

independent of BTC, the Lenders and the Plans.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption, refer to the notice of proposed exemption published on March 14, 2000 at 65 FR 13855.

*For Further Information Contact:* Gary H. Lefkowitz of the Department, telephone (202) 219-8881. (This is not a toll-free number.)

**Bay Internists, Inc. Profit Sharing Plan (the Plan) Located in Kilmarnock, Virginia**

[Prohibited Transaction Exemption 2000-23; Exemption Application No. D-10847]

**Exemption**

The restrictions of sections 406(a), 406(b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code, shall not apply to the proposed sale by the Plan of certain unimproved real property (the Property) located in Kilmarnock, Virginia, to Bay-Med, a general partnership which is a party in interest with respect to the Plan, provided that the following conditions are satisfied:

(a) The proposed sale is a one-time cash transaction;

(b) The Plan receives the current fair market value for Property, as established at the time of the sale by an independent, qualified appraiser; and

(c) The Plan pays no commissions or other expenses associated with the sale.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption, refer to the notice of proposed exemption published on March 14, 2000 at 65 FR 13858.

*For Further Information Contact:* Ekaterina A. Uzlyan of the Department at (202) 219-8883. (This is not a toll-free number.)

**Foodcraft, Inc. Defined Benefit Plan (the Plan) Located in Los Angeles, California**

[Prohibited Transaction Exemption 2000-24; Exemption Application No. D-10864]

**Exemption**

The restrictions of sections 406(a) and 406(b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code, shall not apply to the cash sale (the Sale) of certain improved real property (the Property) by the Plan to the trustees of the Plan, Ernest Lieblich and Caryl Lieblich (collectively, the

Trustees), parties in interest and disqualified persons with respect to the Plan, provided that the following conditions are met:

(a) All terms and conditions of the Sale are no less favorable to the Plan than those which the Plan could obtain in an arm's length transaction with an unrelated party;

(b) The Trustees will purchase the Property from the Plan for the greater of \$315,000 or the Property's fair market value as of the date of the transaction as determined by a qualified, independent appraiser;

(c) The Sale will be a one-time transaction for cash; and

(d) The Plan will pay no fees or commissions in connection with the Sale.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption, refer to the notice of proposed exemption published on March 22, 2000 at 65 FR 15369.

*For Further Information Contact:* Mr. J. Martin Jara, U.S. Department of Labor, telephone (202) 219-8883. (This is not a toll-free number.)

**General Information**

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and/or section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions to which the exemptions does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) These exemptions are supplemental to and not in derogation of, any other provisions of the Act and/or the Code, including statutory or administrative exemptions and transactional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction; and

(3) The availability of these exemptions is subject to the express condition that the material facts and

representations contained in each application accurately describes all material terms of the transaction which is the subject of the exemption.

Signed at Washington, DC, this 18th day of May, 2000.

**Ivan Strasfeld,**

*Director of Exemption Determinations, Pension and Welfare Benefits Administration, Department of Labor.*

[FR Doc. 00-12947 Filed 5-22-00; 8:45 am]

**BILLING CODE 4510-29-P**

**NATIONAL SCIENCE FOUNDATION**

**Notice of Permits Issued Under the Antarctic Conservation Act of 1978**

**AGENCY:** National Science Foundation.

**ACTION:** Notice of permits issued under the Antarctic Conservation Act of 1978, Public Law 95-541.

**SUMMARY:** The National Science Foundation (NSF) is required to publish notice of permits issued under the Antarctic Conservation Act of 1978. This is the required notice.

**FOR FURTHER INFORMATION CONTACT:** Nadene G. Kennedy, Permit Office, Office of Polar Programs, Rm. 755, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230.

**SUPPLEMENTARY INFORMATION:** On April 11th and April 13, 2000, the National Science Foundation published notices in the **Federal Register** of permit applications received. Permits were issued on May 15, 2000 to the following applicant:

Anne A. Sturz: Permit No. 2001-006  
Rudolf S. Scheltema: Permit No. 2001-007

**Nadene G. Kennedy,**  
*Permit Officer.*

[FR Doc. 00-12934 Filed 5-22-00; 8:45 am]

**BILLING CODE 7555-01-M**

**NATIONAL TRANSPORTATION SAFETY BOARD**

**Sunshine Act Meeting**

**TIME AND DATE:** 9:30 a.m., Wednesday, May 31, 2000.

**PLACE:** NTSB Board Room, 429 L'Enfant Plaza, SW., Washington, DC 20594.

**STATUS:** Open to the Public.

**MATTERS TO BE CONSIDERED:**

7009A—Marine Accident Report:  
Ramming of the Eads Bridge by Barges in Tow of the M/V Anne Holly with Subsequent Ramming and near breakaway of the President of the Casino on the Admiral, St. Louis, Missouri, on April 4, 1998.

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

Individuals requesting specific accommodation should contact Mrs. Barbara Bush at (202) 314-6220 by Friday, May 26, 2000.

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

Dated: May 19, 2000.

**Rhonda Underwood,**

*Federal Register Liaison Officer.*

[FR Doc. 00-13091 Filed 5-19-00; 2:58 pm]

**BILLING CODE 7590-01-M**

## **NUCLEAR REGULATORY COMMISSION**

**[Docket No. 50-311]**

### **Public Service Electric and Gas Company; Notice of Consideration of Issuance of Amendment To Facility Operating License, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing**

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. DPR-75 issued to Public Service Electric and Gas Company (the licensee), for operation of the Salem Nuclear Generating Station, Unit No. 2 (Salem Unit No. 2), located in Salem County, New Jersey.

The proposed amendment would modify the requirements contained in the Salem Unit No. 2 Technical Specifications regarding the operation of the movable incore detector system. The proposed change would be a one-time change to allow use of the movable incore detector system for measurement of core peaking factors with less than 75% and greater than or equal to 50% of the detector thimbles available. The licensee has submitted this request in response to degradation of the Salem Unit No. 2 movable incore detector system. There are currently 75.8% of the detector thimble locations available for use. The proposed changes would allow continued operation of Salem Unit No. 2 through the remainder of Cycle 11.

Before issuance of the proposed license amendment, 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 amendment 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 amendment 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:

1. The proposed changes do not involve a significant increase in the probability or consequences of an accident previously evaluated.

The movable incore detector system is used only to provide confirmatory information on the neutron flux distribution of the core. This system does not provide any automatic control functions or protective functions for the operation of the plant. The only accident that the movable incore detector system could be involved in is the breaching of the detector thimbles which is bounded by the small break loss of coolant accident (LOCA) analysis. As the proposed changes do not involve any changes to the physical equipment or operation of the system, there is no increase in the probability of an accident previously evaluated.

The movable incore detector system provides a monitoring function that is not used for accident mitigation. The small break LOCA analysis continues to bound potential breaching of the system's detector thimbles. With less than 75% but greater than or equal to 50% of the detector thimbles available, core peaking factor measurement uncertainties will be increased. This can impact core peaking factors and as a result could affect the consequences of certain accidents. However, any changes in the core peaking factors resulting from increased measurement uncertainties will be compensated for by conservative measurement uncertainty adjustments in the Technical Specifications to ensure that pertinent core design parameters are maintained. Sufficient additional penalty is added to the power distribution measurements such that this change will not impact the consequences of any accident previously evaluated.

Therefore, the proposed changes will not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. The proposed changes do not create the possibility of a new or different kind of accident from any accident previously analyzed.

There are no changes to the physical plant or operation of the movable incore systems as a result of the proposed changes. Since no changes are being made to the way the system is operated and no changes are being made to the system equipment, no new accidents or different accidents than previously analyzed are introduced by the proposed changes.

Therefore, the proposed changes will not create the possibility of a new or different

kind of accident from any accident previously analyzed.

3. The proposed changes do not involve a significant reduction in a margin of safety.

The reduction in the minimum complement of equipment necessary for the operability of the movable incore detector system only impacts the monitoring and calibration functions of the system. Reduction of the number of available moveable incore detector thimbles to the 50% level does not significantly degrade the ability of the system to measure core power distributions. With less than 75% but greater than or equal to 50% of the detector thimbles available, core peaking factor measurement uncertainties will be increased but will be compensated for by conservative measurement uncertainty adjustments in the Technical Specifications to ensure that pertinent core design parameters are maintained. Sufficient additional penalty is added to the power distribution measurements such that this change does not impact the safety margins that currently exist. Also, the reduction of available detector thimbles has negligible impact on the quadrant power tilt and core average axial power shape measurements and will not adversely affect excore detector calibration. Sufficient detector thimbles will be available to ensure that no quadrant will be unmonitored.

Based on the above, the proposed changes will not result in a 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 amendment request involves 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