

2. Section 1421.6 is amended by revising paragraph (e) to read as follows:

§ 1421.6 Maturity and expiration dates.

* * * * *

(e) Notwithstanding any other provision of this section, CCC may allow producers with wheat, corn, grain sorghum, barley, oat, and rye loans maturing during times of abnormal marketing conditions, as determined by CCC, to extend such loans beyond the maturity date specified in paragraph (a) of this section. If CCC determines that the commodity pledged as collateral for such loans cannot be marketed because of such abnormal marketing conditions, CCC may authorize such loans to be extended to a date that will allow affected producers to market such commodity in a normal manner.

Signed in Washington, DC, on October 26, 1995.

Bruce R. Weber,

Acting Executive Vice President, Commodity Credit Corporation.

[FR Doc. 95-27283 Filed 11-2-95; 8:45 am]

BILLING CODE 3410-05-P

NUCLEAR REGULATORY COMMISSION

10 CFR Part 70

Workshop on the Regulation of Fuel Cycle Facilities

AGENCY: Nuclear Regulatory Commission.

ACTION: Meeting notice.

SUMMARY: The Nuclear Regulatory Commission (NRC) will hold a public workshop on the method for improving NRC's regulation of fuel cycle facilities under 10 CFR Part 70, "Domestic Licensing of Special Nuclear Material." The workshop is open to the public; however, for efficient conduct of the workshop, participation will be in the format of a roundtable discussion among invited representatives from affected interested parties. The NRC has prepared a workshop agenda and documents that identify regulatory issues of concern in the regulation of NRC-licensed fuel cycle facilities. These documents are available for review prior to the workshop, and interested parties are encouraged to review this information. The NRC will accept and consider written comments from interested parties on these regulatory issues.

DATES: The workshop will be held on November 30, 1995, from 9 am to 5 pm. The workshop will continue, if necessary, on December 1, 1995, from

8:30 am to 12 noon. Comments on these regulatory issues should be received no later than December 11, 1995.

ADDRESSES: The workshop will be held at the U.S. Nuclear Regulatory Commission Auditorium, Two White Flint North, 11545 Rockville Pike, Rockville, Maryland. (Note: The NRC is accessible to the White Flint Metro Station; visitor parking around the NRC building is limited.) Written comments can be provided at the workshop or by December 11, 1995, to the Secretary, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch. Copies of the agenda and related documents can be obtained from the NRC's Public Document Room, 2120 L Street NW., Washington, D.C. 20037; Phone: 202-634-3273; FAX: 202-634-3343.

FOR FURTHER INFORMATION CONTACT: Francis X. Cameron, Mail Stop O-15 B18, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555; Phone: 301-415-1642; FAX: 301-415-3200; INTERNET:FXC@NRC.GOV.

SUPPLEMENTARY INFORMATION: The occurrence of several serious incidents at NRC-licensed fuel cycle facilities led the NRC to conclude that improvements in regulating these facilities were needed. Accordingly, the NRC is currently reviewing its regulatory requirements for licensing the possession and use of special nuclear material, including general requirements for the content of license applications, in 10 CFR Part 70. The Commission has directed the staff to continue a dialogue with affected interested parties with the goal of improving the regulation of fuel cycle facilities. This workshop will focus on a number of issues related to the NRC's effort to establish a firm regulatory base for fuel cycle facility licensing and inspection activities and to ensure the adequacy of licensee performance.

The workshop will be an information exchange between the NRC and a diverse group of individuals who might be affected by subsequent changes to the method in which the NRC regulates fuel cycle facilities licensed under Part 70. This exchange should provide the NRC and workshop participants an opportunity to express their concerns and views on the method for improving NRC's regulation of fuel cycle facilities, how specific goals and objectives of improving NRC's safety regulations can be met, and the level of risk that is considered adequate for the protection of the public health and safety.

For efficient conduct of the workshop, the meeting format will be a roundtable discussion among invited

representatives from affected interests, e.g., fuel cycle industry, other Federal and state government agencies, and citizen groups. The workshop will be open to the public, and the public will be provided opportunities throughout the workshop to comment on the issues presented for discussion.

Dated at Rockville, Maryland, this 30th day of October, 1995.

For the Nuclear Regulatory Commission.

Elizabeth Q. Ten Eyck,

Director, Division of Fuel Cycle Safety and Safeguards.

[FR Doc. 95-27291 Filed 11-2-95; 8:45 am]

BILLING CODE 7590-01-P

SMALL BUSINESS ADMINISTRATION

13 CFR Part 114

Policies of General Application

AGENCY: Small Business Administration.

ACTION: Proposed rule.

SUMMARY: In response to President Clinton's regulatory review directive, the Small Business Administration has completed a page-by-page and line-by-line review of its regulations. As a result, SBA is proposing to clarify and streamline its regulations, revising or eliminating any duplicative, outdated, inconsistent or confusing provisions. This proposed rule would reorganize the entire Part 114 covering administrative claims under the Federal Tort Claims Act to make it more clear and easier to use. It would also amend the Part to streamline the review and adjustment of claims and provide for the use of alternative dispute resolution in appropriate cases.

DATES: Written comments must be submitted on or before December 4, 1995.

ADDRESSES: Written comments may be sent to David R. Kohler, Regulatory Reform Team Leader (114), Small Business Administration, 409 3rd Street S.W., Suite 13, Washington, D.C. 20416.

FOR FURTHER INFORMATION CONTACT: Jeff Lane, Office of General Counsel, at (202) 205-6879.

SUPPLEMENTARY INFORMATION: Part 114 of chapter 1, 13 CFR contains policies governing the presentation, review and handling of administrative claims brought against the Federal Government for money damages for injuries or death arising from the negligent or wrongful act or omission of any employee of the Small Business Administration. The rule would reorganize the entire Part 114 to make it more clear and easier to use and amend it to create a more

efficient administrative process. It would eliminate from the process the various boards of survey that now investigate and review claims, and give Field District Counsel authority to review and adjust claims of \$5,000 or less and use alternative dispute resolution in appropriate cases. (Boards of Survey would retain all other existing responsibilities.)

Specifically, the rule would amend:

1. Section 114.100 by deleting definitions of the various boards of survey that would be eliminated under the proposed rule.

2. Section 114.102, which sets forth the rule for when and where a claim should be presented, by clarifying that claims must be presented at the SBA office nearest to where the incident occurred and within the same state in which the incident occurred. The proposed section also specifies the statutory deadline.

The rule would reorganize:

1. Section 114.104 relating to SBA's investigatory powers under new subsection 114.105(a).

2. Section 114.105, which states what evidence and information claims should include, as section 114.104.

3. Sections 114.106, 114.106-1, 114.107 and 114.108 relating to SBA's procedure for investigating and processing claims under new sections 114.105 through 114.109. These proposed sections also eliminate the boards of surveys and create a streamlined process for review. Field Counsel would have authority to review and adjust claims of \$5,000 or less and to use alternative dispute resolution mechanisms in appropriate cases. The proposed section specifies the General Counsel as the Administrator's designee for purposes of determining claims in excess of \$5,000. The rule would still require SBA to seek written consent from the Department of Justice before it approves claims in excess of \$25,000 and to consult with the Department of Justice in certain other circumstances.

4. Section 114.109 relating to SBA's authority to ask another Federal agency to conduct physical exams of claimants under proposed section 114.105, which describes generally SBA's investigatory authority.

5. Section 114.110 relating to SBA's denial of claims as new section 114.109. The proposed section informs claimants of their right to sue SBA not later than six months after SBA mails the notification of denial.

6. Section 114.111 relating to the approval of claims as new section 114.108.

7. Section 114.112 relating to indemnification and representation of

SBA employees as new section 114.110. It would add a paragraph—
§ 114.110(a)(3)—that specifically states SBA may pay for, or request that the Department of Justice provide, representation for SBA employees.

8. Section 114.113 relating to attorney-client privilege as new section 114.111.

Compliance With Executive Orders 12612, 12778, and 12866, the Regulatory Flexibility Act (5 U.S.C. 601 et seq.), and the Paperwork Reduction Act (44 U.S.C. Ch. 35)

SBA certifies that this proposed rule involves internal administrative procedures and would not be considered a significant rule within the meaning of Executive Order 12866 and would not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601 et seq. It is not likely to have an annual economic effect of \$100 million or more, result in a major increase in costs or prices, or have a significant adverse effect on competition or the United States economy.

For purposes of the Paperwork Reduction Act, 44 U.S.C. Ch. 35, SBA certifies that this proposed rule, if adopted in final form, would contain no new reporting or record keeping requirements.

For purposes of Executive Order 12612, SBA certifies that this rule would not have any federalism implications warranting the preparation of a Federalism Assessment.

For purposes of Executive Order 12778, SBA certifies that this rule is drafted, to the extent practicable, in accordance with the standards set forth in Section 2 of that Order.

List of Subjects in 13 CFR Part 114

Claims.

Accordingly, pursuant to the authority set forth in sections 5 (b)(1) and (b)(6) of the Small Business Act, 15 U.S.C. 634 (b)(1) and (b)(6), 28 U.S.C. 2672, and 28 CFR 14.11 (31 FR 16616), SBA hereby proposes to revise part 114 of Title 13, Code of Federal Regulations (CFR), to read as follows:

PART 114—ADMINISTRATIVE CLAIMS UNDER THE FEDERAL TORT CLAIMS ACT AND REPRESENTATION AND INDEMNIFICATION OF SBA EMPLOYEES

Subpart A—Administrative Tort Claims

Sec.

§ 114.100 Definitions.

§ 114.101 What do these regulations cover?

§ 114.102 When and where do I present a claim?

§ 114.103 Who may file a claim?

§ 114.104 What evidence and information may SBA require relating to my claim?

§ 114.105 Who investigates and considers my claim?

§ 114.106 What if my claim exceeds \$5,000?

§ 114.107 What if my claim exceeds \$25,000 or has other special features?

§ 114.108 What if my claim is approved?

§ 114.109 What if my claim is denied?

Subpart B—Representation and Indemnification of SBA Employees

§ 114.110 What is SBA's policy with respect to indemnifying and providing legal representation to SBA employees?

§ 114.111 Does the attorney-client privilege apply when SBA employees are represented by the Government?

Authority: 15 U.S.C. 634 (b)(1), (b)(6); 28 U.S.C. 2672; 28 CFR 14.11.

Subpart A—Administrative Tort Claims

§ 114.100 Definitions.

As used throughout this part 114, "date of accrual" means the date you know or reasonably should have known of your injury. The date of accrual will depend on the facts of each case. "Site" means the geographic location where the incident giving rise to your claim occurred.

§ 114.101 What do these regulations cover?

This part applies only to monetary claims you assert under the Federal Tort Claims Act, 28 U.S.C. 2671, et seq., for injury to or loss of property, personal injury, or death arising from the negligent or wrongful act or omission of any employee of the Small Business Administration (SBA) while acting within the scope of his or her employment.

§ 114.102 When and where do I present a claim?

You must present your claim within two years of the date of accrual at the SBA office nearest to the site and within the same state as the site. You must use Standard Form 95 (which may be obtained from SBA) or give other written notice of your claim, stating the specific amount of your alleged damages and providing enough information to enable SBA to investigate your claim. Your claim will be considered presented when SBA receives this information.

§ 114.103 Who may file a claim?

(a) If a claim is based on factors listed in the first column, then it may be presented by persons listed in the second column.

<i>Claim factors</i>	<i>Claim presenters</i>
Injury to or loss of property.	the owner of the property, his or her duly authorized agent, or legal representative.
Personal injury	the injured person, his or her duly authorized agent, or legal representative.
Death	the executor or administrator of the decedent's estate, or any other person entitled to assert the claim under applicable state law.
Loss wholly compensated by an insurer with rights as a subrogee.	the parties individually as their interests appear, or jointly.

(b) An agent or legal representative may present your claim in your name, but must sign the claim, state his or her title or legal capacity, and include documentation of authority to present the claim on your behalf.

§ 114.104 What evidence and information may SBA require relating to my claim?

(a) For a claim based on injury to or loss of property:

- (1) Proof you own the property.
- (2) A specific statement of the damage you claim with respect to each item of property.
- (3) Itemized receipts for payment for necessary repairs or itemized written estimates of the cost of such repairs.
- (4) A statement listing date of purchase, purchase price and salvage value, where repair is not economical.
- (5) Full information about potential insurance coverage and any insurance claims or payments relating to your claim.

(6) Any other information that may be relevant to the government's alleged liability or the damages you claim.

(b) For a claim based on personal injury, including pain and suffering:

(1) A written report from your health care provider stating the nature and extent of your injury and treatment, the degree of your temporary or permanent disability, your prognosis, period of hospitalization, and any diminished earning capacity.

(2) A written report following a physical, dental or mental examination of you by a physician employed by SBA or another Federal Agency. If you want a copy of this report, you must request it in writing, furnish SBA with the written report of your health care provider, if SBA requests it, and make or agree to make available to SBA any

other medical reports relevant to your claim.

(3) Itemized bills for medical, dental and hospital expenses you have incurred, or itemized receipts of payment for these expenses.

(4) Your health care provider's written statement of the expected expenses related to any necessary future treatment.

(5) A statement from your employer showing actual time lost from employment, whether you are a full or part-time employee, and the wages or salary you actually lost.

(6) Documentary evidence showing the amount of earnings you actually lost if you are self-employed.

(7) Information about the existence of insurance coverage and any insurance claims or payments relating to the claim in question.

(8) Any other information that may be relevant to the government's alleged liability or the damages you claim.

(c) For a claim based on death:

(1) An authenticated death certificate or other competent evidence showing cause of death, date of death, and age of the decedent.

(2) Evidence of decedent's employment or occupation at the time of death, including monthly or yearly salary or earnings, and the duration of such employment or occupation.

(3) Full names, addresses, birth dates, kinship, and marital status of the decedent's survivors, including identification of those survivors who were dependent upon the decedent for support at the time of his or her death.

(4) Evidence of the support provided by the decedent to each dependent survivor at the time of his or her death.

(5) A summary of the decedent's general physical and mental condition before death.

(6) Itemized bills or receipts for payments for medical and burial expenses.

(7) For pain and suffering damage claims, a physician's detailed statement specifying the injuries suffered, the duration of pain and suffering, any drugs administered for pain, and the decedent's physical condition in the interval between injury and death.

(8) Any other information that may be relevant to the government's alleged liability or the damages claimed.

§ 114.105 Who investigates and considers my claim?

(a) SBA may investigate, or ask another Federal agency to investigate, your claim. SBA also may request any Federal agency to conduct a physical examination of you and provide a report to SBA. SBA will reimburse the Federal

agency for the costs of that examination when authorized or required by statute or regulation.

(b) In those cases in which SBA investigates your claim, the SBA District Counsel with jurisdiction over the site will conduct an investigation and make recommendations or a determination with respect to your claim. The District Counsel may negotiate with you and is authorized to use alternative dispute resolution mechanisms when they may promote the prompt, fair and efficient resolution of your claim.

(c) The District Counsel may approve or deny an award, compromise, or settlement of any claim for \$5,000 or less. If your claim is for \$5,000 or less, the District Counsel may deny the claim, or may recommend approval, compromise, or settlement of the claim to a Senior Area Counsel who may take final action. The District Counsel first must refer the claim to SBA's General Counsel for review if SBA should consult with the Department of Justice before approving the claim, as required under § 114.107.

§ 114.106 What if my claim exceeds \$5,000?

The District Counsel must review and investigate your claim and forward it with a report and recommendation to the General Counsel, who may approve or deny an award, compromise, or settlement of claims in excess of \$5,000, but not exceeding \$25,000. The General Counsel will handle claims in excess of \$25,000 as required by § 114.107.

§ 114.107 What if my claim exceeds \$25,000 or has other special features?

(a) The U.S. Attorney General (or designee) must approve in writing any award, compromise, or settlement of a claim in excess of \$25,000. For this purpose, a principal claim and any derivative or subrogated claim are considered a single claim.

(b) SBA must consult with the Department of Justice before adjusting, determining, compromising, or settling a claim whenever the General Counsel determines:

- (1) The claim involves a new precedent or a new point of law; or
- (2) The claim involves or may involve a question of policy; or

(3) The United States is or may be entitled to indemnity or contribution from a third party and SBA is unable to adjust the third party claim; or

(4) Approval of a claim, as a practical matter, will or may control the disposition of a related claim in which the amount to be paid may exceed \$25,000.

(c) SBA must consult with the Department of Justice before adjusting,

determining, compromising, or settling a claim whenever SBA learns that the United States, or any of its employees, agents, or cost-plus contractors, is involved in litigation based on a claim arising out of the same incident or transaction.

(d) SBA, acting through its General Counsel, must make any referrals to the Department of Justice for approval or consultation by transmitting them in writing to the Assistant Attorney General, Civil Division.

(1) The referral must contain a short and concise statement of the facts and the reason for the request or referral, copies of the relevant portions of the claim file, and SBA's views and recommendations.

(2) SBA may make this referral at any time after a claim is presented.

§ 114.108 What if my claim is approved?

SBA will notify you in writing if it approves your claim. The District Counsel will forward to you or your agent or legal representative the forms necessary to indicate satisfaction of your claim and your acceptance of the payment. Acceptance by you, your agent or your legal representative, of any award, compromise or settlement of your claim is final and conclusive under the Federal Tort Claims Act. It binds you, your agent or your legal representative, and any other person on whose behalf or for whose benefit the claim was presented. It also constitutes a complete release of your claim against the United States and its employees. If you are represented by counsel, SBA will designate you and your counsel as joint payees and will deliver the check to your counsel. Payment is contingent upon the waiver of your claim and is subject to the availability of appropriated funds.

§ 114.109 What if my claim is denied?

SBA will notify you or your agent or legal representative in writing by certified or registered mail if it denies your claim. You have a right to file suit in an appropriate U.S. District Court not later than six months after the date the notification was mailed.

Subpart B—Representation And Indemnification of SBA Employees

§ 114.110 What is SBA's policy with respect to indemnifying and providing legal representation to SBA employees?

(a) If an SBA employee engages in conduct, within the scope of his or her employment, which gives rise to a claim, and the SBA Administrator (or designee) determines that any of the following actions relating to the claim are in SBA's interest, SBA may:

(1) Indemnify the employee after a verdict, judgment, or other monetary award is rendered personally against the employee in any civil suit in state or federal court or any arbitration proceeding.

(2) Settle or compromise the claim.

(3) Pay for, or request that the Department of Justice provide, legal representation to the employee once personally named in such a suit.

(b) If you are an SBA employee, you may ask SBA to settle or compromise your claim, provide you with legal representation, or provide you with indemnification for a verdict, judgment or award entered against you in a suit. To do so, you must submit a timely, written request to the General Counsel, with appropriate documentation, including copies of any pleadings, verdict, judgment, award, or settlement proposal. The General Counsel will decide all requests for representation or settlement, and will forward to the Administrator, with the accompanying documentation and a recommendation, any requests for indemnification.

(c) Any payments by SBA under this section will be contingent upon the availability of appropriated funds.

§ 114.111 Does the attorney-client privilege apply when SBA employees are represented by the Government?

When attorneys employed by SBA participate in any process in which SBA seeks to determine whether SBA should request the Department of Justice to provide representation to an SBA employee sued, subpoenaed, or charged in his or her individual capacity, or whether attorneys employed by SBA should provide representational assistance for such an employee, those attorneys undertake a full and traditional attorney-client relationship with the employee with respect to the attorney-client privilege. If representation is authorized, SBA attorneys who assist in the representation of an SBA employee also undertake a full and traditional attorney-client relationship with the employee with respect to the attorney-client privilege. Unless authorized by the employee, the attorney must not disclose to anyone other than attorneys also responsible for the employee's representation adverse information communicated to the attorney by the client-employee during the course of the attorney-client relationship. The attorney-client privilege will continue with respect to that information whether or not representation is provided, and even if the employee's representation is denied or discontinued.

Dated: October 19, 1995.

Philip Lader,

Administrator.

[FR Doc. 95-26669 Filed 11-2-95; 8:45 am]

BILLING CODE 8025-01-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 95-NM-90-AD]

Airworthiness Directives; Airbus Industrie Model A320 Series Airplanes

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 certain Airbus Industrie Model A320 series airplanes. This proposal would require an inspection to detect moisture and migrated bushings of the guide fittings of the safety locking pins of the passenger doors, removal of any moisture, application of grease, and reinstallation of any migrated bushing. This proposal also would require installation of a greasing nipple on the guide fitting of the locking pin and on three telescopic rods on the passenger doors. This proposal is prompted by reports of difficulty opening the passenger doors due to jamming of the locking pin. The actions specified by the proposed AD are intended to prevent such jamming of the locking pin, which could result in inability to open the passenger door. This condition, if not corrected, could impede or delay passengers from exiting the airplane during an emergency.

DATES: Comments must be received by December 18, 1995.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 95-NM-90-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056. 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 Airbus Industrie, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.