

In the Petitioner's February 7, 1997 supplementary letter, the Petitioner elaborates upon his belief that the current decommissioning funding plan should be considered unacceptable and the licensee is not in compliance with the regulations in 10 CFR § 40.36 by stating that SMC's proposed plans to disposition the slags are neither technologically nor financially viable.

The Petitioner argues that the NRC has already stated that the sale of ferro-columbium slag is not viable, as referenced in the *Draft Environmental Impact Statement on Decommissioning of the Shieldalloy Metallurgical Corporation, Cambridge, Ohio* (NUREG-1543, July 1996) (Draft EIS). This is not correct.

The respective viabilities of the Newfield and Cambridge ferro-columbium slags for use in steel production are considered by the NRC to be different in each case. As stated below, the Newfield ferro-columbium slag was produced using the same process that produced a previously marketed Newfield ferro-vanadium slag, demonstrating that the process using the Newfield ferro-columbium slag appears to be viable. In contrast, the Cambridge ferro-columbium slag was produced using a different process and different feedstock materials. Consequently, the metallurgical properties of the Cambridge slags have not yet been demonstrated to be technologically viable. For this reason, the export sale alternative was not included for consideration in the Draft EIS for decommissioning of the Cambridge site.

With regard to the previously marketed ferro-vanadium slag, SMC delivered, on average, 7000 tons of ferro-vanadium slag per year to the domestic steel industry from 1991 to 1995, with the highest annual amount reaching 9000 tons. By comparison, SMC currently stores approximately 70,000 tons of ferro-columbium slag at its Newfield site. The licensed ferro-columbium slag at the Newfield site was produced in a manner similar to the ferro-vanadium slag. SMC's extensive metallurgical evaluations indicate that the ferro-columbium slag has metallurgical properties relating to the proposed steel process that are similar, if not superior, to relevant properties of the ferro-vanadium slag.

The NRC staff acknowledges the Petitioner's statement that the domestic use of ferro-columbium slag would likely require an NRC or Agreement State license for possession and use, thus possibly constraining domestic commercial interest in the product and thereby impacting the financial viability of the slag product. However, SMC is

marketing the material to international locations where regulatory conditions may be less of a factor in determining the product's financial viability. As part of any international export application and prior to issuance of an export license, the NRC will inform the importing government of the proposed importation and use of the product containing the source material, in accordance with the International Atomic Energy Agency's Code of Practice on the International Transboundary Movement of Radioactive Waste.

Finally, the Petitioner argues that the only potential customer SMC has been able to locate, to date, has been in Trinidad. Because of internal country concerns, the customer purchasing the material canceled its order, and SMC has been unable to develop a new market during the succeeding years, thus significantly decreasing viability of the product. The NRC agrees with the Petitioner that this raises a concern as to the viability of the proposed decommissioning funding plan and therefore grants the Petitioner's request in part. The NRC intends to require, in the form of a license condition as part of any future license renewal, that SMC provide additional proof (in the form of an NRC-approved export application) of the viability of the proposed disposition method within one year of the license's renewal. If such proof is not forthcoming within the time limit, the NRC staff plans to issue an order requiring the submission of a new decommissioning funding plan along with appropriate mechanisms for financial assurance. Furthermore, the NRC will include a condition in any renewed SMC license requiring SMC to provide financial assurance commensurate in value for the costs of offsite disposal for future source material possession increases. These two conditions are intended to prevent SMC from continuing to accumulate licensed material at the site in perpetuity without adequate financial assurance.

#### IV. Conclusion

The staff has carefully considered the request of the Petitioner. For the reasons discussed above, I conclude that no substantial public health and safety concerns warrant NRC action concerning the request. However, because the staff is proposing to impose certain restrictions on the licensee for reasons similar to those presented by the Petitioner, I grant the Petitioner's request to that extent and deny it in other respects.

A copy of this Decision will be placed in the Commission's Public Document Room, Gelman Building, 2120 L Street, NW, Washington, DC, and at the Local Public Document Room for the named facility. A copy of this Decision will also be filed with the Secretary for the Commission's review as provided in 10 CFR § 2.206(c) of the Commission's regulations.

As provided by this regulation, the Decision will constitute the final action of the Commission 25 days after issuance, unless the Commission, on its own motion, institutes a review of the Decision within that time.

Dated at Rockville, Maryland, this 15 day of April 1997.

For the Nuclear Regulatory Commission.

**Carl J. Paperiello,**

*Director, Office of Nuclear Material Safety and Safeguards.*

[FR Doc. 97-10975 Filed 4-28-97; 8:45 am]

BILLING CODE 7590-01-P

---

## SECURITIES AND EXCHANGE COMMISSION

### Submission for OMB Review; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of Filings and Information Services, Washington, DC 20549.

#### Extension:

Rule 6e-2, SEC File No. 270-177,

OMB Control No. 3235-0177

Rule 22d-1, SEC File No. 270-275,

OMB Control No. 3235-0310

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission ("Commission") has submitted to the Office of Management and Budget requests for approval of extension on previously approved collections of information:

Rule 6e-2 [17 CFR 270.6e-2] under the Investment Company Act of 1940 ("Act") is an exemptive rule which permits separate accounts, formed by life insurance companies, to fund certain variable life insurance products. The rule exempts such separate accounts from the registration requirements under the Act, among others, on conditions that it comply with all but certain designated provisions of the Act and meet the other requirements of the rule. The rule sets forth several information collection requirements.

Rule 6e-2 provides a separate account with an exemption from the registration

provisions of section 8 of the Act if the account files with the Commission Form N-6EI-1, a notification of claim of exemption.

The rule also exempts a separate account from a number of other sections of the Act, provided that the separate account makes certain disclosure in its registration statements and reports to contract holders about actions taken under those exemptions.

In regard to the foregoing, Rule 6e-2 provides an exemption from section 17(f) of the Act. Section 17(f) requires that every registered management company meet various custody requirements for its securities and similar investments. Paragraph (b)(9) of Rule 6e-2 provides an exemption from the requirements of section 17(f) of the Act and imposes a reporting burden and certain other conditions. Paragraph (b)(9) applies only to management accounts that offer life insurance contracts subject to Rule 6e-2.

Since 1988, there have been no filings under paragraph (b)(9) of Rule 6e-2 by management accounts. Further, all post-effective amendments accounts under Rule 6e-2 have been structured as unit investment trusts and are thus not subject to the requirements of paragraph (b)(9) of the rule. Therefore, since 1988, there has been no burden to the industry regarding the information collection requirements of paragraph (b)(9) of Rule 6e-2.

Rule 22d-1 [17 CFR 270.22d-1] provides registered investment companies that issue redeemable securities ("funds") an exemption from section 22(d) of the Act to the extent necessary to permit scheduled variations in or elimination of the sales load on fund securities for particular classes of investors or transactions, provided certain conditions are met. The rule imposes an annual burden per fund of approximately 15 minutes, so that the total annual burden for the approximately 1,865 funds that might rely on the rule is estimated to be 466 hours.

General comments regarding the estimated burden hours should be directed to the Desk Officer for the Securities and Exchange Commission at the address below. Any comments concerning the accuracy of the estimated average burden hours for compliance with Commission rules and forms should be directed to Michael E. Bartell, Associate Executive Director, Office of Information Technology, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549 and Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory

Affairs, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, DC 20503.

Dated: April 22, 1997.

**Margaret H. McFarland,**

*Deputy Secretary.*

[FR Doc. 97-10942 Filed 4-28-97; 8:45 am]

BILLING CODE 8010-01-M

## DEPARTMENT OF TRANSPORTATION

### Office of the Secretary

#### Reports, Forms and Recordkeeping Requirements; Agency Information Collection Activity Under OMB Review

**AGENCY:** Office of the Secretary, DOT.

**ACTION:** Notice.

**SUMMARY:** In compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), this notice announces that the Information Collection Request (ICR) abstracted below has been forwarded to the Office of Management and Budget (OMB) for renewal and comment. The ICR describes the nature of the information collection and its expected cost and burden. The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on February 6, 1997 [62 FR 5663].

**DATES:** Comments must be submitted on or before May 29, 1997.

**FOR FURTHER INFORMATION CONTACT:** Mr. Dave Jordan, M-61, U.S. Department of Transportation, 400 Seventh Street SW., Washington, DC 20590, telephone (202) 366-4265.

#### SUPPLEMENTARY INFORMATION:

##### Office of the Secretary (OST)

*Title:* Transportation Acquisition Regulation (TAR).

*OMB Control Number:* 2105-0517.

*Affected Public:* Individuals or households and business or other for-profit organizations.

*Abstract:* The requested extension of the approved control number covers forms DOT F 4220.4, DOT F 4220.7, DOT F 4220.43, DOT F 4220.44, DOT F 4220.45, DOT F 4220.46, and Form DD 882. In addition, the control number includes an amended request to obtain data associated with acquisitions for training services.

*Need:* The Transportation Acquisition Regulation (TAR) 48 CFR 1213.70, 1237.70, 1252.237-71, and 1252.237-72 requires contracting officers to obtain and evaluate, qualification data and other pertinent information when it is necessary to determine whether offerors

have the capability to perform training services under a proposed contract.

*Annual Estimated Burden:* 22,062.\*

\* The annual estimated burden has been reduced from 57,167 hours as a result of the Federal Aviation Administration system being exempt from the collection requirements of the TAR.

Comments are invited on: whether the proposed collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; the accuracy of the Department's estimate of the burden of the proposed information collection; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

Issued in Washington, DC, on April 22, 1997.

**Vanester M. Williams,**

*Clearance Officer, United States Department of Transportation.*

[FR Doc. 97-11011 Filed 4-28-97; 8:45 am]

BILLING CODE 4910-62-P

## DEPARTMENT OF TRANSPORTATION

### Federal Highway Administration

#### Intelligent Transportation Society of America; Public Meeting

**AGENCY:** Federal Highway Administration (FHWA), DOT.

**ACTION:** Notice of public meeting.

**SUMMARY:** The Intelligent Transportation Society of America (ITS AMERICA) will hold a meeting of its Coordinating Council on Sunday, June 1, 1997. The following designations are made for each item: (A) is an "action" item; (I) is an "information item;" and (D) is a "discussion" item. The agenda includes the following: (1) Call to Order and Introductions (I); (2) Statements of Anti-Trust Compliance and Conflict of Interest (A); (3) Approval of Last Meeting's Minutes (A); (4) Special FHWA Report (I&D); (5) Federal Reports (I&D); (6) President's Report—(a.) 1997 Priority Objectives, (b.) Identity Campaign, (c.) ITS America Association; (7) DSRC Initiative Update (I&D); (8) Standards Needs Timeline (I&D); (9) European Update (I&D); (10) Annual Meeting and World Congress Update (I&D); (11) Sunset-Sunrise Task Force Report (A); (12) Roundtable Discussion of Committee and Task Force Activities (I&D); (13) Coordinating Council Retreat Plans (Wed.-Thurs., August 6-7, 1997