

So ordered by the Commission, this 20th day of May, 1996.

Sadye E. Dunn,  
Secretary, Consumer Product Safety  
Commission.

### Complaint

The staff of the Consumer Product Safety Commission ("staff") contends that Burlington Coat Factory Warehouse Corporation, a corporation ("Respondent"), is subject to the provisions of the Consumer Product Safety Act, 15 U.S.C. 2051 *et seq.* (CPSA); the Flammable Fabrics Act, 15 U.S.C. 1191 *et seq.* (FFA); the Federal Trade Commission Act (15 U.S.C. 41 *et seq.* (FTC); and the Standard for the Flammability of Clothing Textiles, 16 C.F.R. part 1601 ("the general wearing apparel standard"). The staff further contends Respondent violated the general wearing apparel standard's provisions related to the flammability of certain women's rayon sheer chiffon skirts and scarves.

Based upon the information provided to the Commission by the staff, the Commission determined it is in the public interest to issue this Complaint. Therefore, by virtue of the authority vested in the Commission by section 30(b) of the CPSA, 15 U.S.C. 2079(b); sections 3 and 5 of the FFA, 15 U.S.C. 45; and in accordance with the Commission's Rules of Practice for Adjudicative Proceedings, 16 CFR Part 1025, the Commission hereby issues this Complaint and states the staff's charges as follows:

1. Respondent Burlington Coat Factory is a corporation organized and existing under the laws of the State of Delaware with principal corporate offices at 1830 Route 130 N, Burlington, New Jersey, 08016.

2. Respondent is and has been engaged in one or more of the following activities: the sale, or the offering for sale, in commerce, of women's sheer chiffon rayon skirts and scarves subject to the general wearing apparel standards.

3. In 1994 and 1995, Respondent sold and offered for sale women's 100% rayon sheer chiffon skirts and scarves that did not comply with the flammability requirements for general wearing apparel.

4. As the result of these failures to comply with the general wearing apparel standard, Respondent sold, or offered for sale, in commerce, a significant number of women's garments purchased from several different importers that failed to comply with the general wearing apparel flammability standards.

5. After being informed of the violations involving sheer chiffon skirts by the Commission staff in 1994, Respondent nevertheless sold and offered for sale sheer chiffon scarves that did not comply with the applicable flammability requirements.

### Relief Sought

Wherefore, the staff requests the Commission to issue an order requiring the Respondent to:

Cease and desist from the sale, or the offering for sale, in commerce, delivery for introduction, transportation in commerce, or the sale or delivery after sale or shipment in commerce, of rayon sheer chiffon skirts and scarves subject to the general wearing apparel standards that fail to comply with such standards.

Wherefore, the premises considered, the Commission hereby issues this Complaint on the \_\_\_\_ day of \_\_\_\_\_, 1996.

Dated:

By direction of the Commission:  
David Schmeltzer,  
Assistant Executive Director, Office of  
Compliance.  
[FR Doc. 96-13203 Filed 5-24-96; 8:45 am]  
BILLING CODE 6355-01-M

## DEPARTMENT OF ENERGY

### Establishment of the Fee Policy for Acceptance of Foreign Research Reactor Spent Nuclear Fuel

**AGENCY:** Department of Energy.

**ACTION:** Notice of establishment of the fee policy for acceptance of foreign research reactor spent nuclear fuel.

**SUMMARY:** This notice establishes the fee policy for receipt and management of spent nuclear fuel from foreign research reactors by the Department of Energy (DOE). DOE's foreign research reactor spent fuel acceptance policy covers aluminum-based and TRIGA (Training, Research, Isotope, General Atomics) spent fuel and target material containing uranium enriched in the United States. For high-income economy countries, the fee will be no higher than \$4,500 per kilogram of total mass for aluminum based spent fuel containing highly enriched uranium (HEU) and TRIGA spent fuel, and no higher than \$3,750 per kilogram of total mass for aluminum based spent fuel containing low enriched uranium (LEU). The cost of shipping the spent fuel to the United States from high-income economy countries is not included in the fee, and will be borne by the reactor operators. For other countries, the Department will

pay the costs for shipping, receipt, and management.

**FOR FURTHER INFORMATION CONTACT:** G. F. Cole, Director, Office of Spent Fuel Management (EM-67), U.S. Department of Energy, 1000 Independence Ave, SW, Washington, DC 20585, Telephone (301) 903-1450.

**SUPPLEMENTARY INFORMATION:** On May 13, 1996, the Department of Energy (DOE) issued the Record of Decision (ROD) for the Final Environmental Impact Statement on a Proposed Nuclear Weapons Nonproliferation Policy Concerning Foreign Research Reactor Spent Nuclear Fuel (DOE/EIS-0218F of February 1996, the Final EIS). The ROD specifies that the United States will accept up to 19.2 MTHM (metric tonnes of heavy metal) of foreign research reactor spent fuel in approximately 22,700 separate elements and up to approximately an additional 0.6 MTHM of target material over a thirteen year period. All of this material contains uranium that was enriched in the United States.

DOE specified in the ROD that the following spent fuel and target material types will be accepted under this policy:

1. Spent nuclear fuel (HEU or LEU) from foreign research reactors operating on LEU fuel or in the process of converting to LEU fuel when the policy became effective.

2. Spent nuclear fuel (HEU or LEU) from foreign research reactors that operated on HEU fuel when the policy became effective but that formally commit to convert to LEU fuel. Spent nuclear fuel will not be accepted from foreign research reactors that could convert to LEU fuel but whose operators or owners do not formally commit, prior to receipt of their spent fuel into the United States, to make the conversion. Similarly, target material containing uranium enriched in the United States will only be accepted if reactors wishing to ship such target material have formally committed to convert to the use of LEU targets, when such targets become available. The terms and commitments for conversion are discussed in the ROD.

3. HEU spent nuclear fuel from foreign research reactors having lifetime cores, from foreign research reactors planning to shut down by a specific date while the policy is in effect, and from foreign research reactors for which a suitable LEU fuel is not available.

4. HEU or LEU spent nuclear fuel from foreign research reactors that are already shut down.

5. Unirradiated HEU or LEU fuel from eligible foreign research reactors will be accepted as spent nuclear fuel.

As stated in the ROD, DOE will not accept LEU spent fuel from any individual foreign research reactor until the HEU spent fuel at that reactor has all been shipped, unless there are extenuating circumstances (e.g., deterioration of one or more LEU elements sufficient to cause a safety problem if acceptance were delayed). In addition, DOE will not accept spent fuel (HEU or LEU) from new foreign research reactors starting operation after the date of implementation of the policy.

The ROD specifies that the United States will charge high-income-economy countries a fee that will be published in a separate Federal Register Notice (this constitutes that notice). The ROD also specifies that DOE will bear the full cost of shipping and managing foreign research reactor spent fuel from other countries, including at-reactor preparation. The countries from which spent fuel would be accepted, and definition of whether or not they are considered to be high-income-economy countries, are listed in the ROD and the Final EIS. The Final EIS also identifies the estimated number of spent nuclear fuel shipments from each country, and the estimated number of casks each country would ship.

The fee will be no higher than \$4,500 per kilogram of total mass (not heavy metal mass) for aluminum based spent fuel containing HEU and TRIGA spent fuel, and no higher than \$3,750 per kilogram of total mass for aluminum based spent fuel containing LEU. Total mass includes, among other things, the mass of cladding, structural materials, the aluminum fuel matrix, overpack canning. The actual fee will be established in DOE's spent fuel acceptance contracts. These fees will be used to cover all aspects of receipt and management of the spent nuclear fuel by DOE, including geologic disposal. The cost of preparing the spent nuclear fuel for shipment to the United States (e.g., inspection, documentation, and canning, if necessary), and shipping the spent nuclear fuel to a DOE spent fuel management site in the the United States, is not included in the fee and is not an obligation of the United States. These costs will be borne by the individual reactor operators in high-income-economy countries. Fees are due and payable upon DOE acceptance of the spent nuclear fuel at the DOE management site.

No fee is specified in this notice for acceptance of target material. This fee will be established separately at a later time.

For spent fuel not covered by a valid, signed DOE acceptance contract, DOE reserves the right to modify the fee

upward or downward at any time to respond to changed circumstances, including a change in the cost of managing the spent fuel in the United States.

Issued at Washington, DC., on May 22, 1996.

Jill Lytle,

*Deputy Assistant Secretary, Office of Nuclear Material and Facility Stabilization  
Environmental Management.*

[FR Doc. 96-13283 Filed 5-24-96; 8:45 am]

BILLING CODE 6450-01-P

### **Notice of Waste Acceptance, Storage, and Transportation Services**

**AGENCY:** Office of Civilian Radioactive Waste Management, Department of Energy.

**ACTION:** Request for expression of interest and comments.

**SUMMARY:** The Office of Civilian Radioactive Waste Management (OCRWM) is responsible under the Nuclear Waste Policy Act of 1982, as amended (NWP) for transporting spent nuclear fuel (spent fuel) from commercial nuclear reactor sites to a Federal facility for storage or disposal. The Standard Contract for Disposal of Spent Fuel and/or High Level Radioactive Waste (10 CFR part 961) details the arrangements between the Department and the owners and generators of spent fuel (Purchasers) for the Department to accept the spent fuel at the Purchasers' sites for transport to the receiving Federal facility. Section 137(a)2 of the NWP requires the utilization of private industry to the "fullest extent possible" in the transportation of spent fuel.

OCRWM is developing a plan for the performance of its waste acceptance, storage and transportation responsibilities which are set forth in the NWP and Standard Contract and is soliciting input from interested parties as to its proposed approach.

**DATES:** Submissions of interest and comments in response to this Notice should be received by the Department no later than three weeks from the date of this announcement. A presolicitation conference may be held this summer, if so, a separate Notice will be issued identifying the date. Respondents to this Notice will be placed on a list to receive additional information which may include draft solicitation documents in preparation for the presolicitation conference.

**ADDRESSES:** Submissions of interest including any comments should be sent to: Michelle Miskinis, Contracting Officer, U. S. Dept. Of Energy, 1000

Independence Ave. SW, Attention: HR-561.21, Washington D.C. 20585.

**FOR FURTHER INFORMATION CONTACT:** Ms Michelle Miskinis (DOE/HR-561.21), 202-634-4413 or Ms Beth Tomasoni (DOE/HR-561.21), 202-634-4408.

**SUPPLEMENTARY INFORMATION:** The following describes key features of the OCRWM proposed approach:

**Scope of Services:** DOE anticipates contracting for supplies and services which would include: accepting spent-fuel from Purchasers' facilities (as identified in the Acceptance Priority Ranking and Annual Capacity Reports and supplying compatible transportation (and possibly storage) casks and equipment and transporting spent-fuel to a designated Federal facility. Contractors would also be responsible for any intermodal transport required, including heavy haul. Contractors may be permitted to alter the order of spent-fuel acceptance to achieve efficiency of operation or to lower costs. Contractors would work with Purchasers to determine the best way to service a site and would recommend preferred transportation routes to the Federal facility. Contractors will also be required to interface with those State, Local and Tribal governments along the selected routes.

The location and type of Federal facility (either a repository or an interim storage facility (ISF) cannot yet be determined. Initially, spent-fuel delivered to the Federal site would be canistered before arrival at the facility, but at some point in the service period the contractor may be required to handle uncanistered spent-fuel. Transportation and storage equipment to be supplied would be required to comply with applicable Nuclear Regulatory Commission (NRC) and Department of Transportation (DOT) regulations, OCRWM acceptance criteria, and standard commercial practices.

**Contract Type:** Competitive, fixed-price type, contracts are being considered with a phased implementation that includes sequential development of business/servicing plans describing contractors' individual approaches, fabrication/acquisition of hardware, and transportation services operations. More than one award is anticipated. One approach under consideration is to divide the country into regions, for example, the four NRC regions. No contractor would be awarded more than two regional service contracts. It is envisioned that there will be several Requests for Proposals (RFPs) issued over several decades for these