

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: Rulemakings and Adjudications Staff, 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 Jay Silberg, Esq., Shaw, Pittman, Potts and Trowbridge, 2300 N Street, N.W., Washington, D.C. 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).

The Commission hereby provides notice that this is a proceeding on an application for a license amendment falling within the scope of Section 134 of the Nuclear Waste Policy Act of 1982 (NWP), 42 U.S.C. 10154. Under Section 134 of the NWP, the Commission, at the request of any party to the proceeding, must use hybrid hearing procedures with respect to "any matter which the Commission determines to be in controversy among the parties." The hybrid procedures in Section 134 provide for oral argument on matters in controversy, preceded by discovery under the Commission's rules, and the designation, following argument, of only those factual issues that involve a genuine and substantial dispute, together with any remaining questions of law, to be resolved in an

adjudicatory hearing. Actual adjudicatory hearings are to be held on only those issues found to meet the criteria of Section 134 and set for hearing after oral argument.

The Commission's rules implementing Section 134 of the NWP are found in 10 CFR Part 2, Subpart K, "Hybrid Hearing Procedures for Expansion of Spent Nuclear Fuel Storage Capacity at Civilian Nuclear Power Reactors" (published at 50 FR 41670, October 15, 1985) to 10 CFR 2.1101 *et seq.* Under those rules, any party to the proceeding may invoke the hybrid hearing procedures by filing with the presiding officer a written request for oral argument under 10 CFR 2.1109. To be timely, the request must be filed within 10 days of an order granting a request for hearing or petition to intervene. (As outlined above, the Commission's rules in 10 CFR Part 2, Subpart G, and 2.714 in particular, continue to govern the filing of requests for a hearing or petitions to intervene, as well as the admission of contentions.) The presiding officer shall grant a timely request for oral argument. The presiding officer may grant an untimely request for oral argument only upon showing of good cause by the requesting party for the failure to file on time and after providing the other parties an opportunity to respond to the untimely request. If the presiding officer grants a request for oral argument, any hearing held on the application shall be conducted in accordance with the hybrid hearing procedures. In essence, those procedures limit the time available for discovery and require that an oral argument be held to determine whether any contentions must be resolved in adjudicatory hearing. If no party to the proceedings requests oral argument, or if all untimely requests for oral argument are denied, then the usual procedures in 10 CFR Part 2, Subpart G, apply.

For further details with respect to this action, see the application for amendment dated March 20, 1998, as supplemented by letter dated May 28, 1998, 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 Emporia State University, William Allen White Library, 1200 Commercial Street, Emporia, Kansas 66801 and Washburn University School of Law Library, Topeka, Kansas 66621.

Dated at Rockville, Maryland, this 7th day of July 1998.

For the Nuclear Regulatory Commission.

Kristine M. Thomas,

Project Manager, Project Directorate IV-2, Division of Reactor Projects III/IV, Office of Nuclear Reactor Regulation.

[FR Doc. 98-18544 Filed 7-10-98; 8:45 am]

BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-271]

Vermont Yankee Nuclear Power Corporation, Vermont Yankee Nuclear Power Station; Receipt of Petition for Director's Decision Under 10 CFR 2.206

Notice is hereby given that by Petition dated May 27, 1998, Mr. Jonathan M. Block, on behalf of the Citizens Awareness Network, Inc. (CAN or Petitioner), requested that the U.S. Nuclear Regulatory Commission (NRC) take immediate action with regard to the Vermont Yankee Nuclear Power Station. The Petitioner requested that the NRC take immediate enforcement action by suspending the operating license for Vermont Yankee until the entire facility has been subjected to an independent safety analysis review similar to the one conducted at the Maine Yankee Atomic Power Station. As an alternative, the Petitioner requested that the NRC immediately act to modify the operating license for the facility by requiring that, before restart (1) Vermont Yankee management certify under oath that all backup safety systems and all security systems are fully operable, and that all safety systems and security systems meet and comply with NRC requirements; (2) Vermont Yankee be held to compliance with all of the restart criteria and protocols in the NRC Inspection Manual; (3) Vermont Yankee only be allowed to resume operations after the NRC has conducted a "vertical slice" examination of the degree to which the new design-basis documents (DBDs) and FSAR accurately describe at least two of the primary safety systems for the Vermont Yankee reactor; (4) once operation resumes, Vermont Yankee only be allowed to continue operation for as long as it adheres to its schedule for coming into compliance and completing the DBD and FSAR project; and (5) the NRC holds a public hearing before restart to discuss the changes to the torus, Vermont Yankee DBD and FSAR projects, and Vermont Yankee's scheduled completion of these projects in relation to operational safety.

As the basis for this request, the Petitioner raised concerns about the operation of the Vermont Yankee

facility, including challenges to the single-failure criterion, inadequate safety evaluations, potential overreliance on Yankee Atomic Electric Company analyses, an inadequate operational experience review program, high potential for other serious safety problems, and lack of adequate perimeter security. The Petitioner also attached four documents prepared by the Union of Concerned Scientists (UCS). One UCS document, dated May 14, 1998, provided a review of Vermont Yankee Daily Event Reports (DERs) made over the previous year as requested by CAN. DERs are verbal reports made by licensees under 10 CFR 50.72 to the NRC and put in written form by the NRC. Another UCS document, dated January 29, 1998, was addressed to the NRC Region I Senior Allegation Coordinator; it discussed a specific concern with NRC Daily Event Report 33545 of January 15, 1998, associated with Vermont Yankee water hammer on certain systems. The third document, a UCS letter dated May 5, 1997, to the NRC Chairman and Commissioners, discussed mislocated fuel bundle loading errors. The final UCS document attached was titled "Potential Nuclear Safety Hazard Reactor Operation with Failed Fuel Cladding," dated April 2, 1998. By letter dated June 9, 1998, Petitioner renewed the request for relief based on the events occurring on June 9, 1998, at Vermont Yankee and reported by the licensee in DER 34366. This event involved the automatic shutdown of the reactor due to problems in the feedwater system. The Petitioner states that this event indicates a lack of reasonable assurance that safety-related systems at Vermont Yankee will perform adequately.

The request is being treated pursuant to 10 CFR 2.206 of the Commission's regulations. The request has been referred to the Director of the Office of Nuclear Reactor Regulation. As provided by Section 2.206, appropriate action will be taken on this petition within a reasonable time.

By letter dated July 6, 1998, the Director denied Petitioner's request for immediate action at Vermont Yankee Nuclear Power Station.

A copy of the petition is available for inspection at the Commission's Public Document Room at 2120 L Street, N.W., Washington, D.C. 20555-0001 and at the local public document room located at Brooks Memorial Library, 224 Main Street, Brattleboro, VT 05301.

Dated at Rockville, Maryland, this 6th day of July, 1998.

For the Nuclear Regulatory Commission.
Samuel J. Collins,
Director, Office of Nuclear Reactor Regulation.
 [FR Doc. 98-18547 Filed 7-10-98; 8:45 am]
 BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION

Fire Barrier Penetration Seals in Nuclear Power Plants; Availability of Draft NUREG-1552, Supp. 1

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of availability.

SUMMARY: The Nuclear Regulatory Commission is announcing the availability of Draft NUREG-1552, Supplement 1, "Fire Barrier Penetration Seals in Nuclear Power Plants," dated June 1998, for public comment. Comments on the previously published NUREG-1552, "Fire Barrier Penetration Seals in Nuclear Power Plants," July 1996, are also being accepted.

DATES: Submit comments by September 11, 1998. Comments received after this date will be considered if it is practical to do so, but the Commission is able to ensure consideration only for comments received on or before this date.

ADDRESSES: NUREG-1552 and Draft NUREG-1552, Supplement 1 are available for inspection and copying for a fee at the NRC Public Document Room, 2120 L Street NW. (Lower Level), Washington, DC 20038. A free single copy of Draft NUREG-1552, Supplement 1, to the extent of supply, may be requested by writing to U.S. Nuclear Regulatory Commission, Printing and Graphics Branch, Washington, DC 20555-0001.

FOR FURTHER INFORMATION CONTACT: Chris Bajwa, Plant Systems Branch, Division of Systems Safety and Analysis, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001. Telephone: 301-415-1237

Electronic Access

Draft NUREG-1552, Supplement 1, is also available electronically by visiting NRC's Home Page (<http://www.nrc.gov>).

Dated at Rockville, Maryland, this 6th day of July, 1998.

For the Nuclear Regulatory Commission.
Gary Holahan,
Director, Division of Systems Safety and Analysis, Office of Nuclear Reactor Regulation.
 [FR Doc. 98-18549 Filed 7-10-98; 8:45 am]
 BILLING CODE 7590-01-P

SECURITIES AND EXCHANGE COMMISSION

Existing Collection; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of Filings and Information Services, 450 5th Street, N.W., Washington, D.C. 20549

Extension:

Rule 17j-1 [17 CFR 270.17j-1], SEC File No. 270-239, OMB Control No. 3235-0224

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3520), the Securities and Exchange Commission (the "Commission") is soliciting comments on the collection of information summarized below. The Commission plans to submit this existing collection of information to the Office of Management and Budget ("OMB") for extension and approval.

Rule 17j-1 under the Investment Company Act of 1940 (15 U.S.C. 80a) (the "Investment Company Act") addresses conflicts of interest between registered investment company ("fund") personnel and their funds that may arise when fund personnel buy or sell securities for their personal accounts ("personal investment activities"). Rule 17j-1, which the Commission adopted in 1980,¹ generally prohibits fund personnel from engaging in fraud in connection with personal transactions in securities held or to be acquired by the fund. In order to prevent fraud, the rule currently: (i) Requires a fund and each investment adviser and principal underwriter to the fund (collectively, "rule 17j-1 organizations") to adopt a code of ethics ("code") designed to prevent "access persons"² from engaging in fraudulent securities activities, (ii) requires an access person to report personal securities transactions to his or her rule 17j-1 organization at least quarterly, and (iii) requires a rule 17j-1 organization to maintain certain records.

In 1995, the Commission issued a release proposing amendments to rule 17j-1 ("Proposing Release").³ The

¹ Prevention of Certain Unlawful Activities With Respect To Registered Investment Companies, Investment Company Act Release No. 11421 (Oct. 31, 1980) [45 FR 73915 (Nov. 7, 1980)].

² Rule 17j-1 defines "access person" to include directors, officers, general partners, and any employee who, in connection with his or her regular functions or duties, participates in the selection of a fund's portfolio securities or who has access to information regarding a fund's upcoming purchases or sales of portfolio securities.

³ Personal Investment Activities of Investment Company Personnel and Codes of Ethics of Investment Companies and their Investment