

That sentence reads, "[f]rom the date of the initial contribution until the second anniversary of the Split-Off, unless EDS announces a merger with one or more corporations, the Plan may not transfer Class E stock to any person or related group, if, as a result, such person or group would own 5 percent (5%) or more of the Class E stock then outstanding." GM states that the two sentences quoted above, when read together, mean that during the period that begins on the initial contribution date and ends on the first anniversary of the Split-Off date, the Plan may not transfer Class E stock to a person who is (or, as a result of the transfer would be) a "5 percent person." However, during the period that begins on the day after the first anniversary of the Split-Off date and ends on the second anniversary of the Split-Off date (or later, in the case of a merger event occurring before the second anniversary of the Split-Off date), the Plan may transfer Class E stock to a person who would, as a result of the transfer, constitute a "5 percent person," if that person agrees to be bound by the TRA. The Department concurs.

In addition, to the comments from GM described above, GM informed the Department of an event which transpired after the Notice was published in the **Federal Register**. In this regard, in item 12 on page 56545 of the SFR, GM indicated that it anticipated contributing \$750 million to the Plan before the end of 1994 which, at its option, along with previous cash contributions, could be considered part of the \$4 billion dollar contribution which is the subject of this exemption. In this regard, GM, in a letter dated December 22, 1994, advised the Department that this \$750 million contribution in cash was made on December 12, 1994.

GM also clarified certain representations regarding the approximately 17 million shares of Class E stock held by the Plan prior to the contribution. On page 56546 of the Notice, in the third full paragraph of the center column, it is stated that the RRA and the TRA " \* \* \* will apply to all Class E stock held by the Plan whether acquired pursuant to the proposed contribution in-kind or otherwise held by the Plan at the time the exemption is granted. In this regard, the 17 million shares of Class E stock held by the Plan prior to the contribution will be surrendered to GM so that restrictions may be placed on such shares." Subsequent to the publication of the Notice, it came to the attention of GM that approximately 300,000 shares of the 17 million shares were acquired on the

open market by several independent investment managers in the course of implementing their respective portfolio management strategies. These shares are registered and tradable without restriction. Because these shares are registered, not subject to any trading restrictions, and under management of independent managers, GM believes that it would be inappropriate to transfer management of these shares to UST pursuant to the exemption. Rather, GM believes that these shares should remain under the control of their respective managers to be held and disposed of in their discretion, as they pursue their respective portfolio management strategies. As a result, these shares will not be subject to the RRA and the TRA and will continue under the control of their respective managers, to be held or disposed of in their discretion, rather than UST's.

A number of individual commentators requested a hearing with respect to the exemption. Most of these commentators appear to have requested a hearing because of their belief that the transaction would reduce their retirement benefits. In addition, several commentators requested a hearing but did not state a reason for such request. In response to these requests for hearing, GM states that, given the number of participants and beneficiaries receiving the Notice of Proposed Exemption, the number of requests for a hearing is *de minimis*. Moreover, none of the requests for a hearing presented a compelling reason why such hearing should be held.

The Department has considered the concerns expressed by the individuals who had requested a hearing and the applicant's written response addressing such concerns. After consideration of the materials provided, the Department does not believe that any issues have been raised which would require the convening of a hearing. Further, after giving full consideration to the record, including the comments by commentators and the responses of the applicant, the Department has determined to grant the exemption, as described herein. In this regard, the comments submitted to the Department have been included as part of the public record of the exemption application. The complete application file, including all supplemental submissions received by the Department, is made available for public inspection in the Public Documents Room of the Pension Welfare Benefits Administration, room N-5507, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the Notice published on Monday, November 14, 1994, 59 FR 56541.

**FOR FURTHER INFORMATION CONTACT:**

Angelena C. Le Blanc of the Department, telephone (202) 219-8883 (This is not a toll-free number.)

**General Information**

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and/or section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions to which the exemptions does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) These exemptions are supplemental to and not in derogation of, any other provisions of the Act and/or the Code, including statutory or administrative exemptions and transactional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction; and

(3) The availability of these exemptions is subject to the express condition that the material facts and representations contained in each application accurately describes all material terms of the transaction which is the subject of the exemption.

Signed at Washington, DC, this 10th day of March, 1995.

**Ivan Strasfeld,**

*Director of Exemption Determinations,  
Pension and Welfare Benefits Administration,  
Department of Labor.*

[FR Doc. 95-6345 Filed 3-14-95; 8:45 am]

BILLING CODE 4510-29-P

## NUCLEAR REGULATORY COMMISSION

### Cost Beneficial Licensing Actions (CBLA) and Technical Specifications Improvement Program (TSIP) Public Workshop

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Notice of public workshop.

**SUMMARY:** The Nuclear Regulatory Commission (NRC) will conduct a public workshop on April 13, 1995, to discuss the Commission's Cost Beneficial Licensing Actions (CBLA) program, and its Administrative Letter addressing the program. The Administrative Letter was issued to inform licensees of the CBLA program. The CBLA program directs increased management attention to license amendments designated as cost beneficial licensing actions and provides for a more expeditious review. Participation in the CBLA program is voluntary. However, the purpose of the workshop is also to encourage licensees to develop CBLA programs if they have not already done so, and receive public comments on these activities.

Current activities within the Technical Specification Improvement Program (TSIP) will also be discussed. The Technical Specification Improvement Program was developed to establish criteria for relocating certain technical specifications from the facility license to licensee-controlled documents such as the final safety analysis report. In July 1994 the NRC proposed to amend the Technical Specification regulations pertaining to nuclear power reactors in order to codify criteria for determining the content of technical specifications. Licensees may propose converting their current technical specifications either in parts, or at once (the preferred method) to the improved Standard Technical Specifications (STS). Participation in the TSIP is voluntary. The principal focus of this workshop will be on both CBLA programs, and conversion to STS at commercial power reactors. While the NRC presentations will be broad in nature, NRC staff representatives will be present to address specific questions with regard to the CBLA process or STS conversions.

**DATES:** March 24, 1995—Advance notification of intent to attend the workshop, desire to comment or make a statement during the workshop, or both is requested by the NRC. Participants are encouraged to submit written comments, summaries, or both to the staff by this date.

April 13, 1995—The Workshop will be held at the NRC Auditorium from 7:30 am to 4:30 pm.

May 26, 1995—All written comments on matters covered by the workshop received by this date will be considered by the staff. Written comments received after May 26, 1995, will be considered to the extent practical. Written comments on the CBLA program and the TSIP will be accepted before, during, and after the workshop. Advance comments, which could serve to enhance the effectiveness of the workshop, are particularly solicited.

**ADDRESSES:** The workshop will be held in the NRC Auditorium. The NRC Auditorium is located on an underground level between the One White Flint North Building and the Two White Flint North Building at 11545 Rockville Pike, Rockville, Maryland 20852. The NRC buildings are located across from the entrance to the White Flint Metro Station.

Notification of intent to attend, and desire to make a statement should be sent to Elizabeth L. Doolittle, Mail Stop 0-12-D-22, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001. These notifications can also be transmitted via facsimile or telephone. The facsimile number is (301) 415-2279 and the telephone number is (301) 415-1247. The facsimile cover sheet should contain the address information listed above. Letter or facsimile notifications should contain, and people giving notification via telephone should be prepared to provide, the following pre-registration information: full name of participants/attendees, name of organization or business, mailing address, daytime telephone, facsimile number, a statement concerning whether the person or organization wishes to provide comments or a statement during the workshop, a statement concerning whether the person or organization intends to provide written comments before or after the workshop, and any specific questions or comments that the participant or organization would like to be considered and/or addressed at the workshop.

Copies of documents cited in the Supplementary Information section are available for inspection and/or for reproduction for a fee at the NRC Public Document Room, 2120 L Street NW (Lower Level), Washington, DC 20037.

Written comments may be sent to the Chief, Rules Review and Directives Branch, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001. Hand-delivered comments to Two White Flint North, 11545 Rockville

Pike, Rockville, Maryland 20852 will be received between 7:30 am and 4:15 pm on Federal Workdays.

Copies of comments received and relevant reference documents may be examined at the NRC Public Document Room at 2120 L Street NW (Lower Level), Washington, DC, between the hours of 7:45 am and 4:15 pm on Federal workdays.

**FOR FURTHER INFORMATION CONTACT:** Elizabeth L. Doolittle, Office of Nuclear Reactor Regulation, Mail Stop OWFN 12-D-22, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, telephone (301) 415-1247.

#### SUPPLEMENTARY INFORMATION:

- I. Background
- II. Tentative Agenda
- III. Workshop Content and Structure

#### I. Background

Executive Order 12866, "Regulatory Planning and Review," issued by President Clinton on September 30, 1993, required all agencies to perform a periodic review of existing regulations to eliminate unnecessary and unproductive requirements. Although the NRC already had several initiatives underway that were focused on improving the regulatory process by identifying and eliminating requirements that provided marginal safety benefits, in May 1994 the Commission established the policies, practices and framework for institutionalizing its "Continuing Program for Regulatory Improvement." The Continuing Program for Regulatory Improvement described in SECY-94-090 consists of three NRC initiatives:

1. The Marginal to Safety Program,
2. The Regulatory Review Group Implementation Plan, and
3. The Cost Beneficial Licensing Actions Program.

The NRC initiated its Marginal to Safety Program (MSP) in the 1980s with the purpose of identifying requirements that were considered to be marginal to safety and impose a substantial regulatory burden on licensees, and therefore should be relaxed or eliminated. Over time the program was redirected to focus on petitions for rulemaking and regulatory guidance identified by industry, since industry was considered to be in the best position to identify inefficient regulations that impose heavy economic burden.

Currently the NRC is proposing to modify its regulations in 10 CFR 2.802 to provide guidance on the scope and level of detail needed on petitions for rulemaking to reduce regulatory burden.

The NRC prepared its Regulatory Review Group (RRG) Implementation Plan in 1993 with the purpose of identifying topic areas within NRC's regulations and guidance where prescriptive requirements might be substituted with performance-based requirements and guidance. The RRG identified areas with significant potential for relief of burden with little or no adverse safety impact, as did NRC as part of the MIS program.

More than 60 recommendations for changes to the NRC's regulations and guidance were made, and the NRC continues to make significant progress toward completing these changes.

The NRC began its Cost Beneficial Licensing Actions (CBLA) program on a pilot basis in mid-1993, and beginning in calendar year 1994, the CBLA option was made available to all licensees with the purpose of encouraging licensees to request plant specific license amendments that reduce or eliminate license requirements that have an incrementally small effect on safety but a high economic burden. In the past, licensee submittals of marginal safety significance but high cost savings were given the lowest priority for NRC staff review, which may have discouraged licensees from submitting this type of request.

On February 23, 1995, the NRC issued Administrative Letter 95-02, "Cost Beneficial Licensing Actions" to inform addressees of the CBLA program. The letter explains that the CBLA program will direct increased management attention to license amendments designated as cost beneficial licensing actions and will provide for a more expeditious review of certain amendment requests. Participation in the CBLA program is voluntary. Placing additional emphasis on processing CBLAs was meant to directly improve safety by allowing licensees to shift resources from activities that improve safety by only an incrementally small amount to those that more significantly enhance safety.

CBLAs are not new. Many licensee requests seek to modify or delete requirements that have a small effect on safety and are costly to implement. However, before June 1993, the NRR priority ranking system assigned the lowest priority (priority 4) to most licensing submittals addressing items that benefited safety an incrementally small amount without consideration of the cost of implementation or restriction of operational flexibility. As discussed in Administrative Letter 95-02, the priority ranking of CBLAs will be further increased within the current priority 3 ranking, so that a CBLA could

be expected to be reviewed before other priority 3 licensing actions.

To assist in developing the CBLA policy and tracking CBLAs, members of the NRC staff have been dedicated to serve in a CBLA group for a limited time. The CBLA group, led by Eugene V. Imbro, gives general CBLA policy guidance to NRC and licensee staffs, tracks and trends CBLA submittal and approval data, and works with the staff and industry to identify CBLAs with generic implications. The CBLA group has determined, based on licensee estimates, that CBLAs approved in 1994 will result in an estimated industry lifetime saving in excess of \$257.2 million. Although the NRC licensing project manager remains the primary point of contact for all licensing actions including CBLAs, licensees should contact Mr. Imbro on (303) 415-2969 if they have questions about the staff's implementation of the CBLA program.

One goal of the Technical Specification Improvement Program is similar to the goal of the CBLA program, and that is to substantially reduce regulatory burden. And, like the CBLA program, participation in the Technical Specification Improvement Program is voluntary.

In July 1994, the NRC proposed to amend technical specification regulations pertaining to nuclear power reactors through a rule change to 10 CFR 50.36, Technical Specifications. The purpose of the rule was to codify the July 1993, final policy statement criteria for determining the content of technical specifications. These criteria were developed in recognition that the broad use of technical specifications to impose requirements has diverted both NRC and licensee attention from the more important requirements in the technical specification documents. Broad use of technical specifications has resulted in an adverse but unquantifiable impact on safety. Under this rule change licensees may voluntarily use the criteria as a basis to propose relocation of existing technical specifications that do not meet any of the criteria, from the facility license to licensee-controlled documents, such as the final safety analysis report. Voluntary licensee conversion of current technical specifications in this manner is expected to produce an improvement in the safety of nuclear power plants through a reduction in unnecessary plant transients and more efficient use of NRC and industry resources. While the NRC will allow licensees to take advantage of the opportunity to convert their current technical specifications in parts, the NRC strongly encourages and gives priority to licensees considering

complete conversion of their current technical specifications to the improved Standard Technical Specifications. The conversion to the improved Standard Technical Specifications can save licensees' financial and staff resources by relocating 30 to 40% of existing technical specifications to licensee-controlled documents and by incorporating the benefits of numerous Generic Letters, at once. While the benefits of converting to the new technical specifications are hard to quantify, licensee owners' groups project annual saving of between \$150,000 and \$1.13 million per unit. Licensees for about 40 units are currently pursuing conversion to the improved Standard Technical Specifications.

## II. Tentative Agenda

April 13, 1995

7:30 a.m. Registration  
 8:30 a.m. Introduction  
 8:45 a.m. CBLA Administrative Letter Overview  
 9:45 a.m. BREAK  
 10:00 a.m. Participant Presentations/  
 Panel Discussion in Response to  
 Participant Comments  
 11:45 a.m. Lunch  
 1:00 p.m. Technical Specification  
 Improvement Program  
 2:30 p.m. BREAK  
 2:45 p.m. Participant Presentations/  
 Panel Discussion in Response to  
 Participant Comments  
 4:15 p.m. Summary and Conclusions  
 (NRC)  
 4:30 p.m. Adjourn

## III. Workshop Content and Structure

The workshop is structured to include both NRC staff and licensees' presentations during the morning and afternoon. An opportunity for other questions and comments following the presentations is planned.

Participants will be allowed to express their views during specific comment periods. Participants who wish to make statements will be scheduled in the order in which they notified the staff of their desire to make a statement, and as time permits. Comments will be taken from parties in the order in which they notified the staff of their intent to comment. The order of comments will be:

- (1) Parties who notified the staff by April 10, 1995;
- (2) Parties registering to comment before 8:30 am the day of the workshop; and
- (3) Parties who have not given prior notice.

Participants wishing to make comments will be limited to 5 minutes.

These time limits may be adjusted depending on the number of presentations and comment. The workshop will be transcribed, and the transcript will be available at the NRC Public Document Room.

To foster meaningful discussions during this session and to aid participants in preparing their presentations and comments, participants should consider the following set of questions:

- What impact will the CBLA Administrative Letter have on those organizations that the NRC regulates?
- Should the NRC develop a CBLA database that could be made available to the public?
- What are the reasons that the CBLA program has not been used more widely by licensees?
- What are the savings that can result from conversion to the improved Standard Technical Specifications?

Dated In Rockville, Maryland, this 9th day of March, 1995.

For the Nuclear Regulatory Commission.

**Eugene V. Imbro,**

*Director, RRG/CBLA Programs, Office of Nuclear Reactor Regulation.*

[FR Doc. 95-6341 Filed 3-14-95; 8:45 am]

BILLING CODE 7590-01-M

## Biweekly Notice

### Applications and Amendments to Facility Operating Licenses Involving No Significant Hazards Considerations

#### I. Background

Pursuant to Public Law 97-415, the U.S. Nuclear Regulatory Commission (the Commission or NRC staff) is publishing this regular biweekly notice. Public Law 97-415 revised section 189 of the Atomic Energy Act of 1954, as amended (the Act), to require the Commission to publish notice of any amendments issued, or proposed to be issued, under a new provision of section 189 of the Act. This provision grants the Commission the authority to issue and make immediately effective any amendment to an operating license upon a determination by the Commission that such amendment involves no significant hazards consideration, notwithstanding the pendency before the Commission of a request for a hearing from any person.

This biweekly notice includes all notices of amendments issued, or proposed to be issued from February 16, 1995, through March 3, 1995. The last biweekly notice was published on March 1, 1995.

### Notice Of Consideration Of Issuance Of Amendments To Facility Operating Licenses, Proposed No Significant Hazards Consideration Determination, And Opportunity For A Hearing

The Commission has made a proposed determination that the following 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 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. The basis for this proposed determination for each amendment request is shown below.

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 before action is taken. 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 a hearing and petitions for leave to intervene is discussed below.

By April 14, 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 for the particular facility involved. 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 a 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.