NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–266 and 50–301]

Wisconsin Electric Power Company; Notice of Consideration of Issuance of Amendments to Facility Operating Licenses, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of amendments to Facility Operating License Nos. DPR–24 and DPR–27 issued to Wisconsin Electric Power Company (the licensee), for operation of the Point Beach Nuclear Power Plant, Units 1 and 2, located in Manitowoc County, Wisconsin.

The proposed amendments would change Technical Specification requirements related to the service water system, component cooling water system, containment cooling and iodine removal systems, auxiliary electrical systems, and the control room emergency filtration system. The September 30, 1996, application was noticed in the **Federal Register** on November 19, 1996 (61 FR 58905). The November 26, and December 12, 1996, February 13, and March 5, 1997, applications were noticed in the **Federal Register** on April 9, 1997 (62 FR 17244). The supplemental applications dated April 2, April 16, May 9, and June 3, 1997, would eliminate separate requirements for the component cooling water system for single-unit and two-unit operation, revise the acceptance criteria for laboratory testing of the control room emergency filtration system charcoal adsorber banks from 90 percent to 99 percent, and supplement additional information on the basis for acceptability of equipment qualification analyses and dose assessments resulting from a loss-of-coolant accident.

The licensee's supplements of November 26, and December 12, 1996, February 13, March 5, April 2, April 16, May 9, and June 3, 1997, stated that the conclusions provided in the September 30, 1996, ''No Significant Hazards Consideration'' were not altered by the additional information provided.

The June 3, 1997, submittal requested the proposed amendments be handled on an exigent basis based on the current schedule which indicates that Unit 2 restart is scheduled for June 25, 1997, and Unit 1 restart is scheduled for July 1, 1997, and failure of the issuance of the amendments by these dates would result in prevention of Point Beach's resumption of operation. The licensee states that the circumstances of exigency were not avoidable, based on the need to refine and revise the submittals due to emergent issues, principally control room dose analyses. The NRC has determined that the licensee used its best efforts to make a timely application for the proposed changes and that exigent circumstances do exist and were not the result of any intentional delay on the part of the licensee.

Before issuance of the proposed license amendments, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

Pursuant to 10 CFR 50.91(a)(6) for amendments to be granted under exigent circumstances, the NRC staff must determine that the amendment requests involve no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendments would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration. The NRC staff has reviewed the licensee's analysis against the standards of 10 CFR 50.92(c). The NRC staff's review is presented below.

(1) The proposed changes do not involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed changes would increase the acceptance criteria for the efficiency of the control room emergency filtration system charcoal adsorbers from 90 percent to 99 percent, eliminate the designation of single-unit and two-unit operational requirements for the component cooling water system since four component cooling water pumps (two per unit) are required to be operable. The revised bases of the charcoal adsorber testing would reference ASTM [American Society for Testing and Materials] D3803–89. The revised operation of the containment cooling and iodine removal system, component cooling water system, and the service water system would be required because of changes in assumptions factored into revised design bases accident analyses and the resultant impact on containment heat removal analyses, dose assessment, and operation of the control room ventilation system. The proposed changes in system operations were evaluated to ensure equipment qualification requirements, post-accident sampling capability, and doses within dose limits specified in 10 CFR Part 50, Appendix A, General Design Criterion 19 were maintained within regulatory limits. The consequences or probability of a previously evaluated accident would, therefore, not significantly be increased.

(2) The proposed changes do not create the possibility of a new or different kind of accident from any accident previously evaluated.

The proposed changes as reflected in the technical specifications are more conservative for the systems and component operation being revised. The changes resulting from new analyses were evaluated, and no new or different kind of accident is introduced since no modifications to the actual design is postulated, only the manner in which the plant is operated and accidents are analyzed. Therefore, a new or different kind of accident would not be created.

(3) The proposed changes do not result in a significant reduction in the margin of safety.

The proposed changes would increase the required number of operable components for the component cooling water system and the service water system and would increase the required efficiency of the control room ventilation charcoal adsorbers and ensure equipment qualification inside of the containment based on new containment pressure and temperature analyses. Dose assessments for the exclusion area boundary, low population zone, and control room are within regulatory requirements for the most severe radiological event, a loss-of-coolant accident. Therefore, these changes do not involve a significant reduction in a margin of safety.

Based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment requests involve no significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received by close of business within 14 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendments until the expiration of the 14-day notice period. However, should circumstances change during the notice period, such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license

amendments before the expiration of the 14-day notice period, provided that its final determination is that the amendments involve no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish in the **Federal Register** a notice of issuance. The Commission expects that the need to take this action will occur very infrequently.

Written comments may be submitted by mail to the Chief, Rules Review and Directives Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, and should cite the publication date and page number of this **Federal Register** notice. Written comments may also be delivered to Room 6D22, Two White Flint North, 11545 Rockville Pike, Rockville, Maryland, from 7:30 a.m. to 4:15 p.m. Federal workdays. Copies of written comments received may be examined at the NRC Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC.

The filing of requests for hearing and petitions for leave to intervene is discussed below.

By July 10, 1997, the licensee may file a request for a hearing with respect to issuance of the amendments to the subject facility operating licenses and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's ''Rules of Practice for Domestic Licensing Proceedings'' in 10 CFR Part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room located at the Joseph P. Mann Library, 1516 Sixteenth Street, Two Rivers, Wisconsin. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to 15 days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than 15 days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendments under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If the amendments are issued before the expiration of the 30-day hearing period, the Commission will make a final determination on the issue of no significant hazards consideration. If a hearing is requested, the final determination will serve to decide when the hearing is held.

If the final determination is that the amendment requests involve no significant hazards consideration, the Commission may issue the amendments and make them immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendments.

If the final determination is that the amendment requests involve a significant hazards consideration, any hearing held would take place before the issuance of any amendments.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Docketing and Services Branch, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, by the above date. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, and to Gerald Charnoff, Esq., Shaw, Pittman, Potts, and Trowbridge, 2300 N Street, NW., Washington, DC 20037, attorney for the licensee. Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1) (i)–(v) and 2.714(d).

For further details with respect to this action, see the application for amendment dated September 30, 1996, as supplemented on November 26, and December 12, 1996, February 13, March 5, April 2, April 16, May 9, and June 3, 1997, which are available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room, located at the Joseph P. Mann Library, 1516 Sixteenth Street, Two Rivers, Wisconsin.

Dated at Rockville, Maryland, this 5th day of June 1997.

For the Nuclear Regulatory Commission.

Linda L. Gundrum,

Project Manager, Project Directorate III–1, Division of Reactor Projects—III/IV, Office of Nuclear Reactor Regulation.

[FR Doc. 97–15271 Filed 6–9–97; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: Nuclear Regulatory Commission.

DATE: Weeks of June 9, 16, 23, and 30, 1997.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Public and Closed.

MATTERS TO BE CONSIDERED:

Week of June 9

Wednesday, June 11

9:00 a.m.—Briefing by the Executive Branch (Closed—Ex. 1)

Thursday, June 12

1:30 p.m.—Briefing on Status of License Renewal (Public Meeting) (Contact: P.T. Kuo, 301–415–3147)

3:00 p.m.—Affirmation Session (Public Meeting) (if needed)

Friday, June 13

9:00 a.m.—Briefing on Medical Regulation Issues (Public Meeting) (Contact: Catherine Haney, 301–415–6852)

Week of June 16—Tentative

Thursday, June 19

11:30 a.m.—Affirmation Session (Public Meeting) (if needed)

Week of June 23—Tentative

Wednesday, June 25

10:00 a.m.—Briefing on Operating Reactors and Fuel Facilities (Public Meeting) (Contact: William Dean, 301–415–1726)

11:30 a.m.—Affirmation Session (Public Meeting) (if needed)

2:00 p.m.—Briefing on Salem (Public Meeting) (Contact: John Zwolinski, 301–415–1453)

Week of June 30—Tentative

Thursday, July 3

11:30 a.m.—Affirmation Session (Public Meeting) (if needed)

*The schedule for commission meetings is subject to change on short notice. To verify the status of meetings call (recording)—(301) 415–1292. Contact person for more information: Bill Hill (301) 415–1661.

* * * * *

The NRC Commission Meeting Schedule can be found on the Internet at:

http://www.nrc.gov/SECY/smj/schedule.htm

This notice is distributed by mail to several hundred subscribers; if you no longer wish to receive it, or would like to be added to it, please contact the Office of the Secretary, Attn: Operations Branch, Washington, D.C. 20555 (301–415–1661).

In addition, distribution of this meeting notice over the internet system is available. If you are interested in receiving this Commission meeting schedule electronically, please send an electronic message to wmhnrc.gov or dkwnrc.gov.

* * * * *

Dated: June 5, 1997.

William M. Hill, Jr.,

Secretary, Tracking Officer, Office of the Secretary.

[FR Doc. 97–15281 Filed 6–6–97; 2:04 pm]

BILLING CODE 7590–01–M

RAILROAD RETIREMENT BOARD

Agency Forms Submitted for OMB Review

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the Railroad Retirement Board (RRB) has submitted the following proposal(s) for the collection of information to the Office of Management and Budget for review and approval.

Summary of Proposal(s)

(1) *Collection title:* Statements of Claimed Railroad Service and Earnings.

(2) *Form(s) submitted:* UI–9, UI–23, UI–44, ID–4F, ID–4U, ID–4X, ID–4Y, ID–20–1, ID–20–2, and ID–20–4.

(3) *OMB Number:* 3220–0025.

(4) *Expiration date of current OMB clearance:* 7/31/1997.

(5) *Type of request:* Revision of a currently approved collection.

(6) *Respondents:* Individuals or households.

(7) *Estimated annual number of respondents:* 2,005.

(8) *Total annual responses:* 2,005.

(9) *Total annual reporting hours:* 234.

(10) *Collection description:* When RRB records indicate that railroad service and/or compensation is insufficient to qualify a claimant for unemployment or sickness benefits, the statements obtain information needed to reconcile the compensation and/or service on record with that claimed by the employee.

ADDITIONAL INFORMATION OR COMMENTS: Copies of the forms and supporting documents can be obtained from Chuck Mierzwa, the agency clearance officer (312–751–3363). Comments regarding the information collection should be addressed to Ronald J. Hodapp, Railroad Retirement Board, 844 North Rush Street, Chicago, Illinois 60611–2092 and the OMB reviewer, Laura Oliven (202–395–7316), Office of Management and Budget, Room 10230, New Executive Office Building, Washington, DC 20503.

Chuck Mierzwa,

Clearance Officer.

[FR Doc. 97–15031 Filed 6–9–97; 8:45 am]

BILLING CODE 7905–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–38710; File No. SR–Amex–97–21]

Self-Regulatory Organizations; Notice of Filing and Order Granting Accelerated Approval to Proposed Rule Change and Amendment Nos. 1 and 2 to the Proposed Change by the American Stock Exchange, Inc., Relating to the Adoption of Certain Margin Provisions

June 2, 1997.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on May 21, 1997, the America Stock Exchange, Inc (''Amex'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Amex. The Amex submitted to the Commission Amendment No. 1 on May 30, 1997,[3] and Amendment No, 2 on June 2, 1997.[4] No comments were received on the proposal. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons. As discussed below, the Commission is also granting accelerated

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4

[3] *See* Letter from Claire P. McGrath, Managing Director and Special Counsel, Amex, to Ivette Lopez, Assistant Director, Division of Market Regulation (''Market Regulation''), Commission, dated May 30, 1997 (''Amex Amendment No. 1'').

[4] *See* Letter from Claire P. McGrath, Managing Director and Special Counsel, Amex, to Ivette Lopez, Assistant Director, Division of Market Regulation, Commission, dated June 2, 1997 (''Amex Amendment No. 2'').