

PLACE: NTSB Board Room, 5th Floor, 490 L'Enfant Plaza, S.W., Washington, D.C. 20594.

STATUS: OPEN.

MATTERS TO BE CONSIDERED:

6912A—Railroad Accident Report—Derailment of Amtrak Train 4, on the Burlington Northern Santa Fe Railway, Kingman, Arizona, August 9, 1997.

6667A—Marine Accident Report—Fire aboard the Tug *Scandia* and the Subsequent Grounding of the Tug and Tank Barge *North Cape*, Moonstone, Beach, South Kingston, Rhode Island, January 19, 1996.

NEWS MEDIA CONTACT: Telephone: (202) 314-6100

FOR MORE INFORMATION CONTACT: Rhonda Underwood, (202) 314-6065.

Rhonda Underwood,

Federal Register Liaison Officer.

[FR Doc. 98-17930 Filed 7-1-98; 12:19 pm]

BILLING CODE 7533-01-M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-461]

In the Matter of Illinois Power and Clinton Power Station; Confirmatory Order Modifying License Effective Immediately

I

Illinois Power (IP or the Licensee) is the holder of Facility Operating License No. NPF-62, which authorizes operation of Clinton Power Station located in DeWitt County, Illinois.

II

The staff of the U.S. Nuclear Regulatory Commission (NRC) has been concerned that Thermo-Lag 330-1 fire barrier systems installed by licensees may not provide the level of fire endurance intended and that licensees that use Thermo-Lag 330-1 fire barriers may not be meeting regulatory requirements. During the 1992 to 1994 timeframe, the NRC staff issued Generic Letter (GL) 92-08, "Thermo-Lag 330-1 Fire Barriers," and subsequent requests for additional information that requested licensees to submit plans and schedules for resolving the Thermo-Lag issue. The NRC staff has obtained and reviewed all licensees' corrective plans and schedules. The staff is concerned that some licensees may not be making adequate progress toward resolving the plant-specific issues, and that some implementation schedules may be either too tenuous or too protracted. For example, several licensees informed the

NRC staff that their completion dates had slipped by 6 months to as much as 3 years. For plants that have completion action scheduled beyond 1997, the NRC staff has met with these licensees to discuss the progress of the licensees' corrective actions and the extent of licensee management attention regarding completion of Thermo-Lag corrective actions. In addition, the NRC staff discussed with licensees the possibility of accelerating their completion schedules.

IP was one of the licensees with which the NRC staff held meetings. At these meetings, the NRC staff reviewed with IP the schedule of Thermo-Lag corrective actions described in the IP submittals to the NRC. Based on the information submitted by IP, and provided during the meetings, the NRC staff has concluded that the schedules presented by IP are reasonable. This conclusion is based on the (1) amount of installed Thermo-Lag, (2) the complexity of the plant-specific fire barrier configurations and issues, (3) the need to perform certain plant modifications during outages as opposed to those that can be performed while the plant is at power, and (4) integration with other significant, but unrelated issues that IP is addressing at its plant. In order to remove compensatory measures such as fire watches, it has been determined that resolution of the Thermo-Lag corrective actions by IP must be completed in accordance with current IP schedules. By letter dated May 3, 1998, the NRC staff notified IP of its plan to incorporate IP's schedule commitment into a requirement by issuance of an order and requested consent from the Licensee. By letter dated May 22, 1998, the Licensee provided its consent to issuance of a Confirmatory Order.

III

The Licensee's commitment as set forth in its letter of May 22, 1998, is acceptable and is necessary for the NRC to conclude that public health and safety are reasonably assured. To preclude any schedule slippage and to assure public health and safety, the NRC staff has determined that the Licensee's commitment in its May 22, 1998, letter be confirmed by this Order. The Licensee has agreed to this action. Based on the above, and the Licensee's consent, this Order is immediately effective upon issuance.

IV

Accordingly, pursuant to sections 103, 161b, 161i, 161o, 182, and 186 of the Atomic Energy Act of 1954, as amended, and the Commission's

regulations in 10 CFR 2.202 and 10 CFR Part 50, *It is hereby ordered*, effective immediately, that:

Illinois Power (IP) complete final implementation of Thermo-Lag 330-1 fire barrier corrective actions at Clinton Power Station as described in the June 19, 1997, and March 30, 1998, submittals to the NRC, in addition to the repair of the butt joint described in the March 28, 1995, submittal to the NRC, by December 31, 1998.

The Director, Office of Nuclear Reactor Regulation, may relax or rescind, in writing, any provisions of this Confirmatory Order upon a showing by the Licensee of good cause.

V

Any person adversely affected by this Confirmatory Order, other than the Licensee, may request a hearing within 20 days of its issuance. Where good cause is shown, consideration will be given to extending the time to request a hearing. A request for extension of time must be made in writing to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and include a statement of good cause for the extension. Any request for a hearing shall be submitted to the Secretary, U.S. Nuclear Regulatory Commission, Attention: Docketing and Services Section, Washington, DC 20555. Copies of the hearing request shall also be sent to the Director, Office of Nuclear Reactor Regulation, U. S. Nuclear Regulatory Commission, Washington, DC 20555, to the Deputy Assistant General Counsel for Enforcement at the same address, to the Regional Administrator, NRC Region III, 801 Warrenville Road, Lisle, IL 60532-4351, and to the Licensee. If such a person requests a hearing, that person shall set forth with particularity the manner in which his/her interest is adversely affected by this Order and shall address criteria set forth in 10 CFR 2.714(d).

If a hearing is requested by a person whose interest is adversely affected, the Commission will issue an Order designating the time and place of any such hearing. If a hearing is held, the issue to be considered at such hearing shall be whether this Confirmatory Order should be sustained.

In the absence of any request for hearing, or written approval of an extension of time in which to request a hearing, the provisions specified in Section IV above shall be final 20 days from the date of this Order without further order or proceedings. If an extension of time for requesting a hearing has been approved, the provisions specified in Section IV shall

be final when the extension expires if a hearing request has not been received. An answer or a request for hearing shall not stay the immediate effectiveness of this Order.

For the Nuclear Regulatory Commission.

Dated at Rockville, Maryland this 26th day of June 1998.

Samuel J. Collins,

Director, Office of Nuclear Reactor Regulation.

[FR Doc. 98-17773 Filed 7-2-98; 8:45 am]

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NUCLEAR REGULATORY COMMISSION

[Docket No. 50-22]

Westinghouse Electric Corporation (CBS Corporation) Westinghouse Test Reactor; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility License No. TR-2, now held by the CBS Corporation, formerly named the Westinghouse Electric Corporation. The license authorizes possession only of the Westinghouse Test Reactor (WTR), located in Westmoreland County, Pennsylvania.

Environmental Assessment

Identification of the Proposed Action

The proposed action would amend Facility License No. TR-2 for the WTR to reflect the change in the legal name of the licensee from Westinghouse Electric Corporation to CBS Corporation, which occurred on December 1, 1997.

The proposed action is in accordance with the licensee's application for amendment dated December 22, 1997, as supplemented on June 15, 1998.

Need for the Proposed Action

The proposed action is needed to accurately reflect the legal name of the licensee.

Environmental Impacts of the Proposed Action

The proposed action does not modify the WTR facility configuration, procedures or requirements, or affect licensed activities. The employees responsible for the licensed WTR facility will still be responsible notwithstanding the new name of the licensee. The proposed action will not affect the financial qualifications of the licensee to possess and decommission the facility.

In light of the foregoing, the Commission concludes that the change will not increase the probability or consequences of accidents, no changes are being made in the types of any effluents that may be released offsite, and there will be no significant increase in the allowable individual or cumulative occupational radiation exposure. Accordingly the Commission concludes that there are no significant radiological environmental impacts associated with the proposed action.

With regard to potential nonradiological impacts, the proposed action is administrative in nature and does not involve any physical features of the plant. Thus, it does not affect nonradiological plant effluents and has no other environmental impact. Accordingly, the Commission concludes that there are no significant nonradiological environmental impacts associated with the proposed action.

Alternatives to the Proposed Action

Since the Commission has concluded there is no measurable environmental impact associated with the proposed action, any alternatives with equal or greater environmental impact need not be evaluated. As an alternative to the proposed action, the staff considered denial of the proposed action. Denial of the application would result in no change in current environmental impacts. The environmental impacts of the proposed action and the alternative action are similar.

Alternative Use of Resources

No alternatives appear that will have different or lesser effect on the use of available resources.

Agencies and Persons Contacted

In accordance with its stated policy, on June 23, 1998, the NRC staff consulted with the Pennsylvania State Official, Ray Woods, of the Bureau of Radiation Protection, Pennsylvania Department of Environmental Protection, regarding the environmental impact of the proposed action. The State official had no comments.

Finding of No Significant Impact

Based upon the environmental assessment, the Commission concludes that the proposed action will not have a significant effect on the quality of the human environment. Accordingly, the Commission has determined not to prepare an environmental impact statement for the proposed action.

For further details with respect to the proposed action, see the licensee's submittals dated December 22, 1997 and June 15, 1998, which are available for

public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington DC.

Dated at Rockville, Maryland, this 26th day of June 1998.

For the Nuclear Regulatory Commission.

Seymour H. Weiss,

Director, Non-Power Reactors and Decommissioning Project Directorate, Division of Reactor Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 98-17774 Filed 7-2-98; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Rel No. IC-23287; 812-10696]

Cash Management Portfolio, et al.; Notice of Application

June 26, 1998.

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

ACTION: Notice of application for exemption under sections 6(c) and 17(b) of the Investment Company Act of 1940 (the "Act") from section 17(a) of the Act.

SUMMARY OF APPLICATION: Applicants seek an order to permit redemption in-kind of shares of certain registered investment companies by certain shareholders who are affiliated persons of the investment companies.

APPLICANTS: Cash Management Portfolio, Treasury Money Portfolio, Tax Free Money Portfolio, NY Tax Free Money Portfolio, International Equity Portfolio, Utility Portfolio, Equity 500 Index Portfolio, Short/Intermediate U.S. Government Securities Portfolio, Asset Management Portfolio, Capital Appreciation Portfolio, Intermediate Tax Free Portfolio, BT Investment Portfolios (each a "Portfolio"), BT Investment Funds, BT Institutional Funds, BT Pyramid Mutual Funds, BT Advisor Funds (each a "Fund"), and Bankers Trust Company (the "Investment Advisor"). Applicants also request relief for each subsequently created series of the Funds and the Portfolios and any other registered open-end investment company advised by, or substantially all of whose assets are invested in a Portfolio advised by, the Investment Advisor or any entity controlling, controlled by or under common control with the Investment Advisor.¹

¹All investment companies that currently intend to rely on the order have been named as applicants.