

1995 beginning at 9:30 a.m. and ending at approximately 12:30 p.m., NHTSA will discuss its motor vehicle regulatory reform initiatives and its response to public comments on this subject. This latter discussion will be held immediately after the regular quarterly meeting, beginning after lunch at 1:30 p.m.

ADDRESSES: The meeting will be held at the Holiday Inn Capitol, 550 C Street, SW, (Columbia North Room), Washington, DC 20024.

SUPPLEMENTARY INFORMATION: The motor vehicle regulatory reform meeting is a follow-up to NHTSA's March 29, 1995 meeting on regulatory reform held in conjunction with the agency's previous quarterly technical meeting, and to the agency's April 4, 1995 meeting in Washington, D.C., at which NHTSA sought information from the public on regulatory reform actions the agency should take related to its motor vehicle regulations. These were in conjunction with President Clinton's call for a new approach to the way Government regulates the private sector, and his request that Executive Branch agencies report to him by June 1, 1995 on ways to improve the regulatory process. NHTSA will discuss how the agency has handled the public comments and the next actions to implement its motor vehicle regulatory reform decisions.

A transcript will be available for public inspection in the NHTSA Technical Reference Section in Washington, DC, within four weeks after the meeting. Copies of the transcript will then be available at ten cents a page upon request to NHTSA Technical Reference Section, Room 5108, 400 Seventh Street, SW., Washington, DC 20590. The Technical Reference Section is open to the public from 9:30 a.m. to 4 p.m.

Issued on: September 8, 1995.

Barry Felrice,

Associate Administrator for Safety Performance Standards.

[FR Doc. 95-22863 Filed 9-11-95; 12:22 pm]

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Research and Special Programs Administration

Appeals in Hazardous Materials Transportation Enforcement Cases

AGENCY: Research and Special Programs Administration (RSPA), DOT.

ACTION: Notice of the availability of decisions on appeal in enforcement cases under the Federal hazardous materials transportation law.

SUMMARY: This notice alerts the public that decisions on appeal by the Administrator of the Research and Special Programs Administration (RSPA) are now available through the Hazardous Materials Information Exchange (HMIX) computer system. These appellate decisions involve hazardous materials transportation enforcement cases, issued between 1992 and April 1995, initiated under the Federal hazardous materials transportation law and the Hazardous Materials Regulations (HMR). In these decisions, the Administrator establishes RSPA's policy regarding the enforcement of the HMR and provides a rationale for these policies. This information will assist the efforts of the regulated community to comply with HMR and is being provided to the regulated community as a public service.

FOR FURTHER INFORMATION CONTACT: The public may access the HMIX and the appeal decisions by computer: Commercial Access (708) 972-3275 or Internet Access: hmix.dis.anl.gov (146.137.100.54). Members of the public who do not have access to a computer can request a copy of these decisions by contacting: Suezett Edwards, Office of Hazardous Materials Initiatives and Training (DHM-50), Research and Special Programs Administration, U.S. Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590 (Tel. (202) 366-4900) or Robert A. Monniere, Office of the Chief Counsel (DCC-10), Research and Special Programs Administration, U.S. Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590 (Tel. (202) 366-4400).

SUPPLEMENTARY INFORMATION: Federal hazardous materials transportation law (Federal hazmat law) (49 USC 5101 *et seq.*, formerly 49 app. USC 1801 *et seq.*) provides that, "The Secretary shall prescribe regulations for the safe transportation of hazardous material in intrastate, interstate, and foreign commerce. The regulations * * * shall govern safety aspects of the transportation of hazardous material the Secretary considers appropriate." (49 USC 5103(b)(1)). Under this authority, RSPA issues the Hazardous Materials Regulations (HMR), 49 CFR parts 171-180, a comprehensive set of regulations concerning the transportation of hazardous materials.

The HMR govern the shipping and transporting of hazardous materials by aircraft, rail car, vessel and motor vehicle. The HMR also prescribe requirements governing the manufacture, fabrication, marking,

maintenance, reconditioning, repairing, or testing of a packaging or container which is represented, marked, certified, or sold for use in transportation of hazardous materials in commerce.

In addition to the HMR, RSPA has issued other regulations (49 CFR parts 106 and 107) implementing Federal hazmat law. All of these regulations are enforced by RSPA, the U.S. Coast Guard, the Federal Aviation Administration, the Federal Highway Administration, and the Federal Railroad Administration. Within their respective modes of transportation, these agencies enforce the requirements of the HMR.

Within RSPA, the Office of Hazardous Materials Enforcement (OHME) and the Office of the Chief Counsel enforce the HMR and parts 106 and 107. RSPA's enforcement regulations are in subpart D of part 107. When OHME finds that a person apparently has violated Federal hazmat law or the regulations, the Office of the Chief Counsel may institute an enforcement action. That office may issue a notice of probable violation (notice), in which a respondent is charged with a probable violation and a civil penalty is proposed. In addition, the notice may contain a proposed compliance order.

Generally, under 49 CFR 107.313(a), a respondent must respond to a notice within 30 days of its receipt. The respondent may respond by admitting the violation(s) and accepting the proposed penalty amount (or the proposed compliance order), or may contest the notice. A notice may be challenged through a written response, a telephonic or in-person conference, or a hearing before an administrative law judge.

If the respondent makes no response within the prescribed period, the Chief Counsel may enter an order finding that the alleged violation(s) were committed and imposing the proposed penalty or compliance order. The same result follows if the respondent admits the violation(s). When the respondent requests a conference, the Office of the Chief Counsel conducts the conference; then the Chief Counsel reviews the proceeding and considers all relevant evidence, including all submissions of the respondent. The Chief Counsel then issues an order, which may include a finding of violation, imposition of a civil penalty and a compliance order.

In assessing civil penalties, the Chief Counsel considers the nature and circumstances of the violation, its extent and gravity, the respondent's culpability, the respondent's lack of prior violations, the respondent's ability to pay, the effect of the civil penalty on

the respondent's ability to continue in business and any other relevant factors (especially respondent's corrective actions) (see RSPA penalty guidelines, 60 12139 (March 6, 1995)).

Where a hearing is requested, the Office of the Chief Counsel submits the matter to the Department's Office of Hearings. An administrative law judge is assigned to the case and conducts pre-hearing and hearing procedures. The administrative law judge issues an appropriate order.

Following issuance of an order by either the Chief Counsel or an administrative law judge, a respondent must either comply with the order or file an appeal with the Administrator of RSPA. The appeal must be filed within 20 days of respondent's receipt of the order. The appeal must state, with particularity, the findings in the order that the respondent is challenging, and it must include all relevant information and arguments. The filing of an appeal stays enforcement of the order.

In a decision on appeal, the Administrator determines whether to affirm or dismiss violations and whether to affirm or modify civil penalty assessments and compliance orders. A respondent has 30 days from the date of issuance of the decision on appeal in which to comply with its terms. Failure to timely comply results in assessment of interest, penalty and administrative charges where a civil penalty has been affirmed in the decision on appeal. The Administrator's decision on appeal is the final step in the administrative process.

The decisions on appeal are presented in case number sequence with each decision containing the individual case number, respondent's name, the background of the case, a discussion of the facts and circumstances, and the Administrator's findings.

Issued in Washington, DC, on September 11, 1995.

Alan I. Roberts,

Associate Administrator for Hazardous Materials Safety.

[FR Doc. 95-22903 Filed 9-13-95; 8:45 am]

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[Docket No. P-93-2W; Notice 3]

Grant of Waiver: Repair of Gas Transmission Lines

The Research and Special Programs Administration (RSPA) waived certain maintenance regulations (49 CFR 192.713(a) and 192.485) to permit 28 pipeline operators and their subsidiaries to repair steel gas transmission lines with Clock Spring® wrap (Notice 2; 60

FR 10630; February 27, 1995). The waiver, which was based on a petition submitted by the Interstate Natural Gas Association of America (INGAA) and a notice inviting public comment (Notice 1; 59 FR 49739; September 29, 1994), applies to lines operating at 40 percent or more of specified minimum yield strength.

As stated in Notice 2, the waiver is subject to the following conditions:

(1) Clock Spring® wrap must be installed using procedures recommended by the manufacturer;

(2) Clock Spring® wrap must be installed consistent with the program, GRI WRAP;

(3) Clock Spring® wrap must be installed consistent with a Gas Research Institute plan, including, at 2-year intervals, excavating and evaluating a statistical sample of sites, recording the results, and sending the results to RSPA;

(4) To allow inspection by RSPA and state agencies serving as interstate enforcement agents, scheduled non-emergency installations of Clock Spring® wrap must be reported (by phone, fax, or mail) a reasonable time before installation to the RSPA pipeline regional office and state agent with authority over the repair; and

(5) Persons installing Clock Spring® wrap must have been trained and certified in installation procedures either by the Clock Spring Company or by persons the Clock Spring Company has trained and certified.

By letter of June 30, 1995, INGAA petitioned RSPA to add additional operators to the list of operators who are authorized to use the wrap under the waiver. These additional operators include interstate natural gas pipeline companies as well as intrastate pipeline companies. Because the safety of Clock Spring® wrap installations on high-stress gas transmission lines is governed by the terms and conditions of the waiver, expanding the list of operators to include additional interstate companies would not be inconsistent with pipeline safety. However, under the federal statutory provision that governs waivers of the pipeline safety regulations (49 U.S.C. 60118), matters involving intrastate pipeline facilities under the authority of participating state agencies are handled initially by those agencies. Therefore, we are adding to the list of operators authorized to use the wrap only those interstate natural gas pipeline companies named in INGAA's petition. These companies are Consumers Power and Michigan Gas Storage Company, Iroquois Gas Transmission System, National Fuel Gas Supply Corporation with National Fuel Gas Distribution Corporation, Sabine

Pipe Line Company, Valero Energy Corporation, and Viking Gas Transmission Company.

The remaining companies named in INGAA's petition should either obtain a waiver of 49 CFR 192.713(a) and 192.485 from the applicable state agency participating in the federal/state pipeline safety regulatory program or notify RSPA that the gas transmission lines involved are intrastate pipeline facilities that are not subject to the authority of such an agency. As provided by the above statutory provision, state waiver actions are subject to review by RSPA. We will not object to any state waiver that is consistent with the terms and conditions of the waiver published in Notice 2 of this proceeding.

(Authority: 49 U.S.C. 60118(c))

Issued in Washington, DC on September 8, 1995.

Richard B. Felder,

Associate Administrator for Pipeline Safety.

[FR Doc. 95-22815 Filed 9-13-95; 8:45 am]

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DEPARTMENT OF THE TREASURY

Senior Executive Service Combined Performance Review Board (PRB)

AGENCY: Treasury Department.

ACTION: Notice of Members of Combined Performance Review Board (PRB).

SUMMARY: Pursuant to 5 U.S.C. 4314(c)(4), this notice announces the appointment of members of the Combined PRB for the Bureau of Engraving and Printing, the Financial Management Service, the U.S. Mint and the Bureau of the Public Debt. The Board reviews the performance appraisals of career senior executives below the level of bureau head and principal deputy in the four bureaus, except for executives below the Assistant Commissioner level in the Financial Management Service. The Board makes recommendations regarding proposed performance appraisals, ratings, bonuses and other appropriate personnel actions.

COMPOSITION OF COMBINED PRB: The Board shall consist of at least three voting members. In case of an appraisal of a career appointee, more than half of the members shall consist of career appointees. The names and titles of the Combined PRB members are as follows:

PRIMARY MEMBERS: Timothy G. Vigotsky, Assistant Director (Management), E&P; Bland T. Brockenborough, Assistant Commissioner, Regional Operations, FMS; Andrew Cosgarea, Jr., Associate