

bear importantly on the Department's determination. Therefore, dismissal of the application was issued.

TA-W-30,362; Phillips-Van Heusen Warehouse & Distribution Center, West Hazleton, PA (January 12, 1995)

Signed at Washington, D.C. this 18th day of January, 1995.

**Victor J. Trunzo,**

*Program Manager, Policy & Reemployment Services, Office of Trade Adjustment Assistance.*

[FR Doc. 95-2038 Filed 1-26-95; 8:45 am]

BILLING CODE 4510-30-M

[TA-W-30,493]

**Texaco Exploration and Production, Incorporated Denver Division, Denver, CO; Notice of Termination of Investigation**

Pursuant to section 221 of the Trade Act of 1974, an investigation was initiated on November 14, 1994 in response to a worker petition which was filed on behalf of workers and former workers at the Denver Division of Texaco Exploration and Production, Incorporated, Denver, Colorado (TA-W-30,493).

The company has requested that the petition be withdrawn. Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed at Washington, D.C. this 12th day of January 1995.

**Victor J. Trunzo,**

*Program Manager, Policy and Reemployment Services, Office of Trade Adjustment Assistance.*

[FR Doc. 95-2039 Filed 1-26-95; 8:45 am]

BILLING CODE 4510-30-M

**NUCLEAR REGULATORY COMMISSION**

**U.S. Enrichment Corporation's Gaseous Diffusion Plants Establishment of Local Public Document Rooms**

The Nuclear Regulatory Commission (NRC) has established a local public document room (LPDR) for each of the U.S. Enrichment Corporation's (USEC) Paducah and Portsmouth gaseous diffusion plants located in Paducah, Kentucky, and Piketon, Ohio, respectively.

Members of the public may now inspect and copy documents and correspondence related to the Paducah and Portsmouth Plants at the following locations:

1. *USEC Paducah Plant:* Paducah Public Library, 555 Washington Street,

Paducah, Kentucky 42003. Hours of operation: Monday through Thursday 9:00 a.m. to 9:00 p.m.; Friday and Saturday 9:00 a.m. to 6:00 p.m.; and Sunday 1:00 p.m. to 6:00 p.m. Contact: Ms. Marie Liang, Assistant Director, telephone number (502) 442-2510.

2. *USEC Portsmouth Plant:* Portsmouth Public Library, 1220 Gallia Street, Portsmouth, Ohio 45662. Hours of operation: Monday through Friday 9:00 a.m. to 8:00 p.m.; Saturday 9:00 a.m. to 5:30 p.m.; and Sunday 1:00 p.m. to 5:00 p.m. Contact: Mr. Charles T. Cook, Director, telephone number (614) 354-5688.

Interested parties may visit or contact either of the LPDRs directly or may address their requests for records to the NRC's Public Document Room, 2120 L Street NW., Washington, DC 20555, or telephone (202) 634-3273.

Questions concerning the NRC's local public document room program or the availability of documents should be addressed to Ms. Jona L. Souder, LPDR Program Manager, Freedom of Information/Local Public Document Room Branch, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, telephone number (301) 415-7170, or toll-free 1-800-638-8081.

Dated at Rockville, Maryland, this 24th day of January, 1995.

For the Nuclear Regulatory Commission.

**Carlton C. Kammerer,**

*Director, Division of Freedom of Information and Publications Services, Office of Administration.*

[FR Doc. 95-2078 Filed 1-26-95; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-382]

**Entergy Operations, Inc; 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 No. NPF-38 issued to Entergy Operations, Inc. (the licensee), for operation of the Waterford Steam Electric Station, Unit 3, located in St. Charles Parish, Louisiana.

The proposed amendment would modify the technical specifications (TSs) by adding a new TS 3.0.5, and the associated Bases. The new TS 3.0.5 will allow the equipment removed from service or declared inoperable to comply with ACTIONS to be returned to service under administrative controls

solely to perform testing required to demonstrate its OPERABILITY or the OPERABILITY of other equipment. This proposed change is based on the Combustion Engineering improved standard TSs approved by the NRC.

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) involved 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:

The proposed change will allow an orderly return to service of inoperable equipment. Specification 3.0.5 will permit equipment removed from service to comply with required Actions to be returned to service under administrative controls to verify the operability of the equipment being returned to service or operability of other equipment. The administrative controls will ensure the time involved will be limited to only the time required to demonstrate the component or system operability. This new specification provides an acceptable method of demonstrating the operability of TS equipment before it is returned to service and allows for verifying other TS equipment is operable. Therefore, the proposed change will not involve a significant increase in the probability or consequences of any accident previously evaluated.

The proposed change will not alter the operation of the plant or the manner in which the plant is operated. The equipment is only being tested in its design configuration or being returned to service to allow testing of another component or system. Therefore, the proposed change will not create the possibility of a new or different kind of accident from any accident previously evaluated.

The proposed Specification will only allow the return to service of equipment that is expected to fulfill its safety function. The use of Specification 3.0.5 will be limited to the performance of testing on the equipment being returned to service or on other equipment that is dependent on the equipment being returned to service. The testing is limited to post maintenance testing and testing to prove operability. Therefore, the proposed change will not involve a significant reduction in a 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, 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 February 27, 1995, 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 University of New Orleans Library, Louisiana Collection, Lakefront, New Orleans, Louisiana 70122. 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 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, 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 William D. Beckner: petitioner's name and telephone number, date petition was mailed, plant name, and publication data 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, and to N. S. Reynolds, Esq., Winston & 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 January 19, 1995, 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 University of New Orleans Library, Louisiana Collection, Lakefront, New Orleans, Louisiana 70122.

Dated at Rockville, Maryland, this 23rd day of January 1995.

For the Nuclear Regulatory Commission.

**Chandu P. Patgel,**

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

[FR Doc. 95-2079 Filed 1-26-95; 8:45 am]

BILLING CODE 7590-01-M

---



---

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-35255; File No. SR-DTC-94-17]

### Self-Regulatory Organizations; The Depository Trust Company; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Relating to Participation in the Lost and Stolen Securities Program

January 20, 1995.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),<sup>1</sup> notice is hereby given that on December 13, 1994, The Depository Trust Company ("DTC") 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 primarily by DTC. 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

DTC proposes to participate in the Securities and Exchange Commission's Lost and Stolen Securities Program as a direct inquirer on behalf of DTC participants that use DTC's branch receive service.<sup>2</sup>

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

In its filing with the Commission, DTC included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it has received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. DTC has prepared summaries, set forth in sections (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 allow DTC to participate in the Lost and Stolen Securities Program as a direct inquirer on behalf of inquirers using DTC's branch receive service (DTC Inquirers). When an appropriate securities certificate comes into DTC's possession, DTC, acting on behalf of a DTC Inquirer, will make an inquiry to the Commission's designee on behalf of the DTC Inquirer to determine whether the certificate was reported lost, missing, counterfeit, or stolen. When DTC is notified that the inquiry matches a missing, lost, counterfeit, or stolen security report, DTC will provide the DTC Inquirer with whatever related information the Commission's designee provides to DTC. In addition, DTC will make, as appropriate, reports to the Commission's designee on behalf of DTC Inquirers.

Currently, DTC participates in the Lost and Stolen Securities Program by making inquiries and reports on its own behalf. The Commission contemplated that the Lost and Stolen Securities

Program would allow the proposed structure of one reporting institution assuming the inquiry responsibility of other reporting institutions.<sup>3</sup>

DTC proposes to maintain and preserve in an easily accessible place for a minimum of three years copies of all Forms X-17F-1A filed by DTC on behalf of DTC Inquirers, all agreements with DTC Inquirers regarding registration or other aspects of the Lost and Stolen Securities Program, and all confirmations and other information received from the Commission or its designee as a result of inquiry.

Section 17A(b)(3)(A) of the Act<sup>4</sup> requires that a clearing agency be designed to facilitate the prompt and accurate clearance and settlement of securities transactions. DTC believes that allowing it to act as Direct Inquirer is consistent with Section 17A(b)(3)(A) in that it enables DTC to use its automated systems to make communications with the Commission's designee faster and more accurate than such communications otherwise might be made. Allowing DTC to act as Direct Inquirer will allow participants in the branch receive program that may not have a sufficient volume of securities transactions to otherwise justify the expense of participating as direct inquirers to participate as inquirers. Also, according to DTC, the rule change will permit the Commission to capitalize on the natural synergy of allowing DTC, a registered clearing agency, to act as a Direct Inquirer on behalf of participants using DTC's branch receive program. These participants are by virtue of their status as clearing agency participants automatically "reporting institutions" under Rule 17f-1 of the Act<sup>5</sup> and thus are required to register with the Commission's designee unless an exemption is available.

The proposed rule change will allow DTC to assist institutions and the public in tracking and deterring trafficking in lost, stolen, missing, and counterfeit securities thereby bolstering the effectiveness of the Lost and Stolen Securities Program and reducing the risk of financial losses that otherwise might occur. This promotes efficiency in the clearance and settlement of securities transactions and is consistent with Section 17A(b)(3)(A) of the Act.

<sup>2</sup> For a complete description of DTC's branch receive program, refer to Securities Exchange Act Release No. 34600 (August 25, 1994), 59 FR 45317 [File No. SR-DTC-94-05] (order approving a proposed rule change establishing a service for the routing of securities certificates and related documentation to DTC).

<sup>3</sup> For a detailed description of the Lost and Stolen Securities Program, refer to Securities Exchange Act Release No. 13832 (August 12, 1977), 42 FR 41022 (implementation of program for reporting and inquiring with respect to missing, lost, counterfeit or stolen securities).

<sup>4</sup> 15 U.S.C. § 78q-1(b)(3)(A) (1988).

<sup>5</sup> 17 CFR 240.17f-1(a) (1994).

<sup>1</sup> 15 U.S.C. § 78s(b)(1) (1988).