

of his violation of the rules in an appropriate media for his use. (3) Whether a vendor after license revocation can be required to wait a period of time before reapplying or be placed on a waiting list behind other vendors bidding on vending locations.

Concerning the first issue, the panel ruled that, contrary to the complainant's claims, the charges of racial discrimination were not substantiated by testimony.

With respect to the second issue, the panel ruled that the SLA was in compliance with the Federal statute and regulations and State rules concerning communications to licensees. The panel found that complainant had resource persons who would provide assistance in reviewing any communication received by him. Furthermore, the panel noted that the SLA staff person routinely read to the complainant the evaluations and reports prepared during the onsite visits.

Finally, concerning the procedures used by the SLA for complainant's reapplication for a vending license, the panel ruled that it was appropriate to require him to be retrained and reoriented and that, if the complainant fulfilled these requirements, he should be placed on the bidding list for another vending location. If complainant did not complete retraining requirements, then his placement on the bidding list should be delayed until such time as he complied with that prerequisite. However, the panel ruled that, once complainant had completed retraining, his placement on the bidding list should be in accordance with his prior standing of seniority. The panel concluded that to deny complainant his former standing on the bidding list would be unreasonable and punitive.

The views and opinions expressed by the panel do not necessarily represent the views and opinions of the U.S. Department of Education.

Dated: October 18, 1995.

Howard R. Moses,

*Acting Assistant Secretary for Special Education and Rehabilitative Services.*

[FR Doc. 95-26552 Filed 10-25-95; 8:45 am]

BILLING CODE 4000-01-P

## DEPARTMENT OF ENERGY

### Disposition of Surplus Highly Enriched Uranium; Draft Environmental Impact Statement

**AGENCY:** Department of Energy.

**ACTION:** Notice of availability.

**SUMMARY:** The Department of Energy (DOE) announces the availability of the

*Draft Environmental Impact Statement for Disposition of Surplus Highly Enriched Uranium* (draft HEU EIS) for public review and comment. In accordance with the National Environmental Policy Act of 1969 (NEPA), the Council on Environmental Quality regulations (40 CFR Parts 1500-1508), and the Department's NEPA Implementation Procedures (10 CFR Part 1021), the Department has prepared this draft HEU EIS to evaluate alternatives for the disposition of United States-origin weapons-usable highly enriched uranium (HEU) that has been, or may be, declared surplus to national defense needs by the President.

**DATES:** The public is invited to comment on the draft HEU EIS during a comment period that will continue until December 11, 1995. Comments postmarked after that date will be considered to the extent practicable. The Department will hold two public workshops to discuss and receive comments on the draft HEU EIS on November 14 and 16, 1995. The times and locations of the workshops are provided in the Supplementary Information.

**ADDRESSES:** Copies of the draft HEU EIS and requests for information should be directed to: Office of Fissile Materials Disposition (MD-4), Attention: HEU EIS, U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585, 1-800-820-5134.

Written comments on the draft HEU EIS should be mailed to the following address: DOE—Office of Fissile Materials Disposition, P.O. Box 23786, Washington, DC 20026-3786. Comments may also be submitted orally (to a recording machine) or by fax to 1-800-820-5156.

**FOR FURTHER INFORMATION CONTACT:** For information on the DOE National Environmental Policy Act process, contact: Carol M. Borgstrom, Director, Office of NEPA Policy and Assistance (EH-42), U.S. Department of Energy, 1000 Independence Ave., SW, Washington, DC 20585, (202) 586-4600 or leave a message at 1-800-472-2756.

**Availability of the draft HEU EIS:** Copies of the draft HEU EIS have been distributed to Federal, State, Indian tribal, and local officials, agencies, and interested organizations and individuals. Copies of the draft HEU EIS and supporting technical reports are also available for public review at the locations listed at the end of this Notice.

## SUPPLEMENTARY INFORMATION:

### Background

On June 21, 1994, the Department published a Notice of Intent (NOI) in the Federal Register (59 FR 31985) to prepare a programmatic EIS (PEIS) for weapons-usable fissile materials, including both surplus and non-surplus HEU. The purpose of the NOI was to inform the public of the proposed scope of the *Storage and Disposition of Weapons-Usable Fissile Materials PEIS* (Storage and Disposition PEIS), to solicit public input, and to announce that public scoping meetings would be conducted from August through October 1994.<sup>1</sup> During that period, 12 public meetings were held throughout the United States to obtain input regarding the scope, alternatives, and issues associated with weapons-usable fissile materials that should be addressed in the Storage and Disposition PEIS. The extensive scoping process for the Storage and Disposition PEIS included options for the disposition of surplus HEU.

In the course of the PEIS public scoping process, it appeared that it may be more appropriate to analyze the impacts of surplus HEU disposition in a separate EIS. The Department held a public meeting on November 10, 1994, to obtain comments on this potential course of action. While views were expressed both pro and con, the Department subsequently concluded that a separate EIS would be appropriate. Accordingly, the Department published a notice in the Federal Register (60 FR 17344) on April 5, 1995, to inform the public of the proposed plan to prepare a separate EIS for the disposition of surplus HEU.

### Alternatives Considered

The draft HEU EIS assesses environmental impacts of five reasonable alternatives identified for the disposition of up to 200 metric tons of surplus HEU. This includes HEU that has already been declared surplus (165 metric tons) as well as additional weapons-usable HEU that may be declared surplus in the future. The material is currently located at facilities throughout the Department's nuclear weapons complex, but the majority is in, or destined for, interim storage at the Department's Y-12 Plant in Oak Ridge, Tennessee. Except for no action, all reasonable alternatives involve blending HEU with depleted, natural, or low-enriched uranium (LEU) to make LEU,

<sup>1</sup> In the NOI, the PEIS was referred to as the *Long-Term Storage and Disposition of Weapons-Usable Fissile Materials PEIS*.

which is not weapons-usable, and the majority of which would have potential commercial value as non-defense, nuclear power plant fuel feed. The alternatives, except for the no action alternative, represent different ratios of blending HEU to LEU for commercial use versus blending HEU to LEU for disposal as waste. The alternatives also represent different combinations of blending sites and blending processes.

Alternative 1 is No Action (continued storage of surplus HEU). Alternative 2 is No Commercial Use, and represents blending all 200 metric tons of surplus HEU to waste (fuel/waste ratio of 0/100) using four sites. Alternative 3 is Limited Commercial Use, and includes transferring 50 metric tons of HEU (and 7,000 metric tons of natural uranium) to the United States Enrichment Corporation (USEC) for commercial use, but blending the remaining 150 metric tons of HEU to waste (fuel/waste ratio of 25/75). Alternative 3 assumes the 50 metric tons of commercial material would be blended at two commercial blending sites, and the waste material would be blended at four sites. Alternative 4 is Substantial Commercial Use, and represents blending 130 metric tons of HEU for commercial use and 70 metric tons for disposal as waste (fuel/waste ratio of 65/35). Alternative 5 is Maximum Commercial Use, and represents blending 170 metric tons of HEU for commercial use and 30 metric tons for disposal as waste (fuel/waste ratio of 85/15). Both Alternatives 4 and 5 include the proposal to transfer 50 metric tons of HEU and 7,000 metric tons of natural uranium to USEC for commercial use. Alternatives 4 and 5 each have four site variations: a) two DOE sites only, b) two commercial sites only, c) all four sites, and d) each site alone.

This draft HEU EIS assesses potential environmental impacts at two DOE sites and two commercial sites where HEU conversion and blending could occur: DOE's Y-12 Plant at the Oak Ridge Reservation in Oak Ridge, Tennessee; DOE's Savannah River Site in Aiken, South Carolina; the Babcock & Wilcox Naval Nuclear Fuel Division in Lynchburg, Virginia; and the Nuclear Fuel Services Fuel Fabrication Plant in Erwin, Tennessee. The EIS also assesses the environmental impacts of necessary transportation of materials.

The alternatives as described are not intended to represent exclusive choices among which the Department must choose, but rather are analyzed to represent reasonable points in the matrix of possible choices. The draft HEU EIS explains how impacts would change if the exact fuel/waste ratio or

division among sites or processes were different.

#### Preferred Alternative

The draft HEU EIS identifies DOE's preferred alternative as Alternative 5 (Maximum Commercial Use) and site variation c (all four sites). Under this alternative, the commercial use of surplus HEU would be maximized and the blending would most likely be done at some combination of commercial and DOE sites. The Department prefers this alternative because commercial use of LEU derived from surplus HEU would serve the objective of rendering these materials non-weapons-usable in the most timely fashion. It would allow for peaceful, beneficial reuse of the material, recover investment for the Federal Treasury, and reduce Government waste disposal costs that would be incurred if all (or a greater portion of) the material were blended to waste.

#### Invitation to Comment

The public is invited to submit written and oral comments on any or all portions of the draft HEU EIS. DOE's responses to comments received during the public comment period will be presented in the final HEU EIS.

DOE will hold two public workshops to provide information and receive comments on the draft HEU EIS (with identical afternoon and evening sessions in each location), as detailed in the following schedule. The workshop format will provide for collection of written and oral comments and will enable the public to discuss issues and concerns with DOE managers. Participants are asked to register for the workshops in advance by calling 1-800-820-5134.

#### Schedule of Public Workshops

- November 14, 1995—Knoxville, TN  
1:00–5:00 pm and 6:00–10:00 pm, eastern time, Knoxville Hilton, 501 Church Avenue, SW, Knoxville, TN 37902; phone (423) 523-2300, fax (423) 546-1716.
- November 16, 1995—Augusta, GA  
1:00–5:00 pm and 6:00–10:00 pm, eastern time, Ramada Plaza Hotel and Convention Center, 640 Broad Street, Augusta, GA 30901; phone (706) 722-5541, fax (706) 724-0053.

#### DOE Public Reading Rooms

Copies of the draft HEU EIS as well as technical data reports and other supporting documents are available for public review at the following locations: Department of Energy Headquarters, Freedom of Information Reading Room, Forrestal Building, 1000

Independence Avenue, SW., Washington, DC 20585, Attn: Carolyn Lawson, 202-586-6020

- Albuquerque Operations Office, National Atomic Museum, 20358 Wyoming Blvd., SE., Kirtland AFB, NM 87117, Attn: Diane Zepeda, 505-845-4378
- Nevada Operations Office, Nevada Operations Office, U.S. Department of Energy, Public Reading Room, 2753 South Highland Dr., P.O. Box 98518, Las Vegas, NV 89193-8518, Attn: Charlotte Cox, 702-295-1459
- Oak Ridge Operations Office, U.S. Department of Energy, Public Reading Room, 200 Administration Road, P.O. Box 2001, Oak Ridge, TN 37831-8501, Attn: Jane Greenwalt, 615-576-1216
- Richland Operations Office, Washington State University, Tri-Cities Branch Campus, 300 Sprout Road, Room 130 West, Richland, WA 99352, Attn: Terri Traub, 509-376-8583
- Rocky Flats Office, Front Range Community College Library, 3645 West 112th Avenue, Westminster, CO 80030, Attn: Dennis Connor, 303-469-4435
- Savannah River Operations Office, Gregg-Graniteville Library, University of South Carolina-Aiken, 171 University Parkway, Aiken, SC 29801, Attn: Paul Lewis, 803-641-3320, DOE Contact: James M. Gaver, 803-725-2889
- Los Alamos National Laboratory, U.S. Department of Energy, c/o Los Alamos Community Reading Room, 1450 Central, Suite 101, Los Alamos, NM 87544, Attn: Tom Ribe, 505-665-2127
- Chicago Operations Office, Office of Planning, Communications & EEO, U.S. Department of Energy, 9800 South Cass Avenue, Argonne, IL 60439, Attn: Gary L. Pitchford, 708-252-2013
- Amarillo Area Office, U.S. Department of Energy, Amarillo College, Lynn Library/Learning Center, P.O. Box 447, Amarillo, TX 79178, PH: 806-371-5400, FX: 806-371-5470
- U.S. DOE Reading Room, Carson County Library, P.O. Box 339, Panhandle, TX 79068, PH: 806-537-3742, FX: 806-537-3780, DOE Contact: Tom Walton, PH: 806-477-3120, FX: 806-477-3185, Contractor Contact: Kerry Cambell, PH: 806-477-4381, FX: 806-477-5743
- Sandia National Laboratory/CA, Livermore Public Library, 1000 S. Livermore Avenue, Livermore, CA 94550, Attn: Julie Casamajor, PH: 510-373-5500, FX: 510-373-5503.

Issued in Washington, DC, October 20, 1995.  
 Gregory P. Rudy,  
*Acting Director, Office of Fissile Materials  
 Disposition.*  
 [FR Doc. 95-26601 Filed 10-25-95; 8:45 am]  
 BILLING CODE 6450-01-P

## Federal Energy Regulatory Commission

[Docket No. EG96-4-000, et al.]

### Jamaica Energy Partners, et al.; Electric Rate and Corporate Regulation Filings

October 19, 1995.

Take notice that the following filings have been made with the Commission:

#### 1. Jamaica Energy Partners

[Docket No. EG96-4-000]

Take notice that on October 11, 1995, Jamaica Energy Partners, c/o Wartsila Power Development, Inc., 116 Defense Highway, Suite 301, Annapolis, Maryland 21401, filed with Federal Energy Regulatory Commission an application for redetermination of exempt wholesale generator status pursuant to Part 365 of the Commission's Regulations.

Applicant will own an approximately 76 MW floating diesel-engine-powered electric generating facility located at Old Harbour Bay Jamaica. The Facility's electricity will be sold exclusively at wholesale, with the possible exception of some retail sales in Jamaica. None of the electric energy generated by the Facility will be sold to consumers in the United States.

*Comment date:* November 9, 1995, in accordance with Standard Paragraph E at the end of this notice.

#### 2. Jamaica Energy Operators

[Docket No. EG96-5-000]

Take notice that on October 12, 1995, Jamaica Energy Operators ("Applicant"), c/o Wartsila Power Development, Inc., 116 Defense Highway, Suite 301, Annapolis, Maryland 21401, filed with Federal Energy Regulatory Commission an application for determination of exempt wholesale generator status pursuant to Part 365 of the Commission's Regulations.

Applicant is a Jamaican limited partnership formed to operate an electric generating facility located in Old Harbour Bay Jamaica.

*Comment date:* November 9, 1995, in accordance with Standard Paragraph E at the end of this notice.

#### 3. Excel Energy Services, Inc.

[Docket No. ER94-1488-004]

Take notice that on October 16, 1995, Excel Energy Services, Inc. filed certain information as required by the Commission's September 29, 1994, order in Docket No. ER94-1488-000. Copies of Excel Energy Services, Inc.'s informational filing are on file with the Commission and are available for public inspection.

#### 4. Koch Power Services, Inc.

[Docket No. ER95-218-002]

Take notice that on July 31, 1995, Koch Power Services, Inc. tendered for filing certain information as required by the Commission's letter order dated January 4, 1995. Copies of the informational filing are on file with the Commission and are available for public inspection.

#### 5. Florida Power Corporation

[Docket No. ER96-6-000]

Take notice that on October 2, 1995, Florida Power Corporation (FPC), tendered for filing a contract for the provision of interchange service between itself and Louis Dreyfus Electric Power, Inc. (Dreyfus). The contract provides for service under Schedule J, Negotiated Interchange Service and OS, Opportunity Sales. Cost support for both schedules has been previously filed and approved by the Commission. No specifically assignable facilities have been or will be installed or modified in order to supply service under the proposed rates.

FPC requests Commission waiver of the 60-day notice requirement in order to allow the contract to become effective as a rate schedule on October 3, 1995. Waiver is appropriate because this filing does not change the rate under these two Commission accepted, existing rate schedules.

*Comment date:* November 2, 1995, in accordance with Standard Paragraph E at the end of this notice.

#### 6. PacifiCorp

[Docket No. ER96-8-000]

Take notice that on October 2, 1995, PacifiCorp, tendered for filing in accordance with 18 CFR Part 35 of the Commission's Rules and Regulations, proposed rate revisions to PacifiCorp's FERC Electric Tariff, Volume Nos. 4, 5, 6, 9 and 10 and Rate Schedule FERC Nos. 262, 279, 280, 288, 290, 292 and 297.

PacifiCorp requests that an effective date of January 1, 1996 be assigned.

Copies of this filing were served on all affected parties and to the Wyoming Public Service Commission, the Public

Service Commission of Utah, the Public Utility Commission of Oregon, the Idaho Public Utilities Commission, the Montana Public Service Commission, the Public Utilities Commission of California the Washington Utilities and Transportation Commission and the Arizona Corporation Commission.

*Comment date:* November 2, 1995, in accordance with Standard Paragraph E at the end of this notice.

#### 7. Jersey Central Power & Light Company, Metropolitan Edison Company, Pennsylvania Electric Company

[Docket No. ER96-9-000]

Take notice that on October 2, 1995, GPU Service Corporation (GPU), on behalf of Jersey Central Power & Light Company, Metropolitan Edison Company and Pennsylvania Electric Company (jointly referred to as the GPU Companies), filed a Service Agreement between GPU and Hartford Power Sales, L.L.C. (Hartford), dated October 1, 1995. This Service Agreement specifies that Hartford has agreed to the rates, terms and conditions of the GPU Companies' Energy Transmission Service Tariff accepted by the Commission on September 28, 1995 in Docket No. ER95-791-000 and designated as FERC Electric Tariff, Original Volume No. 3.

GPU requests a waiver of the Commission's notice requirements for good cause shown and an effective date of October 1, 1995 for the Service Agreement. GPU has served copies of the filing on regulatory agencies in New Jersey and Pennsylvania and on Hartford.

*Comment date:* November 2, 1995, in accordance with Standard Paragraph E at the end of this notice.

#### 8. Norstar Energy Limited Partnership

[Docket No. ER96-10-000]

Take notice that on October 2, 1995, NorStar Energy Limited Partnership (NORSTAR), tendered for filing with the Federal Energy Regulatory Commission, pursuant to Rule 205, 18 CFR 385.205, and 18 CFR 35.12 of the Commission's regulations an Application for Blanket Approval of Rate Schedule For Future Power Sales at Market-Based Rates and Waivers and Preapprovals of Certain Commission Regulations for NORSTAR's Initial Rate Schedule FERC No. 1.

NORSTAR intends to sell up to engage in electric power and energy transactions as a marketer. In these transactions, NORSTAR proposes to charge market-based rates, mutually agreed upon by the parties. All sales and purchases will be at arms-length.