

Week of January 11—Tentative*Monday, January 11*

2:00 p.m.

Briefing on Risk-Informed Initiatives
(Public Meeting)*Tuesday, January 12*

9:00 a.m.

Briefing on Decommissioning Criteria
for West Valley (Public Meeting)*Wednesday, January 13*

10:00 a.m.

Briefing on Reactor Licensing
Initiatives (Public Meeting)

11:30 a.m.

Affirmation Session (Public Meeting)
(if needed)*Friday, January 15*

9:00 a.m.

Briefing on Investigative Matters
(Closed—Ex. 5 & 7)

10:00 a.m.

Briefing by Executive Branch
(Closed—Ex. 1)

The schedule for Commission meetings is subject to change on short notice. To verify the status of meetings call (recording)—(301) 415-1292.

CONTACT PERSON FOR MORE INFORMATION:
Bill Hill (301) 415-1661.

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The NRC Commission Meeting Schedule can be found on the Internet at: <http://www.nrc.gov/SECY/smj/schedule.htm>

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This notice is distributed by mail to several hundred subscribers; if you no longer wish to receive it, or would like to be added to it, please contact the Office of the Secretary, Attn: Operations Branch, Washington, D.C. 20555 (301-415-1661). In addition, distribution of this meeting notice over the Internet system is available. If you are interested in receiving this Commission meeting schedule electronically, please send an electronic message to wmh@nrc.gov or dkw@nrc.gov.

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Dated: December 18, 1998.

William M. Hill, Jr.,

SECY Tracking Officer, Office of the Secretary.

[FR Doc. 98-34020 Filed 12-18-98; 3:43 pm]

BILLING CODE 7590-01-M

NUCLEAR REGULATORY COMMISSION**[Docket No. 50-440 License No. NPF-58]****The Cleveland Electric Illuminating Company, et al.; Receipt of Petition for Director's Decision Under 10 CFR 2.206**

Notice is hereby given that by Petition dated November 9, 1998, David A. Lochbaum (Petitioner), acting on behalf of the Union of Concerned Scientists (UCS), has requested that the U.S. Nuclear Regulatory Commission (NRC) take action with regard to the Perry Nuclear Power Plant, Unit No. 1 (PNPP), operated by The Cleveland Electric Illuminating Company and Centerior Service Company. Petitioner requests that enforcement action be taken to require an immediate shutdown of the PNPP, and that the facility remain shut down until all failed fuel assemblies are removed from the reactor core. As an alternate action, UCS also stated that following the requested shutdown, PNPP could be restarted after its design and licensing bases were updated to permit operation with failed fuel assemblies. Additionally, the Petition requested a public hearing to present new plant-specific information regarding the operation of PNPP, as well as to discuss a UCS report dated April 2, 1998, entitled "Potential Nuclear Safety Hazard/Reactor Operation With Failed Fuel Cladding."

As the basis for the request, the Petitioner cited the NRC's Weekly Information Report for the week ending October 30, 1998, that describes the apparent existence of two pin hole fuel leaks at the Perry facility. In the opinion of the Petitioner, operation with one or more failed fuel assemblies is not permitted by the Perry design and licensing bases. In addition, the Petitioner stated that by operating with possible failed fuel cladding, PNPP is violating its licensing basis for the radiation worker protection (as low as reasonably achievable [ALARA]) program. The Petitioner referred to NRC Information Notice No. 87-39, "Control of Hot Particle Contamination at Nuclear Plants," which describes how continued operation with degraded fuel may elevate radiation exposure rates for plant employees.

The Petitioner further reasserted the UCS position that nuclear power plants operating with fuel cladding failures are potentially unsafe and are in violation of Federal regulations. In its April 1998 report, the UCS stated that it has not been demonstrated that the effects from design-bases transients and accidents (i.e., hydrodynamic loads, fuel enthalpy

changes, etc.) prevent pre-existing fuel failures from propagating. Therefore, the Petitioner concluded that it was possible that "significantly more radioactive material will be released to the reactor coolant system during a transient or accident than that experienced during steady state operation."

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. By letter dated December 16th, 1998, the Director denied Petitioner's request for enforcement action to require The Cleveland Electric Illuminating Company to immediately shut down PNPP. In addition, the Director also extended an offer to the Petitioner for an informal public hearing at a date to be determined. A copy of the petition is available for inspection at the Commission's Public Document Room at 2120 L Street, NW., Washington, DC 20555-0001.

Dated at Rockville, Maryland, this 16th day of December 1998.

For the Nuclear Regulatory Commission.

Samuel J. Collins,

Director, Office of Nuclear Reactor Regulation.

[FR Doc. 98-33824 Filed 12-21-98; 8:45 am]

BILLING CODE 7590-01-P

OFFICE OF PERSONNEL MANAGEMENT**Federal Prevailing Rate Advisory Committee; Open Committee Meetings**

According to the provisions of section 10 of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given that meetings of the Federal Prevailing Rate Advisory Committee will be held on—

Thursday, January 14, 1999
Thursday, January 28, 1999
Thursday, February 11, 1999
Thursday, February 25, 1999

The meetings will start at 10:00 a.m. and will be held in Room 5A06A, Office of Personnel Management Building, 1900 E Street, NW., Washington, DC.

The Federal Prevailing Rate Advisory Committee is composed of a Chair, five representatives from labor unions holding exclusive bargaining rights for Federal blue-collar employees, and five representatives from Federal agencies. Entitlement to membership on the

Committee is provided for in 5 U.S.C. 5347.

The Committee's primary responsibility is to review the Prevailing Rate System and other matters pertinent to establishing prevailing rates under subchapter IV, chapter 53, 5 U.S.C., as amended, and from time to time advise the Office of Personnel Management.

These scheduled meetings will start in open session with both labor and management representatives attending. During the meetings either the labor members or the management members may caucus separately with the Chair to devise strategy and formulate positions. Premature disclosure of the matters discussed in these caucuses would unacceptably impair the ability of the Committee to reach a consensus on the matters being considered and would disrupt substantially the disposition of its business. Therefore, these caucuses will be closed to the public because of a determination made by the Director of the Office of Personnel Management under the provisions of section 10(d) of the Federal Advisory Committee Act (Pub. L. 92-463) and 5 U.S.C. 552b(c)(9)(B). These caucuses may, depending on the issues involved, constitute a substantial portion of a meeting.

Annually, the Chair compiles a report of pay issues discussed and concluded recommendations. These reports are available to the public, upon written request to the Committee's Secretary.

The public is invited to submit material in writing to the Chair on Federal Wage System pay matters felt to be deserving of the Committee's attention. Additional information on this meeting may be obtained by contacting the Committee's Secretary, Office of Personnel Management, Federal Prevailing Rate Advisory Committee, Room 5559, 1900 E Street, NW., Washington, DC 20415 (202) 606-1500.

Dated: December 14, 1998.

John F. Leyden,

Chairman, Federal Prevailing Rate Advisory Committee.

[FR Doc. 98-33700 Filed 12-21-98; 8:45 am]

BILLING CODE 6325-01-P

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 23605; 812-11284]

Evergreen Equity Trust et al.; Notice of Application

December 16, 1998.

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

ACTION: Notice of an application under section 6(c) of the Investment Company Act of 1940 (the "Act") for an exemption from section 15(a) of the Act and rule 18f-2 under the Act, as well as from certain disclosure requirements.

SUMMARY OF APPLICATION: Evergreen Equity Trust and Evergreen Variable Annuity Trust (each a "Trust" and collectively the "Trusts"), on behalf of their various series, and First Union National Bank (the "Adviser") request an order that would (a) permit applicants to enter into and materially amend sub-advisory agreements without shareholder approval and (b) grant relief from certain disclosure requirements.

APPLICANTS: The Trusts and the Adviser.

FILING DATES: The application was filed on August 28, 1998. Applicants have agreed to file an amendment to the application during the notice period, the substance of which is reflected in this notice.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Commission's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the Commission by 5:30 p.m. on January 7, 1999, and should be accompanied by proof of service on applicants, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Commission's Secretary.

ADDRESSES: Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, DC 20549. Applicants, 200 Berkeley Street, Boston, Massachusetts 02106.

FOR FURTHER INFORMATION CONTACT:

Lawrence W. Pisto, Senior Counsel, at (202) 942-0527, or George J. Zornada, Branch Chief, at (202) 942-0564, Office of Investment Company Regulation, Division of Investment Management.

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee at the Commission's Public Reference Branch, 450 Fifth Street, N.W., Washington, DC 20549 (tel. (202) 942-8090).

Applicants' Representations

1. Each trust is organized as a Delaware business trust and registered under the Act as an open-end management investment company. The Evergreen Equity Trust ("Equity Trust") is currently comprised of eighteen separate series (the "Equity Trust Existing Portfolios") and the Evergreen Variable Annuity Trust ("Annuity Trust") is currently composed of eight separate series (the "Annuity Trust Existing Portfolios" together with the Equity Trust Existing Portfolios, the "Existing Portfolios"), each of which has its own investment objectives and policies. The Annuity Trust Existing Portfolios are offered for sale through separate accounts of various insurance companies as a funding medium for variable annuity contracts and/or variable life insurance policies issued by such insurance companies. Each trust is in the process of establishing a new portfolio ("New Portfolios" and together with the Existing Portfolios, the "Portfolios").¹

2. The Adviser or an entity controlling, controlled by, or under common control with the Adviser ("Advisory Affiliates"), serves as investment adviser to the Existing Portfolios and will serve as investment adviser to the New Portfolios. The Adviser, a North Carolina corporation and a banking subsidiary of First Union Corporation, a publicly-held bank holding company, is exempt from registration under the Investment Advisers Act of 1940 (the "Advisers Act"). The Advisory Affiliates, Evergreen Investment Management Company, Evergreen Asset Management Corp. ("EAMC") and Meridian Investment Company, are registered under the Advisers Act.

3. The Adviser and Advisory Affiliates serve as advisers to the Existing Portfolios pursuant to investment advisory agreements (each an "Advisory Agreement" and together, the "Advisory Agreements"). Under the

¹ Applicants also request relief with respect to any future series of the Trusts and all future registered open-end management investment companies that are (a) advised by the Adviser or the Advisory Affiliates and (b) use the multi-manager structure as described in the application and comply with the terms and conditions in the application. All existing investment companies that currently intend to rely on the order have been named as applicants.