

Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, by the above date. 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 Jay E. Silberg, Esquire, Shaw, Pittman, Potts and Trowbridge, 2300 N Street, NW., Washington, DC 20037, 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 December 4, 1996, as supplemented March 27, June 9, June 18, July 21, August 14, August 19, September 10, October 6, October 20, October 23, November 5, 1997, and January 12 and January 28, 1998, 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 Calvert County Library, Prince Frederick, Maryland 20678.

Dated at Rockville, Maryland, this 2nd day of March 1998.

For the Nuclear Regulatory Commission.

**Alexander W. Dromerick,**

*Senior Project Manager, Project Directorate I-1, Division of Reactor Projects—I/II, Office of Nuclear Reactor Regulation.*

[FR Doc. 98-5809 Filed 3-5-98; 8:45 am]

BILLING CODE 7590-01-P

## NUCLEAR REGULATORY COMMISSION

[Docket No. 50-220]

### Niagara Mohawk Power Corporation; Notice of Withdrawal of Application for Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) is permitting the withdrawal of Niagara Mohawk Power Corporation's (the licensee) application of September 26, 1996, regarding the proposed amendment to Facility Operating License No. DPR-63 for Nine Mile Point Nuclear Station, Unit No. 1, located in Oswego County, New York.

The proposed amendment would have revised the facility technical

specifications by adding Specification 3.7.2/4.7.2, "Special Test Exception—System Leakage and Hydrostatic Testing."

The Commission had previously issued a Notice of Consideration of Issuance of Amendment published in the **Federal Register** on November 21, 1996 (61 FR 59248). However, by letter dated February 2, 1998, the licensee withdrew the proposed change.

For further details with respect to this action, see the application for amendment dated September 26, 1996, as supplemented by letter dated May 6, 1997, and the licensee's letter dated February 2, 1998, which withdrew the application for license amendment. The above documents are 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 Reference and Documents Department, Penfield Library, State University of New York, Oswego, New York 13126.

Dated at Rockville, Maryland, this 2nd day of March 1998.

For the Nuclear Regulatory Commission.

**Darl S. Hood,**

*Senior Project Manager, Project Directorate I-1, Division of Reactor Projects—I/II, Office of Nuclear Reactor Regulation.*

[FR Doc. 98-5806 Filed 3-5-98; 8:45 am]

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## NUCLEAR REGULATORY COMMISSION

[Docket No.: 30-5897]

### Applications, Hearings, Determinations, etc.: Phillip's Research Center's Radiation Laboratory; Bartlesville, OK

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Notice of consideration of amendment request for decommissioning the Phillip's Research Center's Radiation Laboratory in Bartlesville, Oklahoma, and opportunity for a hearing.

The U.S. Nuclear Regulatory Commission (NRC) is considering issuance of a license amendment to Byproduct Material License No. 35-00313-03, issued to the Phillips Petroleum Company (Phillips), to authorize decommissioning of portions of its facility at Phillip's Research Center in Bartlesville, Oklahoma. Phillips is currently authorized by the NRC to perform activities with licensed radioactive material at its Phillip's

Research Center and plans to continue licensed operations at this site.

On November 12, 1996, Phillips notified NRC of its intent to cease principal activities permanently at the Radiation Laboratory. The licensee has been decommissioning the Radiation Laboratory at the Bartlesville facility in accordance with the conditions discussed in License No. 35-00313-03. On April 7, 1997, the licensee submitted a site decommissioning plan (SDP) to NRC for review that summarized the decommissioning activities that will be undertaken to remediate the Radiation Laboratory, and release it from radiological controls and licensing restrictions so that the building debris can be disposed in an industrial landfill. Radioactive contamination at the licensee's Radiation Laboratory facility discussed in the SDP consists of soils and building rubble contaminated with tritium resulting from licensed operations that occurred from 1960 until 1996. Because Phillips is actively performing work under their current license, they are not requesting unrestricted release of the entire site at the Phillip's Research Center, nor termination of the license.

Phillips requested NRC approval of site specific decommissioning criteria for tritium. The NRC will review the licensee's request for elevated release criteria for tritium. During decommissioning activities, the NRC will require the licensee to maintain effluents and doses within NRC requirements and as low as reasonably achievable.

Prior to approving the decommissioning plan, NRC will have made findings required by the Atomic Energy Act of 1954, as amended, and NRC's regulations. These findings will be documented in a Safety Evaluation Report and an Environmental Assessment. Approval of the SDP will be documented in an amendment to License No. 35-00313-03.

The NRC hereby provides notice that this is a proceeding on an application for amendment of a license falling within the scope of Subpart L "Informal Hearing Procedures for Adjudication in Materials Licensing Proceedings," of NRC's rules and practice for domestic licensing proceedings in 10 CFR Part 2. Pursuant to § 2.1205(a), any person whose interest may be affected by this proceeding may file a request for a hearing in accordance with § 2.1205(d). A request for a hearing must be filed within thirty (30) days of the date of the publication of this **Federal Register** notice.

The request for a hearing must be filed with the Office of the Secretary either:

1. By delivery to Secretary, U.S. Nuclear Regulatory Commission, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852-2738, between 7:45 am and 4:15 pm Federal workdays; or

2. By mail or telegram addressed to Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Attention: Rulemakings and Adjudications Staff.

In addition to meeting other applicable requirements of 10 CFR Part 2 of the NRC's regulations, a request for a hearing filed by a person other than an applicant must describe in detail:

1. The interest of the requester in the proceeding;

2. How that interest may be affected by the results of the proceeding, including the reasons why the requestor should be permitted a hearing, with particular reference to the factors set out in § 2.1205 (h);

3. The requester's areas of concern about the licensing activity that is the subject matter of the proceeding; and

4. The circumstance establishing that the request for a hearing is timely in accordance with § 2.1205 (d).

In accordance with 10 CFR 2.1205 (f), each request for a hearing must also be served, by delivering it personally or by mail, to:

1. The applicant, Phillips Petroleum Company, Phillips Research Center, 87-D PRC, Bartlesville, OK 74004, Attention: Mr. Martin S. Clark; and

2. The NRC staff, by delivery to Secretary, U.S. Nuclear Regulatory Commission, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852-2738, between 7:45 am and 4:15 pm Federal workdays, or by mail, addressed to Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Attention: Rulemakings and Adjudications Staff.

For further details with respect to this action, the site decommissioning plan is available for inspection at the NRC's Region IV offices located at 611 Ryan Plaza Drive, Suite 400, Arlington, TX 76011-8064.

**FOR FURTHER INFORMATION CONTACT:** Ms. Vivian Campbell, Division of Nuclear Material Safety, U.S. Nuclear Regulatory Commission Region IV, 611 Ryan Plaza Drive, Suite 400, Arlington, TX 76011-8064. Telephone: (817) 860-8143.

Dated at Rockville, Maryland, this 28th day of February 1998.

For the Nuclear Regulatory Commission.

**John W.N. Hickey,**

*Chief, Low-Level Waste and Decommissioning Projects Branch, Division of Waste Management, Office of Nuclear Material Safety.*

[FR Doc. 98-5807 Filed 3-5-98; 8:45 am]

BILLING CODE 7590-01-P

## SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 23051; 812-10832]

**The Gabelli Equity Trust Inc., et al.;**  
Notice of Application

February 27, 1998.

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

**ACTION:** Notice of application for an order under section 6(c) of the Investment Company Act of 1940 (the "Act") for an exemption from section 19(b) and rule 19b-1 under the Act.

### *Summary of the Application:*

Applicants request an order to permit certain registered closed-end management investment companies to make periodic distributions of long-term capital gains in any one taxable year, so long as they maintain in effect distribution policies (a) with respect to their preferred stock calling for periodic dividends of a specified percentage of the liquidation preference of the preferred stock or (b) with respect to their common stock calling for periodic distribution of an amount equal to a fixed percentage of the net asset value or the market price per share of common stock or a fixed dollar amount. The order would supersede a prior order.<sup>1</sup>

**Applicants:** The Gabelli Equity Trust Inc. ("GET"), the Gabelli Global Multimedia Trust Inc. ("GGMT"), The Gabelli Convertible Securities Fund, Inc. ("GCSF"), and each registered closed-end management investment company advised in the future by Gabelli Funds, Inc. ("Gabelli") or by an entity controlling, controlled by, or under common control (within the meaning of section 2(a)(9) of the Act) with Gabelli ("Future Funds") (Future Funds, together with GET, GGMT, and GCSF, the "Funds").<sup>2</sup>

<sup>1</sup> *Gabelli Equity Trust, Inc.*, Investment Company Act Release Nos. 22223 (Sept. 16, 1997) (notice) and 22282 (October 15, 1997) (order).

<sup>2</sup> All existing registered closed-end management investment companies that currently intend to rely on the requested order are named as applicants and any registered closed-end management investment company that may rely on the order in the future will comply with the terms and conditions of the application.

**FILING DATES:** The application was filed on October 29, 1997. Applicants have agreed to file an amendment, the substance of which is incorporated in this notice, during the notice period.

**Hearing or Notification of Hearing:** An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on March 20, 1998 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 may request notification of a hearing by writing to the SEC's Secretary.

**ADDRESSES:** Secretary, SEC, 450 Fifth Street, N.W., Washington, D.C. 20549. Applicants, One Corporate Center, Rye, NY 10580, Attention: Bruce N. Alpert.

**FOR FURTHER INFORMATION CONTACT:** Kathleen L. Knisely, Staff Attorney, at (202) 942-0517, or Nadya B. Roytblat, Assistant Director, at (202) 942-0564 (Division of Investment Management, Office of Investment Company Regulation).

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

### **Applicants' Representations**

1. Each Fund is a closed-end management investment company organized as a Maryland corporation and registered under the Act. Each Fund issues common stock. GGMT and GCSF also issue preferred stock. GET's and GGMT's investment objective is to seek long-term growth of capital by investing in a portfolio of equity securities. GCSF's investment objective is to seek a high level of total return on its assets. Gabelli is the investment adviser to the Funds and is registered under the Investment Advisers Act of 1940.

2. The Funds wish to institute dividend payment policies with respect to the GGMT cumulative preferred stock, the GCSF cumulative preferred stock, and any other preferred stock that may be issued by the Funds calling for periodic dividends in an amount equal to a specified percentage of the liquidation preference of the Fund's preferred stock ("Preferred Dividends