for storage of GTCC waste produced from reactor operations pending its transfer to a permanent disposal facility.

The NRC is soliciting public comment on the petition for rulemaking submitted by the Portland General Electric Corporation that requests the changes to the regulations in 10 CFR Part 72 as discussed below.

Discussion of the Petition

The petitioner notes that the regulations in 10 CFR Part 72 establish requirements, procedures, and criteria for the issuance of licenses to store spent fuel and other radioactive materials associated with spent fuel storage in an ISFSI. The petitioner believes that, based on evaluations by the NRC and other licensees, an ISFSI provides a safe, interim method to store highly radioactive spent fuel assemblies pending their transfer to a permanent repository. The petitioner's TNP Decommissioning Plan, submitted to the NRC on January 26, 1995, provides for the transfer of spent nuclear reactor fuel, currently being stored in the TNP spent fuel pool, to an onsite ISFSI. The petitioner suggests that, because the need to provide interim storage for GTCC waste is not specific to TNP and is generic, the regulations in 10 CFR Part 72 should be amended to explicitly provide for the isolation and storage of GTCC waste in a licensed ISFSI.

The petitioner also believes that the NRC must address this issue because decommissioning activities will involve a need to transfer or store before transfer other radioactive materials classified as GTCC, and because GTCC waste is not generally acceptable for near-surface disposal as specified in 10 CFR 61.55(a)(2)(iv). The petitioner anticipates that GTCC waste, like spent fuel and other radioactive materials associated with spent fuel, would be stored in the ISFSI pending the disposal in a geologic repository. The petitioner notes that the design criteria currently provided in 10 CFR Part 72, Subpart F, entitled ''General Design Criteria,'' establish design, fabrication, construction, testing, maintenance, and performance requirements for structures, systems, and components important to safety.

The petitioner also indicates that 10 CFR 72.122 encompasses quality standards, protection against environmental conditions, performance of confinement barriers, and the ability to retrieve radioactive waste for processing or disposal. Criteria are also currently provided for nuclear criticality safety, radiological protection, waste handling, and decommissioning. The petitioner believes that the proposed amendments to 10 CFR Part 72 would address the consideration of radioactive waste which is beyond the scope of 10 CFR Part 61 and would serve as an interface between these regulations.

The petitioner has concluded that the proposed amendments would prevent repetitious NRC staff reviews of individual requests to authorize storage and disposal of GTCC wastes. The petitioner also has concluded that the inclusion of GTCC waste under 10 CFR Part 72 would facilitate the eventual transfer of GTCC waste to a Department of Energy or other approved facility for proper disposal.

The Petitioner's Proposed Amendments

The petitioner requests that 10 CFR Part 72 be amended to overcome the problems the petitioner has itemized and recommends the following revisions to the regulations:

1. The petitioner proposes that § 72.1 be revised to read as follows:

§ 72.1 Purpose

The regulations in this part establish requirements, procedures, and criteria for the issuance of licenses to receive, transfer, and possess power reactor spent fuel, other radioactive materials associated with spent fuel storage, and radioactive waste which exceeds the radionuclide concentrations of Class C waste defined in § 61.55(a) as provided for in Part 61 of this chapter in an independent spent fuel storage installation (ISFSI) and the terms and conditions under which the Commission will issue such licenses, including licenses to the U.S. Department of Energy (DOE) for the provision of not more than 1900 metric tons of spent fuel storage capacity at facilities not owned by the Federal Government on January 7, 1993, for the Federal interim storage program under Subtitle B—Interim Storage Program of the Nuclear Waste Policy of 1982 (NWPA).

* * * * *

2. The petitioner proposes that § 72.2, paragraphs (a)(1), (a)(2), and (c) be revised to read as follows:

§ 72.2 Scope

(a) * * *

(1) Power reactor spent fuel to be stored in a complex that is designed and constructed specifically for storage of power reactor spent fuel aged for at least one year, other radioactive materials associated with spent fuel storage, and radioactive waste which exceeds the radionuclide concentrations of Class C waste defined in § 61.55(a) as provided for in Part 61 of this chapter, in an independent spent fuel storage installation (ISFSI); or

(2) Power reactor spent fuel to be stored in a monitored retrievable storage installation (MRS) owned by DOE that is designed and constructed specifically for storage of spent fuel aged for at least one year, high-level radioactive waste that is in solid form, other radioactive materials associated with spent fuel or high-level radioactive waste storage, and radioactive waste which exceeds the radionuclide concentrations of Class C waste defined in § 61.55(a) as provided for in Part 61 of this chapter. The term ''Monitored Retrievable Storage Installation'' or ''MRS,'' as defined in § 72.3, is derived from the NWPA and includes any installation that meets this definition.

* * * * *

(c) The requirements of this regulation are applicable, as appropriate, to both wet and dry modes of (1) spent fuel in an independent spent fuel storage installation (ISFSI) and (2) spent fuel and solid high-level radioactive waste, and radioactive waste which exceeds the radionuclide concentrations of Class C waste defined in § 61.55(a) as provided for in Part 61 of this chapter in a monitored retrievable storage installation (MRS).

* * * * *

3. The petitioner proposes that the definition of ''Spent Nuclear Fuel or Spent Fuel'' in § 72.3 be revised to read as follows:

§ 72.3 Definitions.

* * * * *

''Spent Nuclear Fuel'' or ''Spent Fuel'' means fuel that has been withdrawn from a nuclear reactor following irradiation, has undergone at least one year's decay since being used as a source of energy in a power reactor, and has not been chemically separated into its constituent elements by reprocessing. Spent fuel includes the special nuclear material, byproduct material, source material, and other radioactive materials associated with fuel assemblies. As used in this part, spent fuel shall also be deemed to include other radioactive materials which exceed the radionuclide concentrations of Class C waste defined in § 61.55(a) of this chapter.

* * * * *

The Petitioner's Conclusion

The petitioner has concluded that the proposed amendments to 10 CFR Part 72 would clarify the process for interim storage, pending transfer for disposal of waste that exceeds the limits for Class C waste, and would also ensure safe interim storage of this waste pending permanent disposal. The petitioner believes that the proposed amendments would provide identical public health and safety, and environmental protection as required for spent fuel located in an ISFSI. The petitioner has also concluded that the proposed amendments to 10 CFR Part 72 would avoid the costs associated with preparation of multiple requests for handling GTCC by licensees and the review of those requests by the NRC.

Electronic Submission of Comments

Comments may be submitted electronically, in either ASCII text or WordPerfect format (version 5.1 or later), by calling the NRC Electronic Bulletin Board (BBS) on FedWorld. The bulletin board may be accessed using a personal computer, a modem, and one of the commonly available communications software packages, or directly via Internet. Background documents on this rulemaking are also available for downloading and viewing on the bulletin board.

If using a personal computer and modem, the NRC rulemaking subsystem on FedWorld can be accessed directly by dialing the toll free number (800) 303–9672. Communication software parameters should be set as follows: parity to none, data bits to 8, and stop bits to 1 (N,8,1). Using ANSI or VT–100 terminal emulation, the NRC rulemaking subsystem can then be accessed by selecting the ''Rules Menu'' option from the ''NRC Main Menu.'' Users will find the ''FedWorld Online User's Guides'' particularly helpful. Many NRC subsystems and data bases also have a ''Help/Information Center'' option that is tailored to the particular subsystem.

The NRC subsystem on FedWorld can also be accessed by a direct dial phone number for the main FedWorld BBS, (703) 321–3339, or by using Telnet via Internet: fedworld.gov. If using (703) 321–3339 to contact FedWorld, the NRC subsystem will be accessed from the main FedWorld menu by selecting the ''Regulatory, Government Administration and State Systems,'' then selecting ''Regulatory Information Mall.'' At that point, a menu will be displayed that has an option ''U.S. Nuclear Regulatory Commission'' that will take you to the NRC Online main menu. The NRC Online area also can be accessed directly by typing ''/go nrc'' at a FedWorld command line. If you access NRC from FedWorld's main menu, you may return to FedWorld by selecting the ''Return to FedWorld'' option from the NRC Online Main Menu. However, if you access NRC at FedWorld by using NRC's toll-free number, you will have full access to all NRC systems, but you will not have access to the main FedWorld system.

If you contact FedWorld using Telnet, you will see the NRC area and menus, including the Rules Menu. Although you will be able to download documents and leave messages, you will not be able to write comments or upload files (comments). If you contact FedWorld using FTP, all files can be accessed and downloaded but uploads are not allowed; all you will see is a list of files without descriptions (normal Gopher look). An index file listing all files within a subdirectory, with descriptions, is available. There is a 15-minute time limit for FTP access.

Although FedWorld also can be accessed through the World Wide Web, like FTP, that mode only provides access for downloading files and does not display the NRC Rules Menu.

For more information on NRC bulletin boards call Mr. Arthur Davis, Systems

Integration and Development Branch, NRC, Washington, DC 20555, telephone (301) 415–5780; e-mail AXD3@nrc.gov.

Dated at Rockville, Maryland, this 26th day of January, 1996.

For the Nuclear Regulatory Commission.

John C. Hoyle,

Secretary of the Commission.

[FR Doc. 96–2048 Filed 1–31–96; 8:45 am]

BILLING CODE 7590–01–P

FEDERAL ELECTION COMMISSION

11 CFR Parts 100, 110 and 114

[Notice 1996–2]

Candidate Debates and News Stories

AGENCY: Federal Election Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Federal Election Commission is seeking comments on proposed revisions to its regulations governing candidate debates and news stories produced by cable television organizations. These regulations implement the provisions of the Federal Election Campaign Act (FECA) which exempt news stories from the definition of expenditure under certain conditions. The proposed rules would indicate that cable television programmers, producers and operators may cover or stage candidate debates in the same manner as broadcast and print news media. The rules would also restate Commission policy that news organizations may not stage candidate debates if they are owned or controlled by any political party, political committee or candidate. No final decisions have been made by the Commission on any of the proposed revisions contained in this Notice. Further information is provided in the supplementary information which follows.

DATES: Comments must be received on or before March 4, 1996. The Commission will hold a hearing on March 20, 1996 at 10:00 a.m. Persons wishing to testify should so indicate in their written comments.

ADDRESSES: Comments must be made in writing and addressed to: Ms. Susan E. Propper, Assistant General Counsel, 999 E Street, N.W., Washington, D.C. 20463. The hearing will be held in the Commission's ninth floor meeting room, 999 E Street, N.W. Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Ms. Susan E. Propper, Assistant General Counsel, or Rosemary C. Smith, Senior Attorney (202) 219–3690 or (800) 424–9530.

SUPPLEMENTARY INFORMATION: The FECA generally prohibits corporations from making contributions or expenditures in connection with any election. 2 U.S.C. 441b. However, the definition of ''expenditure'' in section 431(9) indicates that news stories, commentaries, and editorials distributed through the facilities of any broadcast station, newspaper, magazine, or other periodical publication are not considered to be expenditures unless the facilities are owned or controlled by a political party, political committee, or candidate. 2 U.S.C. 431(9)(B)(i). This ''news story'' exemption forms the basis for the Commission's long-standing regulations at 11 CFR 100.7(b)(2), 100.8(b)(2), as well as the provisions of 11 CFR 110.13 and 114.4(f) which permit broadcasters and bona fide print media to stage candidate debates under certain conditions.

The Commission is now seeking comments on expanding the types of media entities that may stage candidate debates under sections 110.13 and 114.4 to include cable television operators, programmers and producers. Hence, proposed sections 110.13(a)(2) and 114.4(f) would allow these types of cable organizations to stage debates under the same terms and conditions as other media organizations such as broadcasters, and bona fide print media organizations. New language in sections 110.13, 100.7(b)(2) and 100.8(b)(2) would also permit cable organizations, acting in their capacity as news media, to cover or carry candidate debates staged by other groups. Examples of the types of programming that the Federal Communications Commission considers to be bona fide newscasts and news interview programs are provided in *The Law of Political Broadcasting and Cablecasting: A Political Primer*, 1984 ed., Federal Communications Commission, at p. 1494–99.

The proposed rules would be consistent with the intent of Congress not ''to limit or burden in any way the first amendment freedom of the press. * * *'' H.R. Rep. No. 93–1239, 93d Cong., 2d Sess. at 4 (1974). In Turner Broadcasting System, Inc. v. *Federal Communications Commission*, _____ U.S. _____, 114 S. Ct. 2445, 2456 (1994), the Supreme Court recognized that cable operators and cable programmers ''engage in and transmit speech, and they are entitled to the protection of the speech and press provisions of the First Amendment.''

The 1974 legislative history of the FECA also indicates that in exempting news stories from the definition of ''expenditure,'' Congress intended to assure ''the unfettered right of the newspapers, TV networks, and other media to cover and comment on political campaigns.'' H.R. Rep. No. 93–1239, 93d Cong., 2d Sess. at 4 (1974). Although the cable television industry was much less developed when Congress expressed this intent, it would be reasonable to conclude that cable operators, programmers and producers, when operating in their capacity as news producers and distributors, would be precisely the type of ''other media'' appropriately included within this exemption.

For these reasons, the Commission is proposing to allow cable operators, programmers and producers to act as debate sponsors. However, the Commission seeks comments on whether there are distinctions between cable operators, programmers and producers that should be considered in determining when it is appropriate for these types of organizations to stage candidate debates. In addition, are there other types of cable news organizations that should be included as debate sponsors?

The proposed rules would also be consistent with Advisory Opinion 1982–44, in which the Commission concluded that the press exemption permitted Turner Broadcasting System, Inc. to donate free cable cast time to the Republican and Democratic National Committees without making a prohibited corporate contribution. The cablecast programming on ''super satellite'' television station, WTBS in Atlanta, Georgia, was to be provided to a network of cable system operators. The Commission stated *inter alia* that ''the distribution of free time to both political parties is within the broadcaster's legitimate broadcast function and, therefore, within the purview of the press exemption.'' AO 1982–44.

The courts have also examined the application of the press exemption in section 431(9)(B)(i). *See, e.g., Readers Digest Ass'n* v. *FEC*, 509 F. Supp. 1210 (S.D.N.Y. 1981); *FEC* v. *Phillips Publishing Company, Inc.*, 517 F. Supp. 1308 (D.D.C. 1981). In *Reader's Digest*, the court articulated a two part test ''on which the exemption turns: whether the press entity is owned by the political party or candidate and whether the press entity was acting as a press entity in making the distribution complained of.'' *Readers Digest*, at p. 1215. The first prong is discussed more fully below. With regard to the second prong, the court stated that ''the statute would seem to exempt only those kinds of distribution that fall broadly within the press entity's legitimate press function.'' *Id.* at 1214. The Commission believes a cable operator, producer or programmer could satisfy this standard if it follows