

its efforts to obtain the operating license for Watts Bar Unit 1.

In a letter dated July 3, 1995, the Tennessee Emergency Management Agency (TEMA) indicated that the State and local governments in the Watts Bar area have conducted three full-participation exercises for Watts Bar since 1983 with the last on October 6-7, 1993. TEMA stated that another licensing exercise for Watts Bar would not be cost effective in that the State and local governments exercise both the Watts Bar and Sequoyah plans regularly and the same personnel participate in both the Watts Bar and Sequoyah exercises. TEMA also noted that the State of Tennessee has participated in exercises since the late 1970's and no problems have been experienced at either site with offsite programs. Consequently, these State and local government agencies would be required to duplicate past efforts at significant expense. Additionally, TEMA did not budget for State participation in a second prelicensing full-participation WBN exercise in calendar year 1995, since the frequency requirements for State participation in the emergency plan exercise would have been met under the previous schedule for the licensing of WBN. If the prelicensing 50-mile ingestion pathway requirement is not exempted, it is estimated that an additional \$160,000 would be expended by the State. Furthermore, State resources have been strained in responding to six major emergencies which have occurred in the last 15 months, including tornadoes, flooding and ice storms. The State has spent in excess of \$30 million mitigating the consequences of these major emergencies. TEMA further states that the local government agencies did not include funding for another prelicensing full-participation exercise in calendar year 1995. Consequently, they would have to redirect financial and personnel resources to support such an effort. Since TVA and the State and local governments depend heavily upon volunteer organizations to support the radiological emergency preparedness program, there is concern that the repeated use of the volunteers in emergency exercises would lessen their enthusiasm for support of another ingestion pathway exercise.

The staff's last Systematic Assessment of Licensee Performance (SALP) report (Inspection Report Nos. 50-390/94-41 and 50-391/94-41) for Watts Bar for the period of June 13, 1993 through June 18, 1994, indicates that the emergency preparedness program was excellent, emergency response training was strong, and that TVA's emergency response

facilities were good and capable of supporting emergency operations. Additionally, the report indicated that individuals demonstrated knowledge of duties and an ability to respond to emergency conditions and mitigate the consequences during the October 1993 full-scale exercise and that TVA conducted thorough critiques and was timely in correcting identified problems.

The exemption from the ingestion exposure pathway exercise portion of Section IV(F)(2)(a) to Appendix E of 10 CFR Part 50 would provide relief from what was originally intended as a "one-time" prelicense exercise requirement. As discussed above, TVA has already conducted three full-participation plume and ingestion pathway exercises to support anticipated operating license scheduled dates. In view of past and planned emergency planning efforts and successful results, TVA has made good faith efforts to fully comply with the prelicense emergency exercise rule. If WBN does not obtain a full-power operating license within 2 years of the November 1995 exercise, another prelicensing full-participation exercise, to include both the plume and ingestion exposure pathway EPZs, will have to be conducted.

IV

On the basis of its review of the applicant's request for an exemption from the requirement to conduct the ingestion exposure pathway portion of the qualifying full-participation exercise of the Watts Bar Emergency Plan, the staff finds that the underlying purpose of the regulation has been achieved through the applicant's conduct of the ingestion exposure pathway portion of the October 6-7, 1993, full participation exercise at Watts Bar and the ingestion exposure pathway portion of the September 1992 full-participation exercise at Sequoyah. In addition, because the States of Georgia and North Carolina have participated in ingestion pathway exercises at other nuclear power plant sites within their respective borders, as well as the fact that only limited actions are required of these States in the WBN ingestion pathway exposure EPZ, the staff concludes the underlying purpose for their potential participation in the ingestion pathway portion of the November 1995 exercise at WBN has been achieved. FEMA concurs with this exemption.

For these reasons, the Commission has determined that, pursuant to 10 CFR 50.12, the exemption requested by the applicant is authorized by law, will not present an undue risk to public health and safety, and is consistent with the common defense and security and that

special circumstances are present as set forth in 10 CFR 50.12(a) (ii), (iii), and (v).

Pursuant to 10 CFR 51.32, the Commission has determined that granting of this exemption will have no significant impact on the environment (60 FR 53814, dated October 17, 1995). A copy of the applicant's request for exemption and supporting documentation is available for public inspection at the Commission's Public Document Room, 2120 L Street, NW, Washington, DC and at the local public document room located at Chattanooga-Hamilton Library, 1101 Broad Street, Chattanooga, Tennessee 37402.

This exemption is effective upon issuance.

Dated at Rockville, Maryland this 17th day of October 1995.

For The Nuclear Regulatory Commission.
Steven A. Varga,

*Director, Division of Reactor Projects—I/II,
Office of Nuclear Reactor Regulation.*

[FR Doc. 95-26273 Filed 10-23-95; 8:45 am]

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[Docket Nos. 50-266 and 50-301]

Wisconsin Electric Power Company; 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 Nos. DPR-24 and DPR-27, issued to Wisconsin Electric Power Company (the licensee), for operation of the Point Beach Nuclear Plant, Units 1 and 2, located in the Town of Two Creeks, Manitowoc County, Wisconsin.

The proposed amendments would revise Technical Specification (TS) Section 15.1, "Definitions," the basis for TS Section 15.3.1.G, "Operational Limitations," and TS Figure 15.2.1-2, "Reactor Core Safety Limits, Point Beach Unit 2." The proposed changes would reduce the reactor coolant system raw measured total flow rate limit and reflect new reactor core safety limits for Unit 2.

The licensee stated that these changes may be required to support full power operation of Unit 2 following its annual outage, which has already begun. The licensee further stated that the submittal was timely, based on the circumstances (a vendor analysis was required), and that the exigency could not have been avoided. The staff agrees with this conclusion.

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.

Pursuant to 10 CFR 50.91(a)(6) for amendments to be granted under exigent circumstances, the NRC staff must determine 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) involve 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:

1. Operation of this facility under the proposed Technical Specifications will not create a significant increase in the probability or consequences of an accident previously evaluated.

This proposed change reduces the Unit 2 Reactor Coolant System [RCS] raw measured total flow rate limit by 4500 gpm. Evaluations performed by Westinghouse and Wisconsin Electric have determined that all safety analysis and regulatory requirements are still met at the reduced flow rate limit without exceeding acceptable limits. A reduction of the RCS flow limit does not affect any parameters that could affect the probability of an accident. Therefore, there is no increase in the probability or consequences of an accident previously evaluated.

2. Operation of this facility under the proposed Technical Specifications change will not create the possibility of a new or different kind of accident from any accident previously evaluated.

This proposed change reduces the Unit 2 Reactor Coolant System raw measured total flow rate limit by 4500 gpm. Evaluations performed by Westinghouse and Wisconsin Electric have determined that all the safety analysis requirements are still met at the reduced flow rate limit. There is no physical change to the facility, its systems, or its operation. Thus, a new or different kind of accident cannot occur.

3. Operation of this facility under the proposed Technical Specifications change will not create a significant reduction in a margin of safety.

This proposed change reduces the Unit 2 Reactor Coolant System raw measured total flow rate limit by 4500 gpm. Evaluations performed by the Westinghouse and Wisconsin Electric have determined that all the safety analysis and regulatory requirements are still met at the reduced flow rate limit. The current Revised Thermal Design Procedure (RTDP) DNBR [departure

from nucleate boiling ratio] limit of 1.33 remains valid for the reduced flow conditions.

The most DNB [departure from nucleate boiling]-limiting, non-LOCA [loss-of-coolant accident] accidents were reanalyzed to demonstrate this limit remains satisfied for the reduction in RCS flow. The modifications to power level and core safety limits figure for PBNP Unit 2 prevent the possibility of exceeding the core safety limits. Therefore, this reduction in RCS total flow rate limit does not reduce any existing 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 15 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 15-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 15-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. 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 November 8, 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 Joseph P. Mann Library, 1516 Sixteenth Street, Two Rivers, Wisconsin. 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 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.

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 and on which the petitioner intends to rely in proving 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 the amendment is issued before the expiration of the 30-day hearing period, the Commission will make a final determination on the issue of no significant hazards consideration. If a hearing is requested, 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 Dr. Gail H. Marcus, Director, Project Directorate PDIII-3: petitioner's name and telephone number, date petition was mailed, plant name, and publication date 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 Gerald Charnoff, Esq., Shaw, Pittman, Potts, and Trowbridge, 2300 N Street, NW., Washington, DC 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).

For further details with respect to this action, see the application for amendment dated September 13, 1995, as supplemented by letter dated October 19, 1995, which are 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 Joseph P. Mann Library, 1516 Sixteenth Street, Two Rivers, Wisconsin.

Dated at Rockville, Maryland, this 19th day of October 1995.

For the Nuclear Regulatory Commission,
Allen G. Hansen,
*Project Manager, Project Directorate III-3,
Division of Reactor Projects—III/IV, Office of
Nuclear Reactor Regulation.*

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OFFICE OF PERSONNEL MANAGEMENT

Federal Prevailing Rate Advisory Committee; Correction to Cancellation of Open Committee Meeting

SUMMARY: The Federal Prevailing Rate Advisory Committee is correcting the notice published in Volume 60, number 191, on Tuesday, October 3, 1995.

There is no Federal Prevailing Rate Advisory Committee meeting scheduled for October 30, 1995 which is a Monday.

Information on other meetings can be obtained by contacting the Committee's Secretary, Office of Personnel Management, Federal Prevailing Rate Advisory Committee, Room 5559, 1900 E Street, NW., Washington, DC 20415 (202) 606-1500.

Dated: October 11, 1995.

Anthony F. Ingrassia,
*Chairman, Federal Prevailing Rate Advisory
Committee.*

[FR Doc. 95-26232 Filed 10-23-95; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

Issuer Delisting; Notice of Application To Withdraw From Listing and Registration; (ICO, Inc., Common Stock, No Par Value and Preferred Stock, No Par Value) File No. 1-8327

October 18, 1995.

ICO, Inc. ("Company") has filed an application with the Securities and Exchange Commission ("Commission"), pursuant to Section 12(d) of the Securities Exchange Act of 1934 ("Act") and Rule 12d2-2(d) promulgated thereunder, to withdraw the above specified securities ("Securities") from listing and registration on the Boston Stock Exchange, Inc. ("BSE" or "Exchange").

The reasons alleged in the application for withdrawing the Securities from listing and registration include the following:

According to the Company, the reason for the withdrawal is that the Securities are listed on the Nasdaq already. Also the additional costs of being listed on the BSE do exceed the benefits.

Any interested person may, on or before November 8, 1995 submit by letter to the Secretary of the Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549, facts bearing upon whether the application has been made in accordance with the rules of the exchanges and what terms, if any, should be imposed by the Commission for the protection of investors. The Commission, based on the information submitted to it, will issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.