

of the publication of this notice in the Federal Register; must be served on the NRC staff (Executive Director for Operations, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852) and on the licensee (Fansteel, Inc., Number Ten Tantalum Place, Muskogee, OK 74401); and must comply with the requirements for requesting a hearing set forth in the Commission's regulation 10 CFR Part 2, Subpart L, "Informal Hearings Procedures for Adjudications in Materials Licensing Proceedings."

These requirements, which the requestor must address in detail, are:

1. The interest of the requestor in the proceeding;
2. How that interest may be affected by the results of the proceeding, including the reasons why the requestor should be permitted a hearing;
3. The requestor's area of concern about the licensing activity that is the subject matter of the proceeding; and
4. The circumstances establishing that the request for hearing is timely, that is, filed within 30 days of the date of this notice.

In addressing how the requestor's interest may be affected by the proceeding, the request should describe the nature of the requestor's right under the Atomic Energy Act of 1954, as amended, to be made a party to the proceeding; the nature and extent of the requestor's property, financial, or other (e.g., health, safety) interest in the proceeding; and the possible effect of any order that may be entered in the proceeding upon the requestor's interest.

Dated at Rockville, Maryland, this 17th day of June 1996.

For the Nuclear Regulatory Commission.  
Robert C. Pierson,

*Chief, Licensing Branch, Division of Fuel Cycle Safety and Safeguards, NMSS.*

[FR Doc. 96-15989 Filed 6-21-96; 8:45 am]

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#### **Docket Nos. 50-272 and 50-311]**

#### **Public Service Electric and Gas Company; Notice of Consideration of Issuance of Amendment To Facility Operating License, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing**

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License Nos. DPR-70 and DPR-75 issued to Public Service Electric & Gas Company (the licensee) for operation of Salem Nuclear

Generating Station, Units 1 and 2, located in Salem County, New Jersey.

The proposed amendments would revise Technical Specification 3/4.7.6, "Control Room Emergency Air Conditioning System [CREACS]," to reflect a control room design in which the common Salem Unit 1 and Unit 2 control room envelope is supplied by 2 one-hundred percent capable Control Room Emergency Air Conditioning System trains.

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

The Commission has made a proposed determination that the amendment request involves 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 amendment 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, which is presented below:

1. The proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

CREACS ensures adequate protection after an accident and is not an accident initiator. The changes to the emergency operating mode and configuration of the CREACS, while modifying the control room dose assessment, do not affect the probability of an accident.

The proposed operation of the CREACS in the pressurization mode at the initiation of an accident will reduce overall operator doses from such an event and will ensure that the requirements of General Design Criterion (GDC) 19 will be met. Operation in the recirculation mode to mitigate the consequences of a fire or a toxic release, if necessary, or as a compensatory measure when receiving ammonium hydroxide does not significantly increase the consequences of other accidents due to the short duration of these events, the ability to re-align the system to the pressurization mode manually, and the suspension of Core Alterations or fuel movement.

The CREACS as modified satisfies [technical specification] TS Bases 3.7.6. The CREACS ensures that (1) the ambient air temperature does not exceed the allowable temperature for continuous duty rating for equipment and instrumentation cooled by the CREACS and (2) the Control Room will remain habitable for operations personnel

during and following all credible accident conditions.

The proposed changes reflect the commonality of the Salem Unit 1 and Unit 2 [common room envelope] CRE and the supporting CREACS trains by adopting the guidance for required actions, allowed outage times, and testing provided in the [Standard Technical Specification] STS.

Therefore, the proposed TS change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. The proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

The establishment of the CREACS as a shared system for both Units 1 and 2 will not result in a new accident release scenario. The upgraded CREACS reflected by this submittal revises the emergency operating mode from the original recirculation mode to a pressurization mode in the event of a radiological emergency. This change in CREACS operating philosophy is in support of compliance with the limits of GDC 19. Modifications to the Salem control rooms regarding the controlled atmospheric boundary configuration and how the configuration is maintained cannot result in new accident scenarios.

Therefore, the proposed TS change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. The proposed change does not involve a significant reduction in a margin of safety.

The proposed changes support modifications to the CREACS as part of corrective actions identified in Licensee Event Reports with the intent of compliance with General Design Criterion 19 limits. The changes do not impact the existing safety analyses while retaining and meeting current requirements and General Design Criteria limitations and gaining a redundancy in the affected system. The modified CREACS meets the TS Bases 3.7.6 requirements. CREACS ensures that (1) the ambient air temperature does not exceed the allowable temperature for continuous duty rating for equipment and instrumentation cooled by the CREACS and (2) the Control Room will remain habitable for operations personnel during and following all credible accident conditions. This clarification of the CREACS operability requirements and the application of more conservative requirements to Unit 1 will result in a net increase to operator safety.

Therefore, the proposed TS change does not involve a significant reduction in the margin of safety.

The NRC staff has reviewed the licensee's analysis and, 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 request involves no significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of

publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of the 30-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 amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves 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 and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

Written comments may be submitted by mail to the 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 24, 1996, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license 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 Salem Free Public Library, 112 West

Broadway, Salem, New Jersey. 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 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

amendment 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 a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

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

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

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. Where petitions are filed during the last 10 days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at 1-(800) 248-5100 (in Missouri 1-(800) 342-6700). The Western Union operator should be given Datagram Identification Number N1023 and the following message addressed to John F. Stolz: petitioner's name and telephone number, date petition was mailed, plant name, and publication date and page number of this Federal Register notice. 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 Mark J. Wetterhahn, Esquire, Winston and Strawn, 1400 L Street, NW., Washington, DC 20005-3502, 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 June 10, 1996, which is 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 Salem Free Public Library, 112 West Broadway, Salem, New Jersey.

Dated at Rockville, Maryland, this 18th day of June 1996.

For the Nuclear Regulatory Commission.  
Leonard N. Olshan,

*Project Manager, Project Directorate I-2,  
Division of Reactor Projects—I/II, Office of  
Nuclear Reactor Regulation.*

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## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-37313; File No. SR-CBOE-96-30]

### Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by the Chicago Board Options Exchange, Incorporated Relating to Its Retail Automatic Execution System Participation Requirements in OEX Options

June 14, 1996.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> notice is hereby given that on May 9, 1996, the Chicago Board Options Exchange, Incorporated ("CBOE" or "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Exchange submitted to the Commission Amendment No. 1 on June 12, 1996.<sup>3</sup> The Commission is publishing this

notice to solicit comments on the proposed rule change from interested persons.

#### I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend its rules respecting eligibility to participate in the CBOE's Retail Automatic Execution System ("RAES") for transactions in Standard & Poor's 100 Index ("OEX") options. The text of the proposed rule change is available at the Office of the Secretary, the Exchange, and at the Commission.

#### II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Section (A), (B), and (C) below, of the most significant aspects of such statements.

##### (A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The purpose of the proposed rule change is to amend Rule 24.17 ("RAES Eligibility in OEX") to require individual market-makers, who are eligible to participate on OEX RAES, to log onto OEX RAES any time they are present in the OEX trading crowd until the expiration date if they have logged onto OEX RAES at any earlier time in that expiration month.<sup>4</sup> This rule proposal would conform the OEX RAES eligibility rule to a similar requirement in the SPX RAES eligibility rule and the RAES eligibility rule for equity options. The rule proposal also would move authority over certain of the provisions of the rule from the OEX Floor Procedure Committee to the OEX Market Performance Committee ("OEXMPC"). The OEXMPC was recently formed by the Exchange to handle market performance issues of the OEX trading post, including RAES related issues.<sup>5</sup> The Exchange represents

that it will issue a regulatory circular to its membership outlining the duties to be performed by the OEXMPC.<sup>6</sup>

By requiring market-makers to log onto OEX RAES each time they are in the trading crowd, the Exchange expects to ensure that there is always adequate participation in RAES to handle the small customer orders that are eligible for RAES, even in the busiest market conditions, without having to assign an inordinate number of RAES trades to any particular market-maker. Currently, the Rule does not permit the Exchange to require RAES participation by members of the OEX trading crowd in the event there appears to be inadequate participation. The Exchange believes, however, that this proposed rule change will help to avoid forced participation.

The Exchange believes that the proposed rule change is consistent with Section 6 of the Act, in general, and furthers the objectives of Section 6(b)(5), in particular, in that it is designed to promote just and equitable principles of trade, to foster cooperation with persons engaged in facilitating and clearing transactions in securities, and to protect investors and the public interest.

##### (B) Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition.

##### (C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others

No written comments were solicited or received with respect to the proposed rule change.

#### III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change: (1) Does not significantly affect the protection of investors or the public interest; (2) does not impose any significant burden on competition; (3) was provided to the Commission for its review at least five days prior to the filing date; and (4) does not become operative for 30 days from June 12, 1996,<sup>7</sup> the rule change proposal has

things, recommend rules and programs to enhance market performance, respond to market performance related issues in the OEX trading crowd including RAES and firm quote concerns, monitor the opening rotation procedures used in OEX, and conduct OEX crowd evaluation surveys. See Amendment No. 1, *supra* note 3.

<sup>6</sup>Telephone Conversation between Timothy Thompson, Senior Attorney, CBOE, to John Ayanian, Attorney, OMS, Market Regulation, Commission, on June 12, 1996.

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b-4.

<sup>3</sup> The Exchange submitted Amendment No. 1 to clarify the duties of the OEX Market Performance Committee, as described more fully herein. See Letter from Timothy Thompson, Senior Attorney, CBOE, to John Ayanian, Attorney, Office of Market Supervision ("OMS"), Division of Market Regulation ("Market Regulation"), Commission, dated June 4, 1996 ("Amendment No. 1").

<sup>4</sup> The "expiration month" is from the Monday following an expiration date to the next expiration date. For example, the July expiration month starts on June 24, 1996, and ends on July 19, 1996.

<sup>5</sup> The OEX Market Performance Committee was created in November 1995 in order to evaluate the performance of the OEX trading crowd in fulfilling its general market-related duties and to make recommendations on how to improve trading crowd performance. The OEXMPC will, among other