

licensee's preoperational test report and therefore does not need the full 30 days contemplated by 10 CFR 72.82(e).

In a letter dated December 18, 1995, the licensee reiterated the need for the requested exemption and provided additional information on current circumstances supporting NRC approval. The December 18 letter (and additional information in it) are not necessary to a favorable consideration of the exemption request by NRC. However, the letter confirms the propriety of an exemption.

The NRC conducted an inspection related to the manufacture of the storage canisters at the vendor's fabrication site, and on July 7, 1995, issued a Confirmatory Action Letter to the vendor. The vendor responded to the Confirmatory Action Letter on September 5, 20, 22, and October 2 and 3, 1995. In a letter dated October 12, 1995, NRC found the vendor's responses acceptable. NRC was able to resolve the inspection issues based on the additional information provided by the vendor which included documentation of design changes and associated safety evaluations, engineering analysis regarding the minimum required canister wall thickness, the results of measurements of the actual wall thickness of the canisters, and detailed information on leak testing performed. NRC verified the adequacy of the additional information provided by the vendor and the safety of the canisters and the transfer cask by performing detailed reviews, engineering evaluations, and inspections.

Since receipt of the first canisters on site, NRC has observed selected portions of the preoperational testing activities and has reviewed associated test procedures and results. The licensee submitted the report of preoperational test acceptance criteria and test results required by 10 CFR 72.82(e) to NRC Region III on December 14, 1995. The preoperational tests conducted by the licensee included, among other things, the actual exercise of the licensee's written procedures for loading and unloading the storage canisters. The licensee reviewed the results of these tests, made changes and subsequently approved the canister loading and unloading procedures. The NRC observed licensee's validation of the acceptability of these procedures and is satisfied with the results.

#### IV

Based on the aforementioned oversight and inspection of the preoperational testing activities at the Davis-Besse ISFSI, as well as the NRC's review of the licensee's report of

preoperational test criteria and results, the NRC finds that Toledo Edison has satisfactorily addressed all of the safety issues associated with cask loading, handling, and storage. The results of these NRC activities confirm there is adequate assurance that the cask can perform its intended safety functions and that Toledo Edison has the necessary equipment and procedures in place, as well as appropriately trained personnel, to safely conduct spent fuel cask handling activities.

Accordingly, the NRC has determined in accordance with 10 CFR 72.7 that this exemption is authorized by law, will not endanger life or property or the common defense and security, and is otherwise in the public interest. Therefore, the NRC hereby grants the licensee an exemption from the 30-day waiting period required by 10 CFR 72.82(e). The effective date of this exemption shall be December 26, 1995. This exemption will allow the licensee, effective December 26, to commence loading spent fuel into the dry storage canister, for subsequent transfer to and storage in the Davis-Besse ISFSI. The exemption also permits the licensee, prior to December 26, to start any necessary work that is a prerequisite to loading fuel on December 26. While not providing Toledo Edison Company the full schedular relief it requested, the exemption will result in the Company being able to begin dry storage activities approximately two weeks earlier than without the exemption.

The documents related to this proposed action are available for public inspection and for copying (for a fee) at the NRC Public Document Room at the Gelman Building, 2120 L Street, NW, Washington, DC 20555, and at the Local Public Document Room located in the William Carlson Library, University of Toledo, 2801 West Bancroft Avenue, Toledo, Ohio 43605.

Pursuant to 10 CFR 51.32, the NRC has determined that granting this exemption will have no significant impact on the quality of the human environment (60 FR 52709).

Dated at Rockville, Maryland this 20th day of December 1995.

For the Nuclear Regulatory Commission,  
William D. Travers,  
*Director, Spent Fuel Project Office, Office of Nuclear Material Safety and Safeguards.*  
[FR Doc. 96-110 Filed 1-3-96; 8:45 am]

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## OFFICE OF GOVERNMENT ETHICS

### Advance Notice of Proposed Modified Form for Requesting Access to Executive Branch Public Financial Disclosure Reports and Other Covered Records to Be Submitted to OMB for Approval Under the Paperwork Reduction Act

**AGENCY:** Office of Government Ethics (OGE).

**ACTION:** Notice.

**SUMMARY:** The Office of Government Ethics plans to submit a slightly modified OGE form used by persons for requesting access to executive branch public financial disclosure reports and other covered records for approval by the Office of Management and Budget (OMB) under the Paperwork Reduction Act. This modified form will replace the existing one.

**DATES:** Comments on this proposal should be received by March 19, 1996.

**ADDRESSES:** Comments should be sent to William E. Gressman, Office of Government Ethics, Suite 500, 1201 New York Avenue, NW., Washington, DC 20005-3917.

**FOR FURTHER INFORMATION CONTACT:** Mr. Gressman at the Office of Government Ethics; telephone: 202-523-5757, ext. 1110; FAX: 202-523-6325. A copy of OGE's draft form may be obtained, without charge, by contacting Mr. Gressman.

**SUPPLEMENTARY INFORMATION:** The Office of Government Ethics is planning to submit, after this notice and comment period (with any modifications that may appear warranted), a proposed modified OGE Form 201 "Request to Inspect or Receive Copies of SF 278 Executive Branch Personnel Public Financial Disclosure Report or Other Covered Record" for three-year approval by OMB under the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35). Once finally approved by OMB and adopted by OGE, the modified version of this OGE form will replace the existing version (whose paperwork clearance is scheduled to expire at the end of next July).

The Office of Government Ethics, as the supervising ethics office for the executive branch of the Federal Government under the Ethics in Government Act (the "Ethics Act"), is planning to modify and update the existing access form. That form, the OGE Form 201, collects information from, and provides certain information to, persons who seek access to SF 278 reports and other covered records. The form reflects the requirements of the

Ethics Act and OGE's implementing regulations that must be met by a person before access can be granted. These requirements relate to information about the identity of the requester, as well as any other person on whose behalf a record is sought, and a notification of prohibited uses of SF 278 reports. See section 105 (b) and (c) of the Ethics Act, 5 U.S.C. app., sec. 105 (b) and (c), and 5 CFR 2634.603 (c) and (f). For many years, OGE has disseminated to executive branch departments and agencies a locally reproducible uniform form to serve as the statutorily required written application to inspect or receive copies of SF 278 reports and other covered records. Departments and agencies are encouraged to utilize the OGE Form 201, but they can, if they so choose, continue to use or develop their own forms (see the discussion below).

This proposed modified version of the OGE Form 201 will add express mention (in part III of the form) to another category of materials subject to public access under the Ethics Act—Ethics Act-qualified blind trust and qualified diversified trust instruments and the list of assets transferred to such trusts (& of assets sold in the case of a qualified blind trust). See 5 CFR 2634.603(g)(2). The other change to the form would add to the part C public burden information block a statement required under the 1995 amendments to the paperwork law to the effect that "an agency may not conduct or sponsor, and no person is required to respond to, a collection of information unless it displays a currently valid OMB control number," together with a parenthetical mention that such number is displayed in the upper right-hand corner of the front page of the OGE Form 201.

In light of OGE's experience over the past three years (1993–1995), the estimate of the total number of access forms expected to be filed annually at OGE by members of the public (primarily by news media, public interest groups and private citizens) is proposed to be adjusted up somewhat from 250 to 275 (access requests by other Federal agencies or Federal employees are not included). The estimated average amount of time to complete the form, including review of the instructions, remains at ten minutes. Thus, the overall estimated annual public burden for the OGE Form 201 for forms filed at the Office of Government Ethics will increase from 42 hours in the current OMB paperwork inventory listing (250 forms X 10 minutes per form—number rounded off) to 46 hours (275 forms X 10 minutes per form—number rounded off). Moreover, OGE estimates, based on the agency ethics

program questionnaire responses for the past couple of years, that some 1,500 access request forms will be filed each year at the other executive branch departments and agencies.

The Office of Government Ethics expects that the new form should be ready, after OMB clearance, for dissemination to executive branch departments and agencies next summer. The Office of Government Ethics will provide appropriate guidance and phase-in time to departments and agencies once the new form is available. The new form will be made available free-of-charge to departments and agencies on paper, on electronic disk and on OGE's electronic bulletin board entitled "The Ethics Bulletin Board System" (TEBBS). In addition, if there is sufficient interest, OGE will consider making available a future electronic version of the form, to allow persons the option of preparing it on a computer. The Office of Government Ethics also will permit departments and agencies to photocopy or have copies printed of the form as well as to develop or utilize, on their own, electronic versions of the form provided that they precisely duplicate the paper original to the extent possible. As noted above, agencies can also develop their own access forms, provided all the information required by the Ethics Act and OGE regulations is placed on the form, along with appropriate Privacy Act and paperwork notices with the attendant clearances being obtained therefor.

Public comment is invited on each aspect of the proposed modified OGE Form 201 as set forth in this notice, including specifically views on the need for and practical utility of this proposed modified collection of information, the accuracy of OGE's burden estimate, the enhancement of quality, utility and clarity of the information collected, and the minimization of burden (including the use of information technology).

Comments received in response to this notice will be summarized for, and may be included with, the OGE request for OMB paperwork approval for this modified information collection. The comments will also become a matter of public record.

Approved: December 28, 1995.

Donald E. Campbell,

*Deputy Director, Office of Government Ethics.*  
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## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–36650; File No. S7–24–89]

### Joint Industry Plan; Solicitation of Comments and Order Approving Amendment No. 7 to Reporting Plan for Nasdaq/National Market Securities Traded on an Exchange on an Unlisted or Listed Basis, Submitted by the National Association of Securities Dealers, Inc., and the Boston, Chicago and Philadelphia Stock Exchanges

December 28, 1995.

On December 28, 1995, the National Association of Securities Dealers, Inc., and the Boston, Chicago, and Philadelphia Stock Exchanges (collectively, "Participants")<sup>1</sup> submitted to the Commission proposed Amendment No. 7 to a joint transaction reporting plan ("Plan") for Nasdaq/National Market securities traded on an exchange on an unlisted or listed basis.<sup>2</sup> Amendment No. 7 would extend the effectiveness of the plan through March 5, 1996.<sup>3</sup> This order approves Amendment No. 7 to the Plan, thereby approving its operation through March 5, 1996.

<sup>1</sup> The signatories to the Plan, i.e., the National Association of Securities Dealers, Inc. ("NASD"), and the Chicago Stock Exchange, Inc. ("Chx") (previously, the Midwest Stock Exchange, Inc.), the Philadelphia Stock Exchange, Inc. ("Phlx"), and the Boston Stock Exchange, Inc. ("BSE"), are the "Participants." The BSE, however, joined the Plan as a "Limited Participant," and reports quotation information and transaction reports only in Nasdaq/National Market (previously referred to as "Nasdaq/NMS") securities listed on the BSE. Originally, the American Stock Exchange, Inc., was a Participant to the Plan, but did not trade securities pursuant to the Plan, and withdrew from participation in the Plan in August 1994.

<sup>2</sup> Section 12 of the Act generally requires an exchange to trade only those securities that the exchange lists, except that Section 12(f) of the Act permits unlisted trading privileges ("UTP") under certain circumstances. For example, Section 12(f), among other things, permits exchanges to trade certain securities that are traded over-the-counter ("OTC/UTP"), but only pursuant to a Commission order or rule. The present order fulfills this Section 12(f) requirement. For a more complete discussion of this Section 12(f) requirement, see November 1995 Extension Order, *infra* note 3, at n. 2.

<sup>3</sup> On November 13, 1995, the Commission extended the effectiveness of the Plan through December 12, 1995, by partially approving Amendment No. 6. Amendment No. 6 requested an extension of the effectiveness of the Plan through December 29, 1995. See Securities Exchange Act Release No. 36481 (November 13, 1995), 60 FR 58119 ("November 1995 Extension Order"). Thereafter, the Commission approved the remainder of Amendment No. 6 by approving operation of the Plan through December 29, 1995. See Securities Exchange Act Release No. 36589 (December 13, 1995), 60 FR 65696 ("December 1995 Extension Order").