

13, 1993, as supplemented by later filings. Under these requested license amendment, the license would reflect the transfer of ownership of GSU to become a wholly-owned subsidiary of Entergy as a result of a merger between GSU and Entergy, and control over the operation of River Bend would be transferred from GSU to EOI, another wholly-owned subsidiary of Entergy. Notice of these applications for transfer and proposed no significant hazards consideration determinations were published in the **Federal Register** on July 7, 1993 (58 FR 36435 and 58 FR 36436).

IV

This Order was originally issued on December 16, 1993. By other dated March 14, 1995, the Court of Appeals for the D.C. Circuit ordered that the two orders for (1) the merger of Gulf States Utilities and Entergy and (2) the operation of River Bend Station by EOI be vacated and the case remanded to the NRC.

V

The transfer of rights under license NPF-47 is subject to the NRC's approval under 10 CFR 50.80. Based on information provided by GSU and Entergy, and other information before the Commission, it is determined that the proposed transfer of the control of operations of River Bend from GSU to EOI, and the proposed transfer of ownership of GSU to Entergy, subject to the conditions set forth herein, are in the public interest and are consistent with the applicable provisions of law, regulations and orders issued by the Commission. These actions were evaluated by the staff as documented in Safety Evaluations, dated December 16, 1993, which contain final no significant hazards consideration determinations. The conditions of the transfer, to which GSU has not objected, are:

2.C.(3) Antitrust Conditions

a. GSU shall comply with the antitrust license conditions set forth in Appendix C, attached hereto and incorporated in this license.

b. EOI shall not market or broker power or energy from River Bend Station, Unit 1. GSU is responsible and accountable for the actions of its agent, EOI, to the extent said agent's actions affect the marketing or brokering of power or energy from River Bend Station, Unit 1 and, in any way, contravene the antitrust conditions of this paragraph or Appendix C of this license.

2.C.(16) Merger Related Reports

GSU shall inform the Director, NRR:

a. Sixty days prior to a transfer (excluding grants of security interests or liens) from GSU to Entergy or any other entity of facilities for the production, transmission or distribution of electric energy having a depreciated book value exceeding one percent (1%) of GSU's consolidated net utility plant, as recorded on GSU's books of account.

b. Of an award of damages in litigation initiated against GSU by Cajun Electric Power Cooperative regarding River Bend within 30 days of the award.

VI

Accordingly, pursuant to sections 103, 105, 161b, 161i, and 187 of the Atomic Energy Act of 1954, as amended, 42 U.S.C. 2201 et seq. and 10 CFR part 50, *it is hereby ordered* That the transfers to Entergy Corporation and Entergy Operations Inc., discussed above, are approved, and notice is given that license amendments providing for the transfer of control of operation of River Bend to EOI, subject to the license conditions set out and herein, and the transfer of ownership of GSU to Entergy are issued, effective immediately.

Dated at Rockville, MD., this 8th day of June 1995.

William T. Russell,

Director, Office of Nuclear Reactor Regulation.

[FR Doc. 95-14502 Filed 6-13-95; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-267; License No. DPR-34]

Public Service Company of Colorado, (Fort St. Vrain Nuclear Generating Station); Exemption

I

The Public Service Company of Colorado (PSC or the licensee) is the holder of Possession-Only License (POL) No. DPR-34, which authorized possessions and maintenance of the Fort St. Vrain Nuclear Generating Station (FSV). The license provides, among other things, that the plant is subject to all rules, regulations, and Orders of the Nuclear Regulatory Commission (NRC) now or hereafter in effect.

FSV is a high-temperature, gas-cooled reactor that is located at the licensee's site in Weld County, Colorado. FSV operated from January 31, 1974, to August 18, 1989. PSC shut down FSV because of control rod drive failures and subsequently made the shutdown permanent because of a discovery of degradation of the steam generator ring headers. On November 5, 1990, PSC

submitted a Decommissioning Plan (DP) pursuant to § 50.82 of title 10, Code of Federal Regulations (10 CFR 50.82) that proposed the dismantling of FSV. On May 21, 1991, the NRC revised License No. DPR-34 to a POL, which allows possession but not operation of FSV. The DP was approved by NRC Order dated, November 23, 1993. PSC is actively dismantling FSV and decommissioning is approximately 65 percent complete. In addition, FSV has been defueled and all fuel was transferred to the PSC independent spent fuel storage installation (ISFSI). The ISFSI (Materials License No. SNM-2504) is licensed under 10 CFR part 72.

II

By letter dated February 16, 1995, PSC requested an exemption in accordance with 10 CFR 50.12 from the requirements of 10 CFR 50.54(w) to maintain onsite property damage insurance. This rule states the following:

* * * Each electric utility licensee under this part for a production or utilization facility of the type described in 10 CFR 50.21(b) and 10 CFR 50.22 shall take reasonable steps to obtain insurance available at reasonable costs and on reasonable terms from private sources or to demonstrate to the satisfaction of the Commission that it possesses an equivalent amount of protection covering the licensee's obligation in the event of an accident at the licensee's reactor, to stabilize and decontaminate the reactor and the reactor station site at which the reactor experiencing the accident is located, provided that: * * *

III

The justification presented by the licensee for the exemption request is that FSV is not authorized to operate, all nuclear fuel has been removed from the reactor facility and transferred to the ISFSI, decommissioning of FSV is approximately 65 percent complete, and the risk of accident resulting in a radiological release is now considerably less than during plant operation. The licensee contends that with all nuclear fuel removed from the reactor facility, and with the activated graphite blocks removed from the reactor building and disposed of at an authorized low-level waste disposal facility, the potential accidents as evaluated in the FSV DP only involve events such as fires, electrical power outages, and the dropping of activated or contaminated materials during dismantling. PSC concludes that any events at the facility would only result in doses to individuals located at the emergency planning zone boundary. In addition, PSC concludes these doses would be orders of magnitude below 10 CFR part

100 guidelines and are a small fraction of the U.S. Environmental Protection Agency's (EPA) "Protection Action Guidelines" (PAG). The NRC staff's Safety Evaluation of the FSV DP (NRC Decommissioning Order dated November 23, 1992) confirmed PSC's conclusion. Because the risk of an accident requiring reactor stabilization or extensive decontamination of the reactor facility does not exist at FSV, the annual cost of \$250,000 per year for insurance is unwarranted and poses an undue hardship on FSV.

The NRC will not consider granting an exemption unless special circumstances warrant it. In the licensee's letter of August 2, 1993, these special circumstances were addressed as follows:

* * * (ii) Application of the regulation in the particular circumstances would not serve the underlying purpose of the rule; or (iii) Compliance would result in undue hardship or other costs that are significantly in excess of those incurred by others similarly situated * * *.

In addition, for the FSV worst-case accident previously analyzed in Section 3.4.10 of the NRC approved Decommissioning Plan, the radiological release from the accident would result in a whole-body dose to an individual of 8.30 mrem. This dose is considerably less than 1 percent of the EPA PAG dose of 1000 mrem that requires protective action.

IV

The staff has reviewed the licensee's requests and finds that sufficient bases have been presented for NRC's approval of the request for exemption from 10 CFR 50.54(w) requirements to continue to maintain onsite property insurance.

The staff finds that the special circumstances presented by PSC satisfy the requirements of 10 CFR 50.12(a)(2) (ii) and (iii), and it would serve no purpose to meet a requirement that relates primarily to an operating reactor, where costs to stabilize and decontaminate a facility are significant in contrast to a defueled reactor such as FSV that is 65 percent decommissioned. To continue to maintain onsite property insurance would result in undue hardship to the licensee and costs in excess of those contemplated when the regulation was adopted.

Based on the above evaluation, the NRC has determined that pursuant to 10 CFR 50.12(a)(1), this exemption is authorized by law, will not present an undue risk to the public health and safety, and is consistent with the common defense and security.

Accordingly, NRC hereby grants an exemption from 10 CFR 50.54(w). The

exemption deletes the requirement to continue to maintain onsite property damage insurance.

Pursuant to 10 CFR 51.32, NRC has determined that the granting of this exemption will not have a significant effect on the quality of the human environment (May 22, 1995, 60 FR 27140).

A copy of the licensee's request for the exemption and supporting documentation dated February 16, 1995, and the NRC staff's Safety Evaluation, included in the exemption, are available for public inspection at the NRC's Public Document Room, 2120 L Street, NW., Washington, DC 20037, and at the Weld Library District—Downtown Branch, 919 7th Street, Greeley, CO 80631.

This exemption will become effective on issuance.

Dated at Rockville, MD, this 7th day of June, 1995.

For the Nuclear Regulatory Commission,
John T. Greeves,
*Director, Division of Waste Management,
Office of Nuclear Material Safety and
Safeguards.*

[FR Doc. 95-14503 Filed 6-13-95; 8:45 am]
BILLING CODE 7590-01-M

[Docket No. 30-32493-CivP EA 93-072;
ASLBP No. 95-709-02-CivP]

Radiation Oncology Center at Marlton (ROCM) Marlton, NJ, (Byproduct Materials License No. 29-28685-01); Notice of Hearing

June 7, 1995.

Notice is hereby given that, by Memorandum and Order dated June 7, 1995, the Atomic Safety and Licensing Board has granted the request of Radiation Oncology Center of Marlton (Licensee or ROCM) for a hearing in the above-titled proceeding. The hearing concerns the Order Imposing a Civil Monetary Penalty, issued by the NRC Staff on April 24, 1995 (published at 60 FR 21570, May 2, 1995). The parties to the proceeding are the Licensee and the NRC Staff.

The issues to be considered at the hearings are (a) whether the Licensee was in violation of the Commission's requirements as set forth in the violation in the Notice of Violation and Proposed Imposition of Civil Penalty, dated May 31, 1994, and the following specific examples given with the violation: Examples A.1, A.2, A.4, B.1, B.2, C and D; and (b) whether, on the basis of the violation set forth in the Notice of Violation, this Order should be sustained.

Materials concerning this proceeding are on file at the Commission's Public Document Room, 2120 L St. NW., Washington, DC 20555, and at the Commission's Region I Office, 475 Allendale Road, King of Prussia, Pennsylvania 19406-1415.

During the course of this proceeding, the Licensing Board, as necessary, will conduct one or more prehearing conferences and evidentiary hearing sessions. The time and place of these sessions will be announced in later Licensing Board Orders. Members of the public will be invited to attend any such in-person sessions.

Rockville, MD, June 7, 1995.

For the Atomic Safety and Licensing Board,

Charles Bechhoefer,

Chairman, Administrative Judge.

[FR Doc. 95-14504 Filed 6-13-95; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Generalized System of Preferences (GSP); Notice of an "Emergency" Review to Consider Requests for "De Minimis" Waivers of the Competitive Need Limits for Buffalo Leather From Thailand and for Aluminum Conductor From Venezuela; Request for Comments

AGENCY: Office of the United States Trade Representative.

ACTION: Initiation of an "emergency" review and solicitation of public comments with respect to requests for "de minimis" waivers of the competitive need limits for buffalo leather from Thailand and for aluminum conductor from Venezuela.

SUMMARY: This notice initiates an expedited review and solicits public comments with respect to requests for "de minimis" waivers for the competitive need limits for buffalo leather from Thailand and for aluminum conductor from Venezuela.

FOR FURTHER INFORMATION CONTACT: GSP Subcommittee, Office of the United States Trade Representative, 600 17th Street, NW., Room 518, Washington, DC 20506. The telephone number is (202) 395-6971.

SUPPLEMENTARY INFORMATION: Section 504(d)(2) of the Trade Act of 1974, as amended ("Trade Act") (19 U.S.C. 2464(d)(2)) authorizes the President to disregard the 50-percent competitive need limit, which is provided for in section 504(c)(1)(B) of the Trade Act (19 U.S.C. 2464(c)(1)(b)), with respect to any