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DOCKETED  
USNRC

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May 9, 1994

Docketing and Service Branch  
Office of the Secretary  
One White Flint North  
11555 Rockville Pike  
Rockville, MD 20852

OFFICE OF SECRETARY  
DOCKETING & SERVICE  
BRANCH

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Dear Secretary,

Please accept this letter as a timely request for a hearing in northeast Ohio in accordance with 10 CFR part 2 §2.1205 (c) in the matter of an amendment to the Chemetron Corporation License.

The Earth Day Coalition has a substantial interest in the site (s) and has a long history of work and public interest advocacy on radioactive waste issues.

Interest of requester:

- The Earth Day Coalition is a non-profit environmental education organization serving northeast Ohio. The Earth Day Coalition is designated as a 501 (c) (3) tax-exempt organization under the IRS code.
- This request is in no way connected with any commercial interest of the requester. Information obtained from a hearing will be used to disseminate information to the public in the form of a fact sheet, and a newsletter article(s) to be distributed to residents and other interested persons.
- The Earth Day Coalition has participated substantially in all public activities on behalf of residents during the past four years, including establishing a document repository for the site on behalf of the community (per request of Newburgh Heights Village Council) at our office in Ohio City, participating substantially in all public meetings, briefing elected officials, requesting a health study from the ATSDR, and other important activities.
- The Earth Day Coalition has participated substantially in all scheduled regulators (USNRC, OEPA, ODH, County Health Department and elected officials) meetings in the Cleveland area.
- The recent settlement of the \$5 million resident's federal lawsuit at the Bert Avenue site contains language that may affect the rights of residents to raise safety concerns. The Earth Day Coalition will raise concerns on behalf of the residents.

How interest may be affected by the results of the Proceeding:

- Because of the language in the residents lawsuit, residents may not feel free to raise concerns to the NRC. A public hearing in the Cleveland area may enable residents to participate.

Areas of Concern:

- Concerns that regulations/standards from the USNRC and state agencies are not presently compatible.
- Concerns about Ohio Senate Bill 130: Ohio has an anti-Below Regulatory Concern (BRC) bill, SB 130, which according to a March 14, 1994 memo from Timothy Johnson, has been raised as an area of concern stating, "The Ohio agencies indicated that the license amendment approach was the most preferable from their perspective because in this case it is clearer that Senate Bill

Est. 1990  
The mission of The Earth Day Coalition is to build a healthy, safe and sustainable earth, by developing and promoting a common environmental agenda for the people of Northeast Ohio.

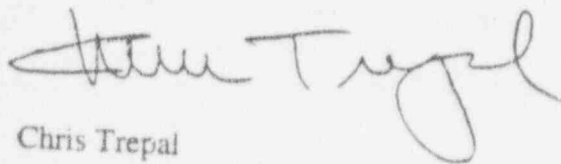
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The Earth Day Coalition

130 would not be triggered." It is a shame that the NRC and Ohio agencies are trying to avoid triggering Ohio law. Is the license amendment an excuse for avoiding Ohio law?  
• Concerns that the NRC is in the process of developing the enhanced rule making which will probably come out this summer, with final Rule expected in July 1995. Given that these sites have been in the process of remediation for many years, and the given inconsistencies of present regulations, it is unclear if the present plan will be adequate.

- Concerns that requirements for post closure monitoring are different for the various agencies.
  - Concerns about lack of post closure radionuclide monitoring.
  - Concerns about deed restrictions and future use of property (s) since the NRC seems to be willing to allow up to 300-500 pCi/g in excess of the 35 pCi/g for unrestricted use.
  - Concerns that Ohio agencies (OEPA and ODH) will have to grant unusual exemptions for on-site burial because of proximity to residential homes and the Cuyahoga River (as well as other potential waters).
  - Concerns that Regulators are directing attention to the Bert Avenue site without much interest in the Harvard Avenue site. These sites are less than a half mile from each other. It is not clear that wastes from one site will not be disposed of at the other site.
  - Concerns that Ground water data is insufficient at this time.
  - Concerns that Ohio agencies and Governor Voinovich would like to see an off-site disposal proposal from Chemetron.
- Thank you for your attention to our request.

Sincerely,



Chris Trepal

For the Nuclear Regulatory Commission.

Andrew J. Kugler,

Acting Chief, Generic Communications  
Branch, Division of Operating Reactor  
Support, Office of Nuclear Reactor  
Regulation.

[FR Doc. 94-8549 Filed 4-8-94; 3:45 am]

BILLING CODE 7580-01-46

Docket No. 50-289

**GPU Nuclear Corp.; Three Mile Island  
Nuclear Station, Unit 1; Issuance of  
Director's Decision Under 10 CFR  
2.206**

Notice is hereby given that the Director, Office of Nuclear Reactor Regulation, has taken action with regard to a Petition for action under 10 CFR 2.206 received from Mr. Robert Gary (Petitioner), on behalf of the Pennsylvania Institute for Clean Air (PICA), dated July 10, 1992, regarding the Three Mile Island Nuclear Station, Unit 1 (TMI-1).

The Petitioner alleged a number of deficiencies with offsite emergency planning for Three Mile Island that, in the Petitioner's view, rendered evacuation plans "essentially non-operational." Petitioner requested that, upon verification by the Federal Emergency Management Agency (FEMA) of these deficiencies, the Commission order the "power down" of TMI-1 and not permit power operations until the discrepancies are corrected and a valid, workable emergency evacuation plan is in place. The notice of Receipt of Petition for Director's Decision under 10 CFR 2.206 was published in the Federal Register on August 13, 1992 (57 FR 38415).

The Director of the Office of Nuclear Reactor Regulation has denied the Petition. The reasons for this denial are explained in the "Director's Decision Under 10 CFR 2.206" (DD-94-03), which is available for public inspection at the Commission's Public Document room, the *Celtman Building*, 2120 L Street, NW., Washington, DC 20555, and at the Local Public Document room for TMI-1 located in the Government Publications Section, State Library of Pennsylvania, Walnut Street and Commonwealth Avenue, Box 1601, Harrisburg, Pennsylvania 17105.

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

institutes a review of the Decision within that time.

Dated at Rockville, Maryland, this 31st day of March 1994.

For the Nuclear Regulatory Commission.

William T. Russell,

Director, Office of Nuclear Reactor  
Regulation.

[FR Doc. 94-8547 Filed 4-8-94; 8:45 am]

BILLING CODE 7580-01-46

**Consideration of Amendment to  
Chemetron Corporation License and  
Opportunity for Hearing**

The U.S. Nuclear Regulatory Commission is considering issuance of an amendment to Source Material License No. SUB-1357, issued to Chemetron Corporation, for the decommissioning of its facilities at the Bert Avenue site in Newburgh Heights, Ohio, and at the Harvard Avenue site and McGean-Rohco complex in Cuyahoga Heights, Ohio.

The licensee requested the amendment in a letter dated March 24, 1994, subsequent to its submittal of a remediation plan for the Bert Avenue, Harvard Avenue, and McGean-Rohco sites. The amendment would authorize the licensee to decommission the Bert Avenue, Harvard Avenue, and McGean-Rohco sites in accordance with the remediation plan and to dispose onsite a portion of the depleted uranium contaminated wastes.

Contamination at the facility resulted from chemical catalyst production operations, using depleted uranium, that took place from 1965 to 1972. Remediation at the site was attempted with varying levels of effort since 1972.

The NRC will require the licensee to remediate the Bert Avenue, Harvard Avenue, and McGean-Rohco sites to meet the NRC's criteria, and, during the decommissioning activities, to maintain effluents as low as reasonably achievable.

Prior to the issuance of the proposed amendment, the NRC will have made findings required by the Atomic Energy Act of 1954, as amended, and the NRC's regulations. These findings will be documented in a Safety Evaluation Report and an Environmental Assessment.

The NRC hereby provides notice that this is a proceeding on an application for a license amendment falling within the scope of Subpart L, Informal Hearing Procedures for Adjudications in Materials Licensing Proceedings, of the NRC's rules of practice for domestic licensing proceedings in 10 CFR part 2. Pursuant to § 2.1205(a) any person whose interest may be affected by this

proceeding may file a request for a hearing in accordance with § 2.1205(c). A request for a hearing must be filed within thirty (30) days of the date of publication of this Federal Register notice.

The request for a hearing must be filed with the Office of the Secretary either:

(1) By delivery to the Docketing and Service Branch of the Office of the Secretary at One White Flint North, 11555 Rockville Pike, Rockville, MD 20852; or

(2) By mail or telegram addressed to the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Attention: Docketing and Service Branch.

In addition to meeting other applicable requirements of 10 CFR part 2 of the NRC's regulations, a request for a hearing filed by a person other than an applicant must describe in detail:

(1) The interest of the requester in the proceeding;

(2) How that interest may be affected by the results of the proceeding, including the reasons why the requester should be permitted a hearing, with particular reference to the factors set out in § 2.1205(g);

(3) The requestor's areas of concern about the licensing activity that is the subject matter of the proceeding; and

(4) The circumstances establishing that the request for a hearing is timely in accordance with § 2.1205(c).

Each request for a hearing must also be served, by delivering it personally or by mail, to:

(1) The applicant, Chemetron Corporation, to the attention of Mr. David Sargent, President, 2100 New River Center, 200 East Las Olas Boulevard, Fort Lauderdale, FL 33301; and

(2) The NRC staff, by delivery to the Executive Director for Operations, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852, or by mail addressed to the Executive Director for Operations, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

Any hearing that is requested and granted will be held in accordance with the NRC's Informal Hearing Procedures for Adjudications in Material Licensing Proceedings in 10 CFR part 2, subpart L.

For further details with respect to the proposed action, see the licensee's request for license amendment dated March 24, 1994, and the remediation plan, dated October 1, 1993, and remediation plan supplements dated November 1, 1993, and November 11, 1993, which are available for inspection at the NRC's Local Public Document Room at the Garfield Heights Branch

Library, in Garfield Heights, Ohio, and at the NRC's Public Document Room, 2120 L Street NW., Washington, DC.

Dated at Rockville, Maryland, this 4th day of April, 1994.

For the Nuclear Regulatory Commission.

**John H. Austin,**

*Chief, Decommissioning and Regulatory Issues Branch, Division of Low-Level Waste Management and Decommissioning, Office of Nuclear Material Safety and Safeguards.*

[FR Doc. 94-8548 Filed 4-8-94; 8:45 am]

BILLING CODE 7590-01-01

## PENSION BENEFIT GUARANTY CORPORATION

### Request for a Collection of Information Under the Paperwork Reduction Act; Customer Satisfaction Focus Groups

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Notice of request for OMB approval.

**SUMMARY:** The Pension Benefit Guaranty Corporation ("PBGC") has requested that the Office of Management and Budget ("OMB") approve a new collection of information under the Paperwork Reduction Act. The purpose of this information collection, which will be conducted through focus group meetings, is to help the agency assess the efficiency and effectiveness with which it serves participants and beneficiaries and design actions to address identified problems. The effect of this notice is to advise the public of the PBGC's request for OMB approval of, and to solicit public comment on, this collection of information.

**ADDRESSES:** All written comments (at least three copies) should be addressed to: Office of Information and Regulatory Affairs of OMB, Attention: Desk Officer for the Pension Benefit Guaranty Corporation, 725 17th Street, NW., room 3208, Washington, DC 20503. The request for approval will be available for public inspection at the PBGC Communications and Public Affairs Department, suite 240, 1200 K Street, NW., Washington, DC 20005, between the hours of 9 a.m. and 4 p.m.

**FOR FURTHER INFORMATION CONTACT:** Renae K. Hubbard, Special Counsel, or Holli Beckerman Jaffe, Attorney, Office of the General Counsel, Suite 340, 1200 K Street, NW., Washington, DC 20005, 202-326-4024 (202-326-4179 for TTY and TDD). (These are not toll-free numbers.)

**SUPPLEMENTARY INFORMATION:** The Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35) establishes policies

and procedures for controlling the paperwork burdens imposed by Federal agencies on the public. The Act vests the Office of Management and Budget (OMB) with regulatory responsibility over these burdens, and OMB has promulgated rules on the clearance of collections of information by Federal agencies.

Executive Order 12862, Setting Customer Service Standards, states that, in order to carry out the principles of the National Performance Review, the Federal Government must be customer-driven. It directs all executive departments and agencies that provide significant services directly to the public to provide those services in a manner that seeks to meet the customer service standards established in the Executive Order.

In 1992, the Pension Benefit Guaranty Corporation ("PBGC") began establishing formal customer service standards through a voluntary Customer Satisfaction Survey. The ultimate goal of the PBGC's Customer Satisfaction Survey data is to assist its program managers in assessing the efficiency and effectiveness of their programs serving participants and in designing actions to address identified problems. PBGC's initial survey program was part of PBGC's effort to address the requirements of the Chief Financial Officers Act of 1990 (CFOs Act), 31 U.S.C. 501 et seq., which requires the CFO of each agency covered by the Act to develop an integrated agency accounting and financial measurement system providing for the "systematic measurement of performance." That survey also conformed to the OMB-established Task Force agreement that customer satisfaction can be measured by a survey of a statistically valid sample of people receiving the agencies' services.

The OMB-approved methodology for PBGC's survey program was an initial pilot survey involving 200 customers followed by annual large scale telephone (and, if necessary, follow-up mail) surveys involving approximately 4,000 customers. The pilot was conducted in 1992. PBGC has determined, however, that the planned telephone surveys will be unnecessarily costly (compared to mail surveys) and that the use of information learned from focus groups will enhance the value of any larger survey. The PBGC, therefore, has decided to comply with Executive Order 12862 through a two-step methodology that it believes will be more cost-effective and produce more accurate results, i.e., focus groups followed by mail surveys.

Because the mail survey questions will depend, in part, on the customer expectations identified in the focus group meetings, the PBGC is requesting, at this time, approval of the focus group information collection only. The PBGC will publish an additional notice, with request for comments, on the second step of the proposed methodology, i.e., the mail survey, at a later date.

This voluntary collection of information will put a slight burden on a very small percentage of the public. Three focus group meetings of 10 to 12 customers will be held. The 36 customers will be selected from the 325,000 participants and beneficiaries in PBGC-trusted pension plans. The PBGC estimates that the total burden hours for each respondent will be 3 hours, consisting of a focus group meeting lasting 2 hours and round-trip transportation time of 1 hour, for a total of 108 burden hours (36 respondents at an estimated 3 hours each).

Issued at Washington, DC, this 5th day of April, 1994.

**Martin Slat,**

*Executive Director, Pension Benefit Guaranty Corporation.*

[FR Doc. 94-8519 Filed 4-8-94; 8:45 am]

BILLING CODE 7700-01-01

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-33862; International Series Release No. 845]

### Notice of Modification of Class Exemption Letter Regarding Application of Cooling-Off Periods Under Rule 10b-6 to Distributions of Foreign Securities

On March 4, 1993, the Division of Market Regulation ("Division"), acting pursuant to delegated authority, granted an exemption from Rule 10b-6 under the Securities Exchange Act of 1934 ("Exchange Act") with respect to the application of the "cooling-off" periods contained in Rule 10b-6 during the distributions of foreign securities in the United States. See Securities Exchange Act Release No. 31943 (March 4, 1993), 58 FR 13288 ("1993 Exemption Letter").

Based upon its experience with the 1993 Exemption Letter, on April 4, 1994, the Division sent the following letter to Marc E. Lackritz, President, Securities Industry Association, modifying certain conditions of the 1993 Exemption Letter. These modifications supersede the 1993 Exemption Letter and are published to provide notice of the modifications.