

Regulations, 10 CFR 50.60, states that "Proposed alternatives to the described requirements in Appendices G and H of this part or portions thereof may be used when an exemption is granted by the Commission under § 50.12." Since the licensee wishes to use Code Case N-514 as opposed to the requirements of Appendix G, an exemption to the regulations is necessary.

IV

In referring to 10 CFR 50.12 on specific exemptions, the licensee cited special circumstance 10 CFR 50.12(a)(2)(ii) on achieving the underlying purpose of the regulations, 10 CFR 50.12(a)(iii) on undue hardship, and 10 CFR 50.12 (a)(iv) on good faith compliance as their bases for requesting this exemption.

The licensee noted in support of the 10 CFR 50.12(a)(2)(ii) criterion that the underlying purpose of the subject regulations is to establish limits to protect the reactor vessel from brittle failure during low temperature operation and that the OPS provides a physical means of protecting these limits. The licensee proposed that establishing the OPS pressure setpoint per the N-514 provisions such that the vessel pressure would not exceed 110 percent of the P-T limit allowables "* * * reduces the unnecessary actuation of the LTOP system due to normal pressure surges that occur during low temperature operation * * * while maintaining acceptable safety margins." The staff determined that the "acceptable level of safety" using N-514 was based on the conservatism which has been explicitly incorporated into the procedure for developing the P-T limits. This procedure, referenced from Appendix G to Section XI of the ASME Code, includes the following conservatisms: (1) a safety factor of 2 on the pressure stresses; (2) a margin factor applied to RT_{NDT} using Regulatory Guide 1.99, Revision 2; (3) an assumed 1/4 T flaw with a 6:1 aspect ratio; (4) a limiting material toughness based on dynamic and crack arrest data.

The licensee noted in support of the 10 CFR 50.12(a)(iii) criterion that, as the reactor vessel ages, the operating window for the LTOP system is reduced. This reduced window could lead to inadvertent actuation of the LTOP system which could, in turn, lead to rapid pressure changes.

The licensee noted in support of the 10 CFR 50.12(a)(iv) criterion that the plant is currently in conformance with 10 CFR 50.60 and that relief is being requested in order to maintain sufficient operating margin. The licensee also notes that the staff, in Draft Regulatory

Guide 1050, has proposed to endorse Code Case N-514.

The staff reviewed the licensee's rationale to support the exemption request on the basis of 10 CFR 50.12(a)(iii) and the staff concluded that the use of Code Case N-514 would also meet the underlying intent of the regulations. Based upon a consideration of the conservatism which is explicitly defined in the Appendix G methodology (as listed Section 3.0 above), the staff concluded that permitting the OPS setpoint to be established such that the vessel pressure would not exceed 110 percent of the P-T limits would provide an adequate margin of safety against brittle failure of the reactor vessel. This is also consistent with the determination that the staff has reached for other licensees under similar conditions based on the same considerations.

The staff reviewed the licensee's rationale to support the exemption on the basis of 10 CFR 50.12(a)(iii). The staff has previously granted exemptions for other licensees under similar circumstances; therefore, the staff has determined that operating with a reduced LTOP window would result in an undue hardship that is significantly in excess of that incurred by others similarly situated.

The staff reviewed the licensee's rationale to support the exemption on the basis of 10 CFR 50.12(a)(iv) and has determined that the licensee has made a good faith effort to comply with the regulation.

V

The NRC staff has determined that there are special circumstances present, as specified in 10 CFR 50.12(a)(2)(ii), in that application of 10 CFR 50.60 is not necessary in order to achieve the underlying purpose of this regulation.

Accordingly, the Commission has determined that, pursuant to 10 CFR 50.12, this exemption is authorized by law, will not present an undue risk to public health and safety, and is consistent with the common defense and security.

Therefore, the Commission hereby grants the following exemption.

The Power Authority of the State of New York is exempt from the requirements of 10 CFR 50.60 in that they are permitted to use Code Case N-514 in place of the safety margins required by Appendix G to 10 CFR Part 50 to determine the LTOP parameters.

Pursuant to 10 CFR 51.32, the Commission has determined that the granting of this exemption will have no significant impact on the quality of the human environment (63 FR 17903).

This exemption is effective upon issuance. Dated at Rockville, Maryland, this 10th day of April 1998.

For the Nuclear Regulatory Commission.

Samuel J. Collins,

Director, Office of Nuclear Reactor Regulation.

[FR Doc. 98-10103 Filed 4-15-98; 8:45 am]

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RAILROAD RETIREMENT BOARD

Proposed Collection; Comment Request

SUMMARY: In accordance with the requirement of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 which provides opportunity for public comment on new or revised data collections, the Railroad Retirement Board (RRB) will publish periodic summaries of proposed data collections.

Comments are Invited on

(a) Whether the proposed information collection is necessary for the proper performance of the functions of the agency, including whether the information has practical utility; (b) the accuracy of the RRB's estimate of the burden of the collection of the information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden related to the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

Title and Purpose of Information Collection

Report of Medicaid State Office on Beneficiary's Buy-In Status; OMB 3220-0185

Under Section 7(d) of the Railroad Retirement Act, the RRB administers the Medicare program for persons covered by the railroad retirement system. Under Section 1843 of the Social Security Act, states may enter into "buy-in agreements" with the Secretary of Health and Human Services for the purpose of enrolling certain groups of needy people under the Medicare medical insurance (Part B) program and paying the premiums for their insurance coverage. Generally, these individuals are categorically needy under Medicaid and meet the eligibility requirements for Medicare Part B. States can also include in their buy-in agreements, individuals who are eligible for medical assistance only. The RRB uses Form RL-380-F, Report to State Medicaid Office, to obtain information needed to determine if certain railroad beneficiaries are

entitled to receive Supplementary Medical Insurance program coverage under a state buy-in agreement in states in which they reside. Completion of Form RL-380-F is voluntary. One response is received from each respondent.

RRB Form RL-380-F is being revised to include language required by the Paperwork Reduction Act of 1995. Minor editorial changes are also being proposed. The completion time for Form RL-380-F is estimated at 10 minutes per response. The RRB estimates that approximately 600 responses are received annually.

FOR FURTHER INFORMATION CONTACT: To request more information or to obtain a copy of the information collection justification, forms, and/or supporting material, please call the RRB Clearance Officer at (312) 751-3363. Comments regarding the information collection should be addressed to Ronald J. Hodapp, Railroad Retirement Board, 844 North Rush Street, Chicago, Illinois 60611-2092. Written comments should be received within 60 days of this notice.

Chuck Mierzwa,
Clearance Officer.

[FR Doc. 98-10106 Filed 4-15-98; 8:45 am]

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RAILROAD RETIREMENT BOARD

Proposed Collection; Comment Request

SUMMARY: In accordance with the requirement of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 which provides opportunity for public comment on new or revised data collections, the Railroad Retirement Board (RRB) will publish periodic summaries of proposed data collections.

Comments are Invited on

(a) Whether the proposed information collection is necessary for the proper performance of the functions of the agency, including whether the information has practical utility; (b) the accuracy of the RRB's estimate of the burden of the collection of the information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden related to the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

Title and Purpose of Information Collection

Pay Rate Report; OMB 3220-0097

Under Section 2(a) of the Railroad Unemployment Insurance Act, the daily benefit rate for unemployment and sickness benefits depends on the claimant's last daily rate of pay in the base year. The procedures pertaining to the use of a claimant's daily pay rate in determining the daily benefit rate are prescribed in 20 CFR 330.

The RRB utilities form UI-1e, *Request for Pay Rate Information*, to obtain information from a claimant about their last railroad employer and pay rate, when it is not available from other RRB records. Form UI-1e also explains the possibility of receiving a higher daily benefit rate if a claimant reports their daily rate of pay for railroad work in the base year. Completion is required to obtain or retain benefits. One response is requested of each respondent.

The RRB proposes to revise Form UI-1e to add language required by the Paperwork Reduction Act of 1995. Non-burden impacting reformatting and editorial changes are also proposed. The completion time for Form UI-1e is estimated at 5 minutes per response.

FOR FURTHER INFORMATION CONTACT: To request more information or to obtain a copy of the information collection justification, forms, and/or supporting material, please call the RRB Clearance Officer at (312) 751-3363. Comments regarding the information collection should be addressed to Ronald J. Hodapp, Railroad Retirement Board, 844 N. Rush Street, Chicago, Illinois 60611-2092. Written comments should be received within 60 days of this notice.

Chuck Mierzwa,
Clearance Officer.

[FR Doc. 98-10112 Filed 4-15-98; 8:45 am]

BILLING CODE 7905-01-M

RAILROAD RETIREMENT BOARD

Agency Forms Submitted for OMB Review

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the Railroad Retirement Board (RRB) has submitted the following proposal(s) for the collection of information to the Office of Management and Budget for review and approval.

SUMMARY OF PROPOSAL(S):

(1) *Collection title:* Supplement to Claim of Person Outside the United States.

(2) *Form(s) submitted:* G-45.

(3) *OMB Number:* 3220-0155.

(4) *Expiration date of current OMB clearance:* 6/30/1998.

(5) *Type of request:* Extension of a currently approved collection.

(6) *Respondents:* Individuals or households.

(7) *Estimated annual number of responses:* 100.

(8) *Total annual responses:* 100.

(9) *Total annual reporting hours:* 17.

(10) *Collection description:* Under Public Law 98-21, the Tier I or the overall minimum portion of an annuity and Medicare benefits payable under the Railroad Retirement Act to certain beneficiaries living outside the United States may be withheld. The collection obtains the information needed by the Railroad Retirement Board to implement the benefit withholding provisions of P.L. 98-21.

ADDITIONAL INFORMATION OR COMMENTS:

Copies of the form and supporting documents can be obtained from Chuck Mierzwa, the agency clearance officer (312-751-3363). Comments regarding the information collection should be addressed to Ronald J. Hodapp, Railroad Retirement Board, 844 North Rush Street, Chicago, Illinois 60611-2092 and the OMB reviewer, Laura Oliven (202-395-7316), Office of Management and Budget, Room 10230, New Executive Office Building, Washington, D.C. 20503.

Chuck Mierzwa,
Clearance Officer.

[FR Doc. 98-10116 Filed 4-15-98; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-39847; File No. SR-CSE-97-13]

Self-Regulatory Organizations; Order Approving Proposed Rule Change and Amendment No. 1 by the Cincinnati Stock Exchange, Inc. Relating to Market Order Exposure Requirements

April 10, 1998.

I. Introduction

On November 13, 1997, the Cincinnati Stock Exchange, Inc. ("CSE" or "Exchange") filed with the Securities and Exchange Commission ("Commission") pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),¹ a proposed rule change which was subsequently amended on February 25, 1998.² The

¹ 15 U.S.C. 78s(b)(1).

² See letter from Adam W. Gurwitz, Vice President, Legal and Corporate Secretary, CSE, to
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