

action is "significant" and therefore subject to review by the Office of Management and Budget (OMB) and the requirements of the Executive Order. Under section 3(f), the Order defines a "significant regulatory action" as an action that is likely to result in a rule (1) having an annual effect on the economy of \$100 million or more, or adversely and materially affecting a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local or tribal governments or communities (also referred to as "economically significant"); (2) creating a serious inconsistency or otherwise interfering with an action taken or planned by another agency; (3) materially altering the budgetary impacts of entitlement, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or (4) raising novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

Pursuant to the terms of the Executive Order, the proposed action that is the subject of this notice has been determined to be "significant" under category (4), *supra*, and, therefore, has been reviewed by OMB.

#### Paperwork Reduction Act

The notice issued here is not subject to the requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.) because it contains no "collection of information" as defined in 44 U.S.C. 3502(3).

Signed at Washington D.C., this 6th day of March 1997.

Olena Berg,

*Assistant Secretary, Pension and Welfare Benefits Administration U.S. Department of Labor.*

[FR Doc. 97-6153 Filed 3-12-97; 8:45 am]

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## LIBRARY OF CONGRESS

### Copyright Office

[Docket No. 96-3 CARP SRA]

### Rate Adjustment for the Satellite Carrier Compulsory License

**AGENCY:** Copyright Office, Library of Congress.

**ACTION:** Announcement of the schedule for the proceeding.

**SUMMARY:** The Copyright Office of the Library of Congress is announcing the schedule for the 180 day arbitration period for the adjustment of the royalty

rates for the satellite carrier compulsory license, as required by the regulations governing this proceeding.

**EFFECTIVE DATE:** March 13, 1997.

**ADDRESSES:** All hearings and meetings for the rate adjustment of the royalty fees for the satellite compulsory license shall take place in the James Madison Building, Room 414, First and Independence Avenue, S.E., Washington, D.C. 20540.

**FOR FURTHER INFORMATION CONTACT:** Nanette Petruzzelli, Acting General Counsel, or Tanya Sandros, Attorney Advisor, at: Copyright Arbitration Royalty Panel (CARP), P.O. Box 70977, Southwest Station, Washington, D.C. 20024. Telephone: (202) 707-8380. Telefax: (202) 707-8366.

**SUPPLEMENTARY INFORMATION:** Section 251.11(b) of the regulations governing the Copyright Arbitration Royalty Panels, 37 CFR subchapter B, provides that:

At the beginning of each proceeding, the CARP shall develop the original schedule of the proceeding which shall be published in the Federal Register at least seven calendar days in advance of the first meeting. Such announcement shall state the times, dates, and places of the meetings, the testimony to be heard, whether any of the meetings, or any portion of a meeting, is to be closed, and if so, which ones, and the name and telephone number of the person to contact for further information.

This notice fulfills those requirements of § 251.11(b) for the proceeding to adjust the royalty fees for the satellite compulsory license.

By notice dated June 11, 1996, the Library announced the precontroversy discovery period for this docket and requested interested parties to file Notices of Intent to Participate. 61 FR 29573 (June 11, 1996). Subsequently, the Library adjusted the schedule, and informed the participating parties that the 180-day arbitration period would begin on March 3, 1997. Order in Docket No. 96-3 CARP SRA (October 29, 1996). On February 28, 1997, the Office published a notice announcing the initiation of the 180 day period for this proceeding. 62 FR 9212 (February 28, 1997). The 180 day period commenced on March 3, 1997, and will end on August 29, 1997.

On March 4, 1997, the first Tuesday immediately following the initiation of the proceeding, the parties to this proceeding met with the arbitrators for the purpose of setting a schedule for this proceeding. At that meeting, the parties and the arbitrators agreed to the following schedule:

Presentation of direct cases	Dates
Copyright Owners .....	March 13-March 14, 1997. March 17-March 20, 1997. March 24-March 25, 1997.
Satellite Carriers .....	April 7-April 10, 1997.
ASkyB .....	April 15-April 17, 1997.
Close of 180 day period.	August 29, 1997.

The regulations require that the Copyright Office publish the original schedule for the CARP proceeding in the Federal Register at least seven calendar days in advance of the first meeting. 37 CFR 251.11(b). Pursuant to 37 CFR 251.11(d), however, the arbitrators voted to publish the schedule on shorter notice than the required seven days in order to maximize the allotted time to hear the evidence and write their report. The results of the vote on the question, whether the requirement for a seven calendar notice should be waived, are:

The Hon. Lewis Hall Griffith,

Chairperson—Yes

The Hon. John W. Cooley—Yes

The Hon. Jeffrey S. Gulin—Yes

At this time, the parties have not moved to close any portion of the proceeding to the public. Further refinements to the schedule will be announced in open meetings and issued as orders to the parties participating in the proceeding. All changes will be noted in the docket file of the proceeding, as required by the Copyright Office regulations governing the administration of CARP proceedings. 37 CFR 251.11(c).

Dated: March 7, 1997.

Marybeth Peters,

*Register of Copyrights.*

[FR Doc. 97-6328 Filed 3-12-97; 8:45 am]

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## NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-413 and 50-414]

### Duke Power Company, et al.; Notice of Consideration of Issuance of Amendments to Facility Operating Licenses, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of amendments to Facility Operating License Nos. NPF-35

and NPF-52 issued to Duke Power Company, et al. (the licensee), for operation of the Catawba Nuclear Station, Units 1 and 2, located in York County, South Carolina.

The proposed amendments would revise Section 3/4.7.1.6 of the Technical Specifications, and Section 15.6.3 of the Updated Final Safety Analysis Report to require four instead of three steam generator pressure operated relief valves (PORVs) operable, and allowing credit for local operation of the PORVs.

Before issuance of the proposed license amendments, 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 amendments 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 amendments 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:

This proposed change has been evaluated against the standards in 10 CFR 50.92 and has been determined to involve no significant hazards, in 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:

The proposed Technical Specification amendment ensures that the consequences of a postulated SGTR [steam generator tube rupture] accident are enveloped by current analyses. The proposed Technical Specification amendment, together with credit for local manual operation of one S/G [steam generator] PORV [power-operated relief valve], will ensure that adequate margin to overfill exists for the SGTR accident. Furthermore, with administrative controls currently in place regarding reactor coolant specific activity, this requirement ensures that offsite doses following the SGTR accident remain within the dose analysis of record. These administrative controls are expected to be lifted with the completion of dose analyses based on more detailed input in place of the conservative assumptions made to support the restrictions. The requirement to maintain all four S/G PORVs operable is more restrictive than the current requirement, and therefore does not adversely affect the consequences of any analyzed accident.

The accident in which the S/G PORVs are considered to be accident initiators is discussed in Section 15.1.4 of the Catawba UFSAR [Updated Final Safety Analysis Report]. Considering the number, design features and reliability of steam dump to condenser valves (nine), atmospheric dump valves (nine), S/G Code Safety Valves (twenty), and S/G PORVs (four), the requirement to maintain all four S/G PORVs operable does not significantly increase the probability of inadvertent opening of steam dump valve as analyzed in Section 15.1.4 of the Catawba UFSAR. As reported in Section 15.1.4 of the Catawba UFSAR, inadvertent opening of a[n] S/G PORV is enveloped by the consequences of a postulated Main Steam Line Break. The requirement to maintain all four S/G PORVs operable does not in any way change this.

(2) Create the possibility of a new or different kind of accident from any previously evaluated:

No new accident types have been identified for the S/G PORVs or any SSCs [systems, structures, and components] associated with or connected to the S/G PORVs. With respect to the types of accidents that should be considered, the Standard Review Plan and the Catawba UFSAR are considered to be complete for Catawba Nuclear Station.

(3) Involve a significant reduction in the margin of safety:

Margin of safety is related to confidence in fission product barriers. The proposed Technical Specification amendment, along with credit for local manual operation of one S/G PORV, will ensure that there is adequate margin of overfill. Therefore, the steam lines, S/G PORVs and the code safety relief valves will not be degraded following a design basis SGTR. This amendment will also ensure that steaming of the ruptured S/G is not necessary to effect plant cooldown after a postulated SGTR. Along with administrative controls currently in place regarding reactor coolant specific activity, this requirement ensures that offsite doses following SGTR remain within values of the dose analysis of record. These administrative controls are expected to be lifted with the completion of dose analyses based on more detailed input in place of the conservative assumptions made to support the restrictions. In summary, this proposed amendment does not involve a significant reduction in the margin of safety.

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 requested amendments involve 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 Chief, Rules Review and Directives Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, 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 March 14, 1997, 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 York County Library, 138 East Black Street, Rock Hill, South Carolina.

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 20555-0001, 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 Herbert N. Berkow: 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 20555-0001, and to Mr. Albert Carr, Duke Power Company, 422 South Church Street, Charlotte, North Carolina 28242, 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 March 7, 1997, 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 York County Library, 138 East Black Street, Rock Hill, South Carolina.

Dated at Rockville, Maryland, this 10th day of March 1997.

For the Nuclear Regulatory Commission.

Peter S. Tam,

*Senior Project Manager Project Directorate II-2, Division of Reactor Projects—I/II, Office of Nuclear Reactor Regulation.*

[FR Doc. 97-6343 Filed 3-12-97; 8:45 am]

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[Docket No. 50-461-OLA, ASLBP No. 97-725-01-OLA]

#### **Illinois Power Co., Soyland Power Cooperative; Establishment of Atomic Safety and Licensing Board**

Pursuant to delegation by the Commission dated December 29, 1972, published in the Federal Register, 37 FR 28710 (1972), and §§ 2.105, 2.700, 2.702, 2.714, 2.714a, 2.717 and 2.721 of the Commission's Regulations, all as amended, an Atomic Safety and Licensing Board is being established in the following proceeding to rule on petitions for leave to intervene and/or requests for hearing and to preside over the proceeding in the event that a hearing is ordered.

Southwestern Electric Cooperative, Inc.,  
Illinois Power Company, Soyland Power Cooperative

This Board is being established pursuant to a notice published by the Commission on January 29, 1997, in the Federal Register Z (60 FR 45180). The notice issued by the NRC staff regards a proposed transfer of a facility operating license held by Soyland Power Cooperative to Illinois Power Company. The petitioner, Southwestern Electric Cooperative, Inc., seeks to intervene and requests a hearing.

The Board is comprised of the following administrative judges:

G. Paul Bollwerk III, Chairman, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, DC 20555  
Peter B. Bloch, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, DC 20555  
Thomas D. Murphy, Atomic Safety and Licensing Board Panel, U.S. Nuclear