Petitioners regarding the substance of their 2.206 Petition.

As grounds for this request, the Petitioners assert that the NRC's failure to take enforcement action against the licensee on the basis of the Secretary of Labor's finding in case 89–ERA–07/17 that FPL violated the Energy Reorganization Act when it discharged an employee for raising safety concerns has resulted in a ''chilling effect'' at FPL and continued discrimination against employees by FPL in violation of 10 CFR 50.7. In addition, in the Petitioners' May 11, 1997, supplement to their Petition, they assert that the employee's ''Damages Brief'' in the Department of Labor proceeding establishes that the licensee and its managers are liable for creating a hostile work environment at Turkey Point and have failed to stop harassment and discrimination against the employee. The Petitioners further assert that the record in this case contains evidence showing direct participation of the employee's chain of command in the retaliatory actions taken against the employee. In the supplement to the Petition of May 17, 1997, the Petitioners assert that certain pleadings and transcripts in this DOL proceeding set out a chronology of events surrounding missing record transcripts and the falsification of a licensee company business record. They further assert that there exists additional evidence necessitating a meeting between the NRC and Petitioners.

The request is being treated pursuant to 10 CFR 2.206 of the Commission's regulations. The request has been referred to the Director of the Office of Nuclear Reactor Regulation. As provided by Section 2.206, appropriate action will be taken on this Petition within a reasonable time. A copy of the Petition is available for inspection at the Commission's Public Document Room at 2120 L Street, NW., Washington, D.C. 20555–0001.

For the Nuclear Regulatory Commission.

Dated at Rockville, Maryland, this 14th day of June 1997.

Samuel J. Collins,

Director, Office of Nuclear Reactor Regulation.

[FR Doc. 97–16175 Filed 6–19–97; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–219]

GPU Nuclear Corporation; Oyster Creek Nuclear Generating Station; Issuance of Director's Decision Under 10 CFR 2.206

Notice is hereby given that the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission (NRC), has dismissed as premature a Petition dated April 1, 1997, submitted as a resolution passed by Berkeley Township Environmental Commission (Petitioners) opposing an upcoming planned transfer of spent nuclear fuel from wet to dry storage during operation of Oyster Creek Nuclear Generating Station (OCNGS). Petitioners requested that NRC direct GPU Nuclear (GPU) to shut down the nuclear reactor at OCNGS during the aforementioned fuel transfer.

Specifically, the Petitioners asserted that (1) the load transfer path for the 100-ton fuel transfer casks passes over the reactor's containment mechanism and other safety-related equipment; (2) NRC Bulletin 96–02, dated April 11, 1996, states that a dropped cask could damage the isolation condensers and the torus, creating the possibility of an unisolable leak, which in industry jargon describes a situation perilously close to a nuclear meltdown; (3) the operating record of GPU demonstrates it is capable of human error, including dropping heavy loads; (4) Berkeley Township could not be successfully evacuated in the event of a serious nuclear accident at OCNGS; and (5) the safer, simpler alternative of turning off the reactor while lifting 100-ton loads over the containment can be easily implemented.

The Director of the Office of Nuclear Reactor Regulation has determined that the request should be dismissed as premature for the reasons stated in the ''Director's Decision Under 10 CFR 2.206 (DD–97–14), the complete text of which follows this notice. The decision and the documents cited in the decision are available for public inspection and copying at the Commission's Public Document Room at 2120 L Street, NW., Washington, DC, and at the local public document room located at Ocean County Library, Reference Department, 101 Washington Street, Toms River, New Jersey.

A copy of this Director's Decision will be filed with the Secretary of the Commission for the Commission's review in accordance with 10 CFR 2.206(c). As provided by that regulation, the decision will constitute the final action of the Commission 25 days after the date of its issuance, unless the Commission, on its own motion, institutes a review of the decision within that time.

Dated at Rockville, Maryland this 16th day of June 1997.

For the Nuclear Regulatory Commission.

Samuel J. Collins,

Director, Office of Nuclear Reactor Regulation.

Director's Decision Under 10 CFR 2.206

I. Introduction

By a Petition submitted pursuant to 10 CFR 2.206 and dated April 1, 1997 (Petition), Berkeley Township Environmental Commission (Petitioners) requested that the U.S. Nuclear Regulatory Commission (NRC) take action with regard to Oyster Creek Nuclear Generating Station (OCNGS) operated by GPU Nuclear Corporation (GPU or licensee). The Petitioners requested that the NRC direct the licensee to shut down OCNGS during an upcoming planned transfer of fuel from wet to dry storage.

The Petitioners based their request on the following assertions: (1) The load transfer path for the 100-ton fuel transfer casks passes over the reactor's containment mechanism and other safety-related equipment; (2) NRC Bulletin 96–02, dated April 11, 1996, states that a dropped cask could damage both isolation condensers and the torus, creating the possibility of an unisolable leak, which in industry jargon describes a situation perilously close to a nuclear meltdown; (3) the operating record of GPU demonstrates it is capable of human error, including dropping heavy loads; (4) BerkeleyTownship could not be successfully evacuated in the event of a serious nuclear accident at OCNGS; and (5) the safer, simpler alternative of turning off the reactor while lifting 100-ton loads over the containment can be easily implemented.

For the reasons stated below, I have dismissed the Petitioners' request as premature.

II. Discussion

The Petitioners have requested that the NRC take action against the licensee on a matter involving the potential transfer of spent fuel during plant operation. However, this is an activity for which the licensee has not yet requested authorization from the Commission. At a public meeting on February 29, 1996, the NRC informed GPU that it would have to obtain a license amendment to move fuel from wet to dry storage, using the facility's existing crane, while the reactor is

operating at power. The staff had reviewed the licensee's safety evaluation of its crane, including the crane upgrades, and concluded that all safety concerns had been addressed and resolved and that the planned movement of spent fuel to the dry storage facility during plant operation would be safe and in accordance with all license requirements. However, the NRC also determined that because the possibility of an unreviewed safety question existed before GPU made modifications to upgrade its reactor building crane, GPU would have to submit a request for a license amendment for the proposed cask movement. If GPU submits such an amendment request to the NRC, pursuant to 10 CFR 50.91,[1] it will be published in the **Federal Register** for public comment, and an opportunity for a public hearing will be provided. The Petitioners and other interested members of the public then would have the opportunity to express their concerns about the amendment. As noted above, the licensee cannot transfer the fuel while operating with its current crane configuration without being issued a license amendment.[2]

III. Conclusion

The NRC staff has reviewed the Petitioners' request that GPU shut down its reactor during its transfer of fuel from wet to dry storage. The licensee does not now have a request before the Commission to amend its license to allow such a transfer. As a result, before any Commission action could even be contemplated, the licensee would have to make such a request pursuant to NRC regulations, with the aforementioned opportunities for public participation in the resolution of any such request. For this reason, the Petition is dismissed as premature.

A copy of this Director's Decision will be filed with the Secretary of the Commission for the Commission to review as stated in 10 CFR 2.206(c). This decision will become the final action of the Commission 25 days after issuance, unless the Commission, on its own motion, institutes a review of the Decision within that time.

Dated at Rockville, Maryland this 16th day of June 1997.

For The Nuclear Regulatory Commission.

Samuel J. Collins,

Director, Office of Nuclear Reactor Regulation.

[FR Doc. 97–16176 Filed 6–19–97; 8:45 am]

BILLING CODE 7590–01–P

[1] 10 CFR 50.91 specifies the Commission procedures to be followed when it receives an application requesting an amendment to an operating license, including procedures for consulting the State in which the facility is located and procedures for notifying the public of the license amendment and the opportunity for a hearing.

[2] The licensee is currently considering various options for moving the spent fuel from wet to dry storage, such as requesting a license amendment based on already completed upgrades to the reactor building crane, transferring the spent fuel when the reactor is shut down, and further upgrading the reactor building crane to meet the criteria for a single-failure-proof crane in which case an amendment to transfer fuel from wet to dry storage may not be required. The Commission has not required license amendments for facilities handling heavy loads that employ a crane meeting the specifications and design criteria in NUREG–0554, ''Single-Failure-Proof Cranes for Nuclear Power Plants.'' However, NRC technical staff will evaluate any option selected to ensure that all safety concerns are adequately addressed and documented.

RAILROAD RETIREMENT BOARD

Proposed Collection; Comment Request

SUMMARY: In accordance with the requirement of Section 3506 (c)(2)(A) of the Paperwork Reduction Act of 1995 which provides opportunity for public comment on new or revised data collections, the Railroad Retirement Board (RRB) will publish periodic summaries of proposed data collections.

Comments are invited on: (a) Whether the proposed information collection is necessary for the proper performance of the functions of the agency, including whether the information has practical utility; (b) the accuracy of the RRB's estimate of the burden of the collection of the information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden related to the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

Title and purpose of information collection: Evidence of Coverage Under a Group Health Plan; OMB 3220–0189. Under Section 7(d) of the Railroad Retirement Act (RRA), the Railroad Retirement Board (RRB) administers the Medicare program for individuals covered by the railroad retirement system. Under sections 1837(i) and 1839(b) of the Social Security Act, qualified railroad retirement beneficiaries applying for Medicare (Part B) may be entitled to a Special Enrollment Period (SEP), and/or premium surcharge relief because of coverage under an Employer Group Health Plan (EGHP). The provisions relating to SEP and premium surcharge relief for Medicare benefits are found in Sections 1837(i) and 1839(b) of the Social Security Act and in regulations 42 CFR 407.20, 407.25 and 408.24.

In order for the RRB to determine entitlement to a SEP and/or premium surcharge relief because of coverage under an EGHP, it needs to obtain information regarding the claimant's EGHP coverage, if any. The RRB utilizes Form RL–311–F, Evidence of Coverage Under An Employer Group Health Plan, to obtain the necessary information from railroad employers. Completion is voluntary. One response is requested for each RRB inquiry.

The RRB proposes a minor editorial change to Form RL–311–F to incorporate language required by the Paperwork Reduction Act of 1995. No other changes are proposed. The completion time for the RL–311–F is estimated at 10 minutes per response. The RRB estimates that approximately 1,000 responses are received annually.

Additional Information or Comments: To request more information or to obtain a copy of the information collection justification, forms, and/or supporting material, please call the RRB Clearance Officer at (312) 751–3363. Comments regarding the information collection should be addressed to Ronald J. Hodapp, Railroad Retirement Board, 844 North Rush Street, Chicago, Illinois 60611–2092. Written comments should be received within 60 days of this notice.

Chuch Mierzwa,

Clearance Officer.

[FR Doc. 97–16156 Filed 6–19–97; 8:45 am]

BILLING CODE 7905–01–M

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. IA–1637/803–110]

Arthur Andersen Financial Advisers; Notice of Application

June 16, 1997.

AGENCY: Securities and Exchange Commission (''SEC'').

ACTION: Notice of Application for Exemption under the Investment Advisers Act of 1940 (''Advisers Act'').

APPLICANT: Arthur Andersen Financial Advisers (''AAFA'').

RELEVANT ADVISERS ACT SECTIONS: Exemption requested under section 203A(c) from section 203A(a).

SUMMARY OF APPLICATION: Applicant requests an order to permit it to continue to be registered with the SEC as an investment adviser.

FILING DATES: The application was filed on January 30, 1997, and amended on June 11, 1997.