

represent the lowest of three fee amounts.

#### Notice to Interested Persons

Notice of the proposed exemption will be provided to all interested persons within 30 days of the publication of the notice of pendency in the Federal Register. The notice will include a copy of the notice of proposed exemption as published in the Federal Register and a statement informing interested persons of their right to comment on and/or to request a hearing with respect thereto. The notice will be provided to all active employees of AT&T and BellSouth by posting. Mailed notice will be given to AT&T and BellSouth union representatives, plan administrators and representatives of retirees. Comments to the Department are due within 60 days of the publication of the proposed exemption in the Federal Register.

**FOR FURTHER INFORMATION CONTACT:** Ms. Jan D. Broady of the Department, telephone (202) 219-8881. (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 of disqualified person from certain other provisions of the Act and/or the Code, including any prohibited transaction provisions to which the exemption 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) Before an exemption may be granted under section 408(a) of the Act and/or section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan;

(3) The proposed exemptions, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and/or the Code, including statutory or administrative

exemptions and transitional 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

(4) The proposed exemptions, if granted, will be subject to the express condition that the material facts and representations contained in each application are true and complete and accurately describe all material terms of the transaction which is the subject of the exemption. In the case of continuing exemption transactions, if any of the material facts or representations described in the application change after the exemption is granted, the exemption will cease to apply as of the date of such change. In the event of any such change, application for a new exemption may be made to the Department.

Signed at Washington, DC, this 5th day of December, 1995.

Ivan Strasfeld,

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

[FR Doc. 95-29984 Filed 12-07-95; 8:45 am]

**BILLING CODE 4510-29-P**

## NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 95-111]

### Notice of Prospective Patent License

**ACTION:** Notice of Prospective Patent License.

**SUMMARY:** NASA hereby gives notice that MicroMed Systems Ltd., Co., Houston, TX 77019, has requested an exclusive license to practice the inventions protected by U.S. Patent Application Numbers 08/153,595 entitled "ROTARY BLOOD PUMP" and U.S. Patent Application No. 08/451,709 entitled "ROTARY BLOOD PUMP," which were respectively filed November 10, 1993 and May 26, 1995, by the United States of America as represented by the Administrator of the National Aeronautics and Space Administration. Written objections to the prospective grant of a license should be sent to Mr. Hardie R. Barr, Patent Attorney, NASA Johnson Space Center.

**DATES:** Responses to this Notice must be received by February 6, 1996.

**FOR FURTHER INFORMATION CONTACT:** Mr. Hardie R. Barr, NASA Johnson Space Center, Mail Code HA, Houston, TX 77058; telephone number (713) 483-1003.

Dated: December 1, 1995.

Edward A. Frankle,

*General Counsel.*

[FR Doc. 95-29939 Filed 12-7-95; 8:45 am]

**BILLING CODE 7510-01-M**

## NUCLEAR REGULATORY COMMISSION

[Docket No. 50-289]

### GPU Nuclear Corporation; Notice of Withdrawal of Application for Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has granted a request by GPU Nuclear Corporation (the licensee) to withdraw its May 20, 1994, application for an amendment to Facility Operating License No. DPR-50, issued to the licensee for operation of the Three Mile Island Nuclear Station, Unit No. 2, located in Dauphin County, Pennsylvania. Notice of Consideration of Issuance of this amendment was published in the Federal Register on June 14, 1994 (59 FR 30621).

The purpose of the licensee's amendment request was to revise the Technical Specifications to raise the limit on maximum control rod drop time and was requested only for the duration of operating cycle 10, which was concluded on September 8, 1995.

Subsequently the licensee informed the staff that the amendment is no longer required. Thus, the amendment application is considered to be withdrawn by the licensee.

For further details with respect to this action, see (1) the application for amendment dated May 20, 1994, and (2) the staff's letter dated November 14, 1995.

These documents are available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC and at the Law/Government Publications Section, State Library of Pennsylvania, (REGIONAL DEPOSITORY) Walnut Street and Commonwealth Avenue, Box 1601, Harrisburg, PA 17105.

Dated at Rockville, Maryland, this 30th day of November 1995.

For the Nuclear Regulatory Commission.

Ronald W. Hernan,

*Project Manager, Project Directorate I-3,  
Division of Reactor Projects—I/II, Office of  
Nuclear Reactor Regulation.*

[FR Doc. 95-29938 Filed 12-7-95; 8:45 am]

**BILLING CODE 7590-01-P**

[Docket No. 50-244]

**R. E. Ginna Nuclear Power Plant;  
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. DPR-18, issued to Rochester Gas and Electric Corporation (the licensee) for operation of the R. E. Ginna Nuclear Power Plant located in Wayne County, New York.

The proposed amendment would revise the Ginna Station Technical Specifications (TSs) to implement the amended regulation 10 CFR Part 50; Appendix J, Option B (new rule), to provide a performance based option for leakage-rate testing of containment.

The proposed amendment would revise the current TSs (CTs) and License, Item 2.D, which contains four exemptions to 10 CFR Part 50, Appendix J, Option A, which are proposed to be removed:

- a. Exemption from Section III.A.4(a) with respect to the maximum allowable leakage rate for reduced pressure tests;
- b. Exemption from Section III.B.1 with respect to the acceptable technique for performing local Type B leakage rate tests;
- c. Exemption from Section III.D.1 for scheduling of containment integrated leakage rate tests with respect to the 10-year in-service inspection (ISI); and
- d. Exemption from Section III.D.2 with respect to the testing interval of containment airlocks.

The proposed amendment would implement Option B as part of the implementation of the improved standard TSs (ISTs) which are currently undergoing NRC staff review (submittal of May 26, 1995).

The amendment proposes to add a specific reference to Regulatory Guide 1.163, "Performance-Based Containment Leak-Test Program" in the Administrative Controls section of the Ginna Station TSs. No exceptions to the regulatory guide, nor the documents which are endorsed by the regulatory guide, are being requested. The licensee does not propose to deviate from methods approved by the Commission and endorsed in a regulatory guide.

The amendment proposes that a detailed performance-based leakage-test program will be available for NRC inspection upon implementation of the ISTs for the Ginna Station.

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) 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:

The proposed changes to the Ginna Station Technical Specifications [\* \* \*] have been evaluated with respect to 10 CFR 50.92(c) and shown to not involve a significant hazards consideration as described below. This evaluation is organized into the 4 categories [\* \* \*].

*C.1 Evaluation of More Restrictive Changes*

The more restrictive changes [\* \* \*] do not involve a significant hazards consideration as discussed below:

1. Operation of Ginna Station in accordance with the proposed changes does not involve a significant increase in the probability or consequences of an accident previously evaluated. The proposed changes provide more stringent requirements for operation of the facility. These more stringent requirements do not result in operation that will increase the probability of initiating an analyzed event and do not alter assumptions relative to mitigation of an accident or transient event. The more restrictive requirements continue to ensure that process variables, structures, systems, and components are maintained consistent with the safety analyses and licensing basis. Therefore, this change does not involve a significant increase in the probability or consequences of an accident previously analyzed.

2. Operation of Ginna Station in accordance with the proposed changes does not create the possibility of a new or different kind of accident from any accident previously evaluated. The proposed changes do not involve a physical alteration of the plant (i.e., no new or different type of equipment will be installed) or changes in the methods governing normal plant operation. The proposed changes do impose different requirements. However, these changes are consistent with assumptions made in the safety analysis and licensing basis. Thus, this change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Operation of Ginna Station in accordance with the proposed changes does

not involve a significant reduction in a margin of safety. The imposition of more restrictive requirements either has no impact or increases the margin of plant safety. Each change in this category is, by definition, providing additional restrictions to enhance plant safety. The change maintains requirements within safety analyses and licensing bases. Therefore, this change does not involve a significant reduction in a margin of safety.

Based upon the above information, it has been determined that the proposed administrative changes to the Ginna Station Technical Specifications do not involve a significant increase in the probability or consequences of an accident previously evaluated, does not create the possibility of a new or different kind of accident previously evaluated, and does not involve a significant reduction in a margin of safety. Therefore, it is concluded that the proposed changes meet the requirements of 10 CFR 50.92(c) and do not involve a significant hazards consideration.

*C.2 Evaluation of Less Restrictive Changes*

The less restrictive changes [\* \* \*] do not involve a significant hazards consideration as discussed below:

1. Operation of Ginna Station in accordance with the proposed changes does not involve a significant increase in the probability or consequences of an accident previously evaluated. The proposed changes are all consistent with NRC requirements and guidance for implementation of Option B. Based on industry and NRC evaluations performed in support of developing Option B, these changes potentially result in a minor increase in the consequences of an accident previously evaluated due to the increased testing intervals. However, the proposed changes do not result in an increase in the core damage frequency since the containment system is used for mitigation purposes only. The changes are also expected to result in increased attention on components with poor leakage test history as part of the performance-based nature of Option B such that the marginally increased consequences from the expanded testing intervals may be further reduced or negated. Therefore, these changes do not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Operation of Ginna Station in accordance with the proposed changes does not create the possibility of a new or different kind of accident from any accident previously evaluated. The proposed changes do not involve a physical alteration of the plant (i.e., no new or different type of equipment will be installed) nor alter the function of the containment system. The changes only provide for additional time between tests and revised acceptance and testing criteria for leakage tests which remain consistent with the accident analysis bases. Thus, these changes do not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Operation of Ginna Station in accordance with the proposed changes does not involve a significant reduction in a margin of safety. The proposed changes do

not alter the manner in which safety limits, limiting safety system setpoints, or limiting conditions for operation are determined. Instead, the changes are expected to result in an increased focus on components demonstrating poor leakage test history without excessive testing of components which continue to demonstrate good test history. Therefore, these changes do not involve a significant reduction in a margin of safety.

Based upon the above, it has been determined that the proposed less restrictive changes to the Ginna Station Technical Specifications do not involve a significant increase in the probability or consequences of an accident previously evaluated, does not create the possibility of a new or different kind of accident previously evaluated, and does not involve a significant reduction in a margin of safety. Therefore, it is concluded that the proposed changes meet the requirements of 10 CFR 50.92(c) and do not involve a significant hazards consideration.

### C.3 Evaluation of Administrative Changes

The administrative changes [\* \* \*] do not involve a significant hazards consideration as discussed below:

1. Operation of Ginna Station in accordance with the proposed changes does not involve a significant increase in the probability or consequences of an accident previously evaluated. The proposed changes involve either: (1) the relocation of requirements within the Technical Specifications to support consolidation of similar requirements, (2) the reformatting or rewording of the existing Technical Specifications to provide consistency with 10 CFR [Part] 50, Appendix J, Option B or NRC implementing guidance, or (3) minor changes to the Technical Specifications such that the changes do not involve any technical nature. As such, these changes are administrative in nature and does not impact initiators or analyzed events or assumed mitigation of accident or transient events. Therefore, these changes do not involve a significant increase in the probability or consequences of an accident previously analyzed.

2. Operation of Ginna Station in accordance with the proposed changes does not create the possibility of a new or different kind of accident from any accident previously evaluated. The proposed changes do not involve a physical alteration of the plant (i.e., no new or different type of equipment will be installed) or changes in the methods governing normal plant operation. The proposed changes will not impose any new or different requirements. Thus, this change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Operation of Ginna Station in accordance with the proposed changes does not involve a significant reduction in a margin of safety. The proposed changes will not reduce a margin of plant safety because the changes do not impact any safety analysis assumptions. These changes are administrative in nature. As such, no question of safety is involved, and the change does not involve a significant reduction in a margin of safety.

Based upon the above information, it has been determined that the proposed administrative changes to the Ginna Station Technical Specifications do not involve a significant increase in the probability or consequences of an accident previously evaluated, does not create the possibility of a new or different kind of accident previously evaluated, and does not involve a significant reduction in a margin of safety. Therefore, it is concluded that the proposed changes meet the requirements of 10 CFR 50.92(c) and do not involve a significant hazards consideration.

### C.4 Evaluation of Removed or Deleted Requirements

The removed or deleted requirements discussed in Section B.4 do not involve a significant hazards consideration as discussed below:

1. Operation of Ginna Station in accordance with the proposed changes does not involve a significant increase in the probability or consequences of an accident previously evaluated. The proposed changes only involve the removal or deletion of requirements which are duplicated in 10 CFR [Part] 50, Appendix J, Option B, Regulatory Guide [RG] 1.163 as referenced in the Technical Specifications, or NEI [Nuclear Energy Institute] 94-01 and ANSI/ANS 56.8-1994 (as endorsed by RG 1.163). As such, this change is not technical in nature and does not impact initiators or analyzed events or assumed mitigation of accident or transient events. Therefore, this change does not involve a significant increase in the probability or consequences of an accident previously analyzed.

2. Operation of Ginna Station in accordance with the proposed changes does not create the possibility of a new or different kind of accident from any accident previously evaluated. The proposed changes do not involve a physical alteration of the plant (i.e., no new or different type of equipment will be installed) or changes in the methods governing normal plant operation. The proposed changes will not impose any new or different requirements. Thus, this change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Operation of Ginna Station in accordance with the proposed changes does not involve a significant reduction in a margin of safety. The proposed changes will not reduce a margin of plant safety because the deleted requirements are still retained in other regulatory documents that cannot be changed without prior NRC review and approval. As such, no question of safety is involved, and the change does not involve a significant reduction in a margin of safety.

Based upon the above information, it has been determined that the proposed changes to the Ginna Station Technical Specifications do not involve a significant increase in the probability or consequences of an accident previously evaluated, does not create the possibility of a new or different kind of accident previously evaluated, and does not involve a significant reduction in a margin of safety. Therefore, it is concluded that the

proposed changes meet the requirements of 10 CFR 50.92(c) and do not involve a significant hazards consideration.

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 January 8, 1996, 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 Rochester Public Library, 115 South Avenue, Rochester, NY 14610. 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 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 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 Ledyard

B. Marsh, Director, Project Directorate I-1: 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 Nicholas S. Reynolds, Winston and Strawn, 1400 L St. NW., Washington, DC 20005, 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 November 27, 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 Rochester Public Library, 115 South Avenue, Rochester, NY 14610.

Dated at Rockville, Maryland, this 1st day of December 1995.

For the Nuclear Regulatory Commission,  
Allen R. Johnson,  
*Project Manager, Project Directorate I-1,  
Division of Reactor Projects—I/II, Office of  
Nuclear Reactor Regulation.*

[FR Doc. 95-29937 Filed 12-7-95; 8:45 am]  
BILLING CODE 7590-01-P

[Docket Nos. 50-277 AND 50-278]

**PECO Energy Company; Notice of Consideration of Issuance of Amendments 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-44 and DPR-56 issued to the PECO Energy Company (the licensee) for operation of the Peach Bottom Atomic Power Station, Units 2 and 3, located in York County, Pennsylvania.

The proposed amendments would revise the minimum allowable control rod scram accumulator pressure and charging water header pressure from a value of 955 psig to a value of 940 psig.