the liability of the Settling Defendants to the Commonwealth of Pennsylvania for response costs and natural resource damages in connection with the Site. Under the terms of the partial consent decree, the Settling Defendants will pay a total of $13.35 million, plus interest, to the United States, and $1 million, plus interest, to the Commonwealth. The United States, on behalf of the settling federal agencies, will contribute $500,000 to the EPA Hazardous Substance Superfund.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the proposed partial consent decree. Comments should be addressed to the Assistant Attorney General of the Environment and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *United States and Commonwealth of Pennsylvania* v. *Publicker Industries Inc., et al.*, D.J. No. 90–11–3–689. In addition, pursuant to Section 7003(d) of RCRA, 42 U.S.C. 6973(d), any member of the public who desires a public meeting in the area affected by the proposed partial consent decree in order to discuss the proposed partial consent decree prior to its final entry by the court may request that such a meeting be held. Any such request for a public meeting should be submitted within fifteen (15) days from the date of this publication and sent to the same address and bear the same reference as indicated above for submission of comments.

The proposed partial consent decree may be examined at the office of the United States Attorney for the Eastern District of Pennsylvania, 615 Chestnut Street, Suite 1250, Philadelphia, Pennsylvania 19106; the Region III Office of the Environmental Protection Agency, 841 Chestnut Building, Philadelphia, Pennsylvania 19107; and at the Consent Decree Library, 1120 G Street, NW., 4th Floor, Washington, DC, 20005. A copy of the proposed consent decree may be obtained in person or by mail from the Consent Decree Library, 1120 G Street, NW., 4th Floor, Washington, DC 20005. In requesting a copy, please enclose a check in the amount of $22.00 (25 cents per page reproduction costs) payable to the consent Decree Library.

Joel M. Gross,

Chief, Environmental Enforcement Section, Environmental and Natural Resources Division.

[FR Doc. 96–1044 Filed 1–23–96; 8:45 am]

BILLING CODE 4410–01–M

DEPARTMENT OF LABOR

Office of the Secretary

Agency Recordkeeping/Reporting Requirements Under Review by the Office of Management and Budget (OMB)

January 18, 1996.

The Department of Labor has submitted the following public information collection request (ICR) to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. Chapter 35). Copies of this individual ICR, with applicable supporting documentation, may be obtained by calling the Department of Labor Acting Departmental Clearance Office, Theresa M. O'Malley (202) 219–5095. Comments and questions about the ICR listed below should be directed to Ms. O'Malley, Office of Information Resources Management Policy, U.S. Department of Labor, 200 Constitution Avenue, NW., Room N–1301, Washington, DC 20210 within 30 days from the date of this publication in the Federal Register. Comments should also be sent to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for ETA, Office of Management and Budget, Room 10325, Washington, DC 20503 (202) 395–7316.

Individuals who use a telecommunications device for the deaf (TTY/TDD) may call (202) 219–4720 between 1:00 p.m. and 4:00 p.m. Eastern time, Monday through Friday.

Agency: Bureau of Labor Statistics

Title: Census of Fatal Occupational Injuries

OMB Number: 1220–0133

Form No.	Affected public	Respondents	Frequency	Average time per response
BLS CFOI–1	*	2,500	Once	20 minutes.
Source documents	Federal Government; State, local or tribal governments	165	152	10 minutes.

*Affected Public: Individuals or households; Business or other for-profit; Not-for-profit institutions; Farms; Federal Government; State, Local or Tribal Government.

Total Burden Hours: 5,000

Description: The Census of Fatal Occupational Injuries provides policymakers and the public with comprehensive, verifiable, and timely measures of fatal work injuries. It compiles information—including characteristics of the fatal incident, the employer and the deceased—useful for developing prevention strategies.

Agency: Employment and Training Administration

Title: Data Collection Instruments for the Youth Fair Change (YFC) Program Evaluation: Participant Follow-up Questionnaire

OMB Number:

Frequency: One Time

Affected Public: Individuals or households

Number of Respondents: 4,800

Estimated Time Per Respondent: 20 minutes

Total Burden Hours: 1,600

Description: The information collected in this questionnaire is necessary for a Congressionally required evaluation of the Youth Fair Chance (YFC) program. This submission, which is the second of two related submissions, requests clearance of the participant follow-up questionnaire, which obtains data from participants six months after their initial contact with the YFC program. The data provided information about participants' program experience and outcomes.

Theresa M. O'Malley,

Acting Departmental Clearance Officer.

[FR Doc. 96–986 Filed 1–23–96; 8:45 am]

BILLING CODE 4510–24–M

Occupational Safety and Health Administration

Updating Permissible Exposure Limits (PELS) for Air Contaminants; Meeting

AGENCY: The Occupational Safety and Health Administration, Labor.

ACTION: Notice of Public Meeting on Updating Permissible Exposure Limits (PELs) for Air Contaminants.

DATE AND TIME: Thursday, February 22, 1996; 9 a.m. to 5 p.m.

PLACE: Frances Perkins Building, Auditorium, 200 Constitution Ave., NW, Washington, DC 20210. Metro, Judiciary Square Station on the Red Line.

PUBLIC PARTICIPATION: The meeting is open to the public. The room accommodates approximately 240 persons. Pre-registration requested for all participants and required for those planning on making a brief presentation. To register, please send the following information by mail or fax to Julia Pešák at: US Department of Labor/OSHA, Rm. N 3718, 200 Constitution Ave., NW., Washington, DC 20210 Fax: (202) 219–7125

Or, to register by e-mail, send the same information to Lyn Penniman at: lynp@osh3.osha.gov

Information required to register: Name of participant, Organization represented by participant, Topic(s) participant desires to address, Approximate time requested for each topic, maximum of 15 minutes total for each participant.

Registration deadline: Received by Monday, February 12, 1996.

Registration confirmation: OSHA will confirm all registrations received by the deadline. OSHA will chair the meeting and allot time to cover the agenda and permit differing viewpoints to be aired.

AGENDA FOR PUBLIC MEETING: The first portion of the public meeting will include background information on OSHAs past effort and current strategy for updating Permissible Exposure Limits (PELs), followed by a general discussion of OSHAs method for identifying substances for inclusion in the current phase of rulemaking. The second portion will cover significance of risk, risk assessment methodology as applied to both carcinogenic and noncarcinogenic end points, and feasibility analysis methodology.

FOR FURTHER INFORMATION: Call Phyllis Yates or Julia Pešák at (202) 219–7111. Please note that registrations will not be accepted by telephone.

SUPPLEMENTARY INFORMATION:

Background

When the Occupational Safety and Health Administration was established in 1971, the Agency was given two years to adopt existing federal and national consensus standards. Among other standards, OSHA adopted Threshold Limit Values (TLVs) from the American Conference of Governmental Industrial Hygienists (ACGIH), which in turn had become federal standards under the Walsh-Healy Act. These limits, in addition to exposure limits from the American National Standards Institute (ANSI), were codified in the Code of Federal Regulations (CFR) as Permissible Exposure Limits (PELs) in § 1910.1000, Subpart Z. Subpart Z became known as OSHAs Z-Tables, and were enforced by OSHA to protect the health of workers from adverse health effects associated with overexposure to air contaminants in general industry. Minor differences in regulatory history resulted in slightly different limits for the construction and maritime industries.

In the 1980s, it became widely recognized that many of the limits in OSHAs Z-Tables were outdated, and in 1988 OSHA proposed to update approximately 420 of its PELs in its air contaminants rulemaking. The newer PELs were based on more recent scientific information, and that information indicated that all but one of the new PELs needed to be more protective of worker health than were the old limits. OSHA utilized in part the recommendations made by the ACGIH and the National Institute of Occupational Safety and Health (NIOSH) in an effort to streamline the process. Following hearings and written comments OSHA published its final rule on January 19, 1989 (54 FR 2332), reducing 212 PELs, setting 164 PELs for previously unregulated substances, and raising one PEL. OSHA proposed to expand coverage of that rule to the construction and maritime industries on June 12, 1992 (57 FR 26002).

Legal challenges to the standard by industry and labor groups were consolidated and heard in the Eleventh Circuit Court of Appeals. In July of 1992 the Court issued its decision (*American Federation of Labor and Congress of Industrial Organizations* v. *Occupational Safety and Health Administration*, 965 F. 2d 962). It stated, in essence, that OSHA should perform quantitative analysis of risk for noncancer endpoints where possible, that more extensive discussions of the health evidence for each substance was needed, and that feasibility analysis should be more detailed. Though only some of the substances were individually challenged, the entire revised air contaminants standard was vacated and remanded back to the Agency. Consequently, the Agency was obligated to revert back to enforcing the limits set in the early 1970s.

Purpose

Establishing an ongoing mechanism for updating its PELs continues to be a high priority for the Agency. OSHA seeks comment on the current phase of its plan to establish an ongoing, iterative process for updating outmoded Permissible Exposure Limits (PELs). Future phases will differ from the current phase and include a mechanism for establishing PELs for appropriate new substances (not currently regulated) under § 1910.1000, subpart Z. This meeting will be the second on the topic of PELs with interested stakeholders since the standard was remanded in 1992.

The Agency intends to publish a proposal to update PELs for a group of approximately 20 substances in the late spring of 1996. Subsequent to the previous public meeting in July 1995, OSHA has further narrowed its likely priority candidates for proposed PEL rulemaking. The substances included below represent OSHA's current intentions regarding the substances to be included in the air contaminants proposal. The actual proposal, when published, may add or drop a small number of substances.

The list of substances currently slated for rulemaking, along with the agenda of the meeting (including a brief discussion of risk assessment and significance of risk issues of interest to OSHA), are provided here for the purpose of focusing and facilitating substantive discussion during the public meeting for stakeholders. The purpose of this meeting is to discuss those general issues which are germane to the current air contaminants rulemaking. It is not OSHA's intent to discuss health effects information and other issues relevant only to specific substances at this particular meeting. The regulatory process will provide ample opportunity for interested parties to submit oral and written comments on specific substances.

Current Candidates for Proposed Air Contaminants Rulemaking:

Carbon disulfide
Carbon monoxide
Chloroform
Dimethyl sulfate
Epichlorohydrin
Ethylene dichloride
Glutaraldehyde
n-Hexane
2–Hexanone
Hydrazine
Hydrogen sulfide
Manganese & compounds
Mercury & compounds
Nitrogen dioxide
Perchloroethylene
Sulfur dioxide
Toluene
Toluene diisocyanate
Trimellitic anhydride
Vinyl bromide

Issue I: Priority-Setting for PEL Chemicals

OSHA requests comment on its selection of priority substances for this first phase of updating PELs. In identifying the priority substances, OSHA (with assistance from NIOSH) evaluated the following criteria: The inherent toxicity of the substance; the number of workers exposed to the substance (and in some cases, the amount of the substance produced); uses of the substance and prevailing exposure levels; the severity of the resulting adverse health effect(s); the availability of information useful in quantitative risk assessment, and the quality of those data; and the potential for risk reduction. Administrative considerations and professional judgement were also factored in to the decision-making process. OSHA feels that this approach, a hybrid of quantitative and qualitative elements rather than a strictly quantitative formula, was appropriate and rational. The criteria used to identify these substances are similar to those used by OSHA's Priority Planning Process Committee to identify the Agency's priorities for regulatory and other actions.

Although these priority substances were identified on the basis of objective criteria, it should not be concluded that these are the only substances in OSHA's Z-Tables that require new PELs, nor that these are necessarily the highest-risk substances. It is important for worker protection that the Agency propose PELs for noncarcinogens as well as carcinogens, and for substances which have health effects that adversely impact workers' quality of life without necessarily affecting mortality. And, while it is important to establish PELs for these particular substances, it is of equal importance to the Agency to begin to lay the groundwork for a regular and iterative process for updating PELs for air contaminants.

Issue II: Risk Assessment Methodology for Carcinogens

OSHA has gained much experience in conducting quantitative risk assessments for carcinogens from past rulemaking efforts. The approaches most often employed by the Agency, which rely on use of the multistage model with animal data and relative risk models with human data to derive dose-response relationships, are well known in the scientific community and have been routinely upheld by reviewing courts. The Agency does not expect to depart significantly from its use of these approaches to derive revised exposure limits for potential carcinogens included in the present rulemaking effort. However, OSHA is interested in hearing discussion on certain issues regarding the details of dose-response modeling for carcinogens, in particular: (1) The appropriateness of relying on maximum likelihood estimates, upper confidence limits, or other summary statistics for carcinogenic potency such as expected values (for example, see Hattis and Goble 1991) to derive exposure limits; (2) approaches that can be taken to address the issue of interindividual variation in response among humans; (3) the use of various interspecies scaling factors when assessing risks from bioassay data; and (4) criteria for evaluating the adequacy of data to determine when it is appropriate to use pharmacokinetic analysis as part of the risk assessment.

Issue III: Risk Assessment Methodology for Noncarcinogens

OSHA is currently exploring the use of techniques to quantify risks of non-neoplastic health effects associated with occupational exposure to hazardous materials. This effort is designed to address the Eleventh Circuit Court decision. OSHA believes that, wherever data permit, conducting quantitative risk assessments for noncancer health endpoints provides the most direct route for establishing new or revised exposure limits in a manner consistent with the Court decision.

A variety of methods for establishing exposure limits based on noncancer health endpoints have been used by regulatory agencies and scientific bodies. One of the most frequently employed methods involves setting exposure limits by applying uncertainty factors to no-observed-adverse-effect (NOAEL) or lowest-observed-adverse-effect (LOAEL) levels reported in human and animal studies. OSHA relied on this approach to a large extent in the 1989 Air Contaminants rulemaking. Although this approach has been widely used in the past, its chief disadvantage is that it provides little or no information on potential risk levels that may be associated with varying magnitudes of exposure, a limitation that was recognized by the Court.

One of the newer approaches being evaluated by OSHA to conduct noncancer risk assessments is known as the ''benchmark dose'' method, originally described by Crump (1984). This method is currently being used by the Environmental Protection Agency (EPA) to establish Reference Doses (RfDs) based on noncancer health effects, and its application has been recently studied and described in detail by EPA's Risk Assessment Forum (EPA, 1995). This approach uses formal modeling techniques similar to those used in cancer risk assessment to develop quantitative dose-response relationships based on either human or animal studies. The models are subsequently used to estimate a benchmark dose associated with a specified excess risk level that lies on or just below the observed range of risks (usually 5 or 10 percent). The EPA document discusses two approaches for deriving references doses from benchmark doses: one employs a system of uncertainty factors to account for individual variation in response, extrapolation from animal to humans, and severity of the effect, while the other approach reduces the benchmark dose by some adjustment factor representing the desired reduction in the magnitude of the risk. Thus, the benchmark dose approach differs from those used in cancer risk assessments in that the models developed are not used to extrapolate risks at very low dose levels. Use of the benchmark dose approach has at least two advantages over the traditional NOAEL/LOAEL method: (1) Quantitative dose-response information can be obtained, which should facilitate regulatory decision making; and (2) the approach provides for greater regulatory consistency between substances since decisions can be based on comparable starting points, i.e., risk levels of 5 or 10 percent.

Thus, OSHA believes that the benchmark dose approach shows promise as a consistent and defensible method by which the Agency can establish reasonable exposure limits based on nonneoplastic health effects. As such, OSHA wishes to hear considerable discussion on the experience of those who are familiar with or who have used this method to evaluate public health risks, and what alternative approaches can be utilized that address issues raised by the Court ruling on the Air Contaminants standard. In particular, OSHA is interested in hearing discussion on how to best implement approaches to derive exposure limits from benchmark dose values, and how these methods can be interpreted in terms of the significance of the risk and the magnitude of risk reduction achieved.

Issue IV: Determination of Significant Risk

For significant risk determinations for carcinogens, OSHA has followed the Supreme Court guidance in the Benzene decision. The Court stated: ''It is the Agencys responsibility to determine in the first instance what it considers to be

a ''significant'' risk. Some risks are plainly acceptable and others are plainly unacceptable. If, for example, the odds are one in a billion that a person will die from cancer by taking a drink of chlorinated water, the risk clearly could not be considered significant. On the other hand, if the odds are one in a thousand that regular inhalation of gasoline vapors that are 2% benzene will be fatal a reasonable person might well consider the risk significant and take the appropriate steps to decrease or eliminate it.'' (*Industrial Union Department, AFL-CIO* v. *American Petroleum Institute*, 448 U.S. 601, 655. (1980)). OSHA would welcome comments that would enable it to shed light on the acceptability of risk levels within this million-fold range.

OSHA has had less experience in evaluating significant risk for the broad range of other adverse health effects experienced by workers who are exposed to hazardous levels of chemical substances. OSHA invites discussion on appropriate risk levels for effects such as neurotoxicity, reproductive effects, and organ toxicity that may represent significant risks, and on appropriate criteria (such as severity and reversibility of the effect) that should be considered to determine when risks of a given magnitude represent a significant risk.

References

Crump, K.S. 1984. A new method for determining allowable daily intakes. *Fund. Appl. Toxicol.* 4:854–871

Environmental Protection Agency. February 1995. The Use of the Benchmark Dose Approach in Health Risk Assessment. Publication No. EPA/630/R–94/007, Washington, DC.

Hattis, D. And Goble, R.L. 1991. Expected values for projected cancer risks from putative genetically acting agents. *Risk Analysis* 11:359–363

Authority: This document was prepared under the direction of Joseph A. Dear, Assistant Secretary of Labor for the Occupational Safety and Health, 200 Constitution Ave. NW., Washington, DC 20210.

Signed at Washington, DC, this 19th day of January, 1996.

Joseph A. Dear,

Assistant Secretary of Labor.

[FR Doc. 96–952 Filed 1–23–96; 8:45 am]

BILLING CODE 4510–26–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[NOTICE 96–001]

National Environmental Policy Act; Near Earth Asteroid Rendezvous Mission

AGENCY: National Aeronautics and Space Administration (NASA).

ACTION: Finding of no significant impact.

SUMMARY: Pursuant to the National Environmental Policy Act (NEPA) of 1969, as amended (42 U.S.C. 4321, *et seq.*), the Council on Environmental Quality (CEQ) Regulations for Implementing the Procedural Provisions of NEPA (40 CFR Parts 1500–1508), and NASA policy and procedures (14 CFR Part 1216 Subpart 1216.3), NASA has made a finding of no significant impact (FONSI) with respect to the proposed Near Earth Asteroid Rendezvous (NEAR) mission, which would involve a flight to and orbit about the near Earth asteroid (433) Eros. The baseline mission calls for the NEAR spacecraft to be launched aboard a Delta II 7925 from Cape Canaveral Air Station (CCAS), Florida, in February 1996.

DATES: Comments on the FONSI must be provided in writing to NASA on or before February 23, 1996.

ADDRESSES: Written comments should be addressed to Ms. Elizabeth Beyer, NASA Headquarters, Code SLP, 300 E Street SW, Washington, DC 20546. The Environmental Assessment (EA) prepared for the NEAR mission which supports this FONSI may be reviewed at the following locations:

(a) NASA Headquarters, Library, Room 1J20, 300 E Street, SW, Washington, DC 20546.

(b) Spaceport USA, Room 2001, John F. Kennedy Space Center, Florida, 32899. Please call Lisa Fowler beforehand at 407–867–2468 so that arrangements can be made.

(c) Jet Propulsion Laboratory, Visitors Lobby, Building 249, 4800 Oak Grove Drive, Pasadena, CA 91109 (818–354–5179).

The EA may also be examined at the following NASA locations by contacting the pertinent Freedom of Information Act Office:

(d) NASA, Ames Research Center, Moffett Field, CA 94035 (415–604–4190).

(e) NASA, Dryden Flight Research Center, Edwards, CA 93523 (805–258–3448).

(f) NASA, Goddard Space Flight Center, Greenbelt, MD 20771 (301–286–0730).

(g) NASA, Johnson Space Center, Houston, TX 77058 (713–483–8612).

(h) NASA, Langley Research Center, Hampton, VA 23665 (804–864–6125).

(i) NASA, Lewis Research Center, 21000 Brookpark Road, Cleveland, OH 44135 (216–433–2313).

(j) NASA, Marshall Space Flight Center, Huntsville, AL 35812 (205–544–5252).

(k) NASA, Stennis Space Center, MS 39529 (601–688–2164).

A limited number of copies of the EA are available by contacting Ms. Elizabeth Beyer at the address or telephone number indicated herein.

FOR FURTHER INFORMATION CONTACT: Elizabeth Beyer, 202–358–0314.

SUPPLEMENTARY INFORMATION: NASA has reviewed the EA prepared for the NEAR mission and has determined that it represents an accurate and adequate analysis of the scope and level of associated environmental impacts. The EA is incorporated by reference in this FONSI.

NASA is proposing to launch the NEAR mission, which would deliver a single orbiting spacecraft to Eros in 1999. Following launch and injection into a heliocentric transfer orbit in February 1996, there would be an Earth swingby in January 1998 which will change the heliocentric orbital inclination by about 10 degrees to intercept the orbit of Eros. The initial flyby of Eros would be at a closest approach distance of 500 kilometers (km) (310 miles (mi.)) and would allow an initial reconnaissance of Eros by several instruments and an initial determination of mass and rotational state. Orbital insertion about Eros would occur a few days later in a circular 1000 km (621 mi.) orbit, followed a few weeks later by insertion into a circular 200 km (124 mi.) orbit face-on to the direction of Earth. The orbit would then be lowered in stages, as the asteroid shape and gravity models are refined, until the nominal rendezvous orbit radius of 35 km (22 mi.) is attained. The spacecraft carries no radioactive material, except for a minor calibration source which consists of 30 microcuries of Fe^{55} (iron-55). The proposed action calls for using a Delta II 7925 launch vehicle with a Payload Assist Module-Delta (PAM–D) upper stage to inject the NEAR spacecraft into its heliocentric transfer orbit.

The science objective for the NEAR mission is to investigate the properties of a single asteroid, the rendezvous target, 433 Eros. Near earth asteroids are of fundamental scientific importance they may preserve clues to early solar system processes and to conditions