

[Docket No. 50-298]

**Nebraska Public Power District
(Cooper Nuclear Station); Revocation
of Exemption**

I

Nebraska Public Power District (NPPD or the licensee) is the holder of Facility Operating License No. DPR-46, which authorizes operation of the Cooper Nuclear Station (CNS) at power levels not in excess of 2381 megawatts thermal. The facility consists of a boiling water reactor at the licensee's site in Nemaha County, Nebraska. The operating license provides, among other things, that CNS is subject to all rules, regulations, and orders of the Commission now or hereafter in effect.

II

Title 10 of the Code of Federal Regulations, § 50.48, 10 CFR part 50, appendix A, Criterion 3, and 10 CFR part 50, Appendix R, establish requirements and design criteria for fire protection at operating nuclear power plants. Section III.G of Appendix R specifies the required fire protection features necessary to assure that safe shutdown of the plant can be achieved in the event of a postulated fire. On September 21, 1983, the NRC granted several exemptions to the requirements of 10 CFR 50.48 and 10 CFR part 50, Appendix R, for CNS. One of the exemptions applied specifically to the Critical Switchgear Rooms 1F and 1G on the 932 foot elevation of the reactor building. These areas were considered to not meet the requirements of Section III.G. of Appendix R, because 3-hour rated fire barriers were not provided in the heating, ventilation, and air conditioning (HVAC) ducts where they penetrate three-hour rated fire walls. The licensee had provided 1½-hour rated dampers in the ductwork and had committed to upgrade one electrical bus duct penetration through the east wall of Critical Switchgear Room 1G and through the common wall between the two switchgear rooms to a 3-hour rating. The exemption was granted by the staff, based on the low combustible loading in the area, the automatic detection system provided, and the commitment to upgrade the electrical bus duct penetration seals to 3-hour rated barriers.

By letter dated December 16, 1994, the Nebraska Public Power District submitted revised commitments for the fire protection program at CNS. In that letter, the licensee also proposed to withdraw the exemption from the requirements of 10 CFR part 50, appendix R, for the critical switchgear

rooms on the 932 foot elevation of the reactor building.

III

The NRC staff determines the acceptability of existing fire area boundaries based on information provided in the Appendix A Fire Hazards Analysis for that facility, the associated NRC fire protection safety evaluation (SE), and the positions documented in NRC Generic Letter (GL) 86-10, "Implementation of Fire Protection Requirements."

Generic Letter 86-10 provides NRC staff interpretations and answers to specific questions regarding implementation of Appendix R requirements, including requirements for review of previously reviewed and approved fire boundaries. The GL identifies that, if a fire area boundary was described as a rated barrier in the Fire Hazards Analysis (FHA) for that plant, and was evaluated and accepted in an NRC SE, the fire area boundary need not be reviewed as part of the reanalysis for compliance with Section III.G of Appendix R. However, The GL guidance also provides that if all penetrations in the previously reviewed fire boundaries were not explicitly addressed in the aforementioned analyses, an evaluation of those penetrations should be performed to confirm that the boundary will withstand the hazards to which it could be exposed in compliance with Appendix R.

The subject fire area boundary was identified as a rated fire barrier in the Appendix A FHA for CNS submitted on March 31, 1977. The existing configuration of the barrier was accepted by the NRC staff in its fire protection SE on May 23, 1979, based on certain commitments that were subsequently met. However, the electrical bus duct penetrations through the east wall of Critical Switchgear Room 1G and through the common wall between the two switchgear rooms were not specifically identified and analyzed in the 1977 FHA; therefore, the licensee performed a separate evaluation to demonstrate that the fire boundary is capable of withstanding the hazards to which it could be exposed, consistent with the guidance of GL 86-10.

In NPPD's December 16, 1994, submittal, the licensee stated that the fire area boundary separating the redundant critical switchgear rooms on the 932 foot elevation of the reactor building has been analyzed in accordance with the guidance of Appendix A to NRC Branch Technical Position 9.5-1, 10 CFR part 50, Appendix R and GL 86-10. The

engineering evaluations performed by the licensee conclude that the barrier and its penetrations can withstand the hazards to which they could be exposed and therefore, provide adequate protection for redundant safe shutdown systems located in the critical switchgear rooms on opposite sides of the barrier. On the basis of these evaluations, the licensee has concluded that the existing fire boundary configuration is acceptable and that the electrical bus duct penetrations do not need to be upgraded to a 3-hour rating.

The NRC staff has reviewed the licensee's justification for withdrawal of the exemption. The staff finds that the licensee has conformed with the applicable staff positions identified in GL 86-10 regarding the evaluation of previously accepted fire area boundaries for compliance with Appendix R and concludes that the previously approved exemption is not needed.

IV

Accordingly, the Commission has determined that the specific exemption from 10 CFR part 50, Appendix R, Section III.G., granted on September 21, 1983, for the fire area boundaries for Critical Switchgear Rooms 1F and 1G is hereby revoked in that it is no longer necessary.

Pursuant to 10 CFR 51.32, the Commission has determined that the revoking of this exemption will have no significant effect on the quality of the human environment (60 FR 41907). This revocation of exemption is effective upon issuance.

Dated at Rockville, MD, this 14th day of August 1995.

For the Nuclear Regulatory Commission.

Jack W. Roe,

*Director, Division of Reactor Projects III/IV,
Office of Nuclear Reactor Regulation.*

[FR Doc. 95-20638 Filed 8-18-95; 8:45 am]

BILLING CODE 7590-01-P

**OFFICE OF PERSONNEL
MANAGEMENT**

**Notice of Request for Review of the
Revised Information Collection, SF
3106 and SF 3106A**

AGENCY: Office of Personnel
Management.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1980 (title 44, U.S. Code, chapter 35), this notice announces a request for review of a revised information collection. Standard Forms 3106 and 3106A are used by former Federal employees who

contributed to the Federal Employee's Retirement System to receive a refund of retirement deductions and any other money to their credit in the Retirement fund.

There are estimated to be 81,000 respondents for SF 3106 and 40,500 respondents for SF 3106A. It takes approximately 27 minutes to complete SF 3106 and 6 minutes to complete SF 3106A. The annual burden for SF 3106 is 36,450 and the annual burden for SF 3106A is 4,050.

For copies of this proposal, contact Doris R. Benz on (703) 908-8564.

DATES: Comments on this proposal should be received within thirty (30) calendar days from the date of this publication.

ADDRESSES: Send or deliver comments to—

Daniel A. Green, Chief, FERS Division, Retirement and Insurance Service, U.S. Office of Personnel Management, 1900 E Street, NW, Room 4429, Washington, DC 20415

and

Joseph Lackey, OPM Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, NW., Room 10235, Washington, DC 20503.

FOR INFORMATION REGARDING

ADMINISTRATIVE COORDINATION—CONTACT: Mary Beth Smith-Toomey, Management Services Division, (202) 606-0623.

U.S. Office of Personnel Management.

Lorraine A. Green,

Deputy Director.

[FR Doc. 95-20644 Filed 8-18-95; 8:45 am]

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Notice of Request for Review of a Revised Information Collection Standard Form 3112

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1980 (title 44, U.S. Code, chapter 35), this notice announces a request for review of a revised information collection. Standard Form 3112, CSRS/FERS Documentation in Support of Disability Retirement Application, collects information from applicants for disability retirement so that OPM can determine whether to approve a disability retirement. Standard Form 3112 supersedes SF 2824 and SF 3105, Documentation in Support of Disability Retirement Application (CSRS & FERS).

Approximately 12,100 Standard Form 3112, SF 3112A and SF 3112C will be completed annually. The SF 3112A requires approximately 30 minutes to complete and the SF 3112C requires approximately 60 minutes to complete. The annual burden is 12,775 hours.

For copies of this proposal, contact Doris R. Benz on (703) 908-8564.

DATES: Comments on this proposal should be received on or before September 20, 1995.

ADDRESSES: Send or deliver comments to—

Lorraine E. Dettman, Chief, Retirement and Insurance Group, Operations Support Division, U.S. Office of Personnel Management, 1900 E Street NW., Room 3349, Washington, DC 20415

and

Joseph Lackey, OPM Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, NW., Room 10235, Washington, DC 20503.

FOR FURTHER INFORMATION REGARDING

ADMINISTRATIVE COORDINATION—CONTACT: Mary Beth Smith-Toomey, Management Services Division, (202) 606-0623.

U.S. Office of Personnel Management.

Lorraine A. Green,

Deputy Director.

[FR Doc. 95-20643 Filed 8-18-95; 8:45 am]

BILLING CODE 6320-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-36103; File No. SR-Amex-95-06]

Self-Regulatory Organizations; Order Approving Proposed Rule Change and Notice of Filing and Order Granting Accelerated Approval of Amendment No. 2 to Proposed Rule Change by the American Stock Exchange, Inc., Relating to Options on the Morgan Stanley Real Estate Investment Trust Index

August 14, 1995.

I. Introduction and Background

On February 16, 1995, the American Stock Exchange, Inc. ("Amex" or "Exchange") submitted to the Securities and Exchange Commission ("SEC" or "Commission"), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),¹ and Rule 19b-4 thereunder,² a proposed rule change to

list and trade options on the Morgan Stanley REIT Index ("REIT Index"). On March 9, 1995, the Exchange filed Amendment No. 1 to its proposal.³ Notice of the proposal appeared in the **Federal Register** on March 23, 1995.⁴ No comments were received on the proposed rule change set forth in the Notice. On May 16, 1995, the Exchange filed Amendment No. 2 to its proposal.⁵ This order approves the Exchange's proposal, as amended.

II. Description of the Proposal

A. General

The Amex proposes to list and trade standardized options on the REIT Index, a capitalization weighted index developed by Morgan Stanley & Co. Incorporated ("Morgan Stanley") comprised of real estate investment trusts ("REITs")⁶ which are traded on the Amex, and the New York Stock Exchange, Inc. ("NYSE"), or are traded through the facilities of the Nasdaq system and are reported Nasdaq national market ("NM") securities. In addition, the Amex proposes to amend its Rule 902C(d) to include the REIT Index in the disclaimer provisions of that rule. The REIT Index represents a portfolio of the largest and most actively traded REITs, and is designed to provide a broad measure of real estate equity performance. The Index does not

³ Amendment No. 1 provides additional information regarding the Index components, and states that the Exchange will file with the Commission pursuant to Section 19(b)(1) of the Act should the number of component securities in the Index exceed 116. See letters from Claire P. McGrath, Managing Director and Special Counsel, Derivatives Securities, Amex, to Michael Walinskas, Branch Chief, Division of Market Regulation, Commission, dated March 6 and March 9, 1995 ("Amendment No. 1").

⁴ Securities Exchange Act Release No. 35511 (March 17, 1995), 60 FR 15316.

⁵ Letter from Claire P. McGrath, Managing Director and Special Counsel, Derivative Securities, Amex, to Michael Walinskas Branch Chief, Decision of Market Regulation, Commission, dated May 16, 1995 ("Amendment No. 2"). Amendment No. 2 provides additional clarifying information regarding the Index, including the number of Index components that are eligible for standardized options trading, strike price intervals, and position limits. *Id.*

⁶ REITs are financial vehicles that allow investors to pool funds for participation in real estate ownership of financing. REITs are subject to special tax treatment and are exempt from corporate level tax if they meet certain qualifications. These qualifications include, but are not limited to, the distribution of 95% of taxable income; that five or fewer individuals cannot own more than 50% of the shares; that over 10% to total assets cannot be sold in one year; and that at least 75% of taxable income be derived from real estate in the form of, for example, rents, mortgages, or gains from the sale of real estate. All components on the Index will be REITs as that term is defined in Sections 856 through 860 of the Internal Revenue Code, 26 U.S.C. 856-60 (1988 & Supp. 1993). See Amendment No. 1, *supra* note 3.

¹ 15 U.S.C. 78s(b)(1) (1998).

² 17 CFR 240.19b-4 (1994).