

**NUREG/CR-6558  
ORNL/TM-13452**

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# **NRC Antitrust Licensing Actions, 1978-1996**

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Prepared by  
S. J. Mayer, J. J. Simpson

**Oak Ridge National Laboratory**

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U.S. Nuclear Regulatory Commission

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## Abstract

NUREG-0447, *Antitrust Review of Nuclear Power Plants*, was published in May 1978 and includes a compilation and discussion of U.S. Nuclear Regulatory Commission (NRC) proceedings and activity involving the NRC's competitive review program through February 1978. NUREG-0447 is an update of an earlier discussion of the NRC's antitrust review of nuclear power plants, NR-AIG-001, *The U.S. Nuclear Regulatory Commission's Antitrust Review of Nuclear Power Plants: The Conditioning of Licenses*, which reviewed the Commission's antitrust review function from its inception in December 1970 through April 1976. This report summarizes the support provided to NRC staff in updating the compilation of the NRC's antitrust licensing review activities for commercial nuclear power plants that have occurred since February 1978.



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## List of Acronyms and Abbreviations

AEC	Alabama Electric Cooperative
AG	U.S. Attorney General
ANO	Arkansas Nuclear One
APCo	Alabama Power Company
AP&L	Arkansas Power & Light
AR	Amendment Review
BRS	Bibliographic Retrieval System
CAPCO	Central Area Power Coordination Group
CCCT	Combined CAPCO Company Territories
CEI	Cleveland Electric Illuminating
CEICO	Cleveland Electric Illuminating Company
CP	Construction Permit
CPL	Central Power & Light
CSC	Centerior Service Company
DD	Director's Decision
EOI	Entergy Operations, Incorporated
ERCOT	Electric Reliability Council of Texas
FERC	Federal Energy Regulatory Commission
FP&L	Florida Power & Light
FR	Federal Register
GSU	Gulf States Utilities Company
KG&E	Kansas Gas & Electric
KPL	Kansas Power & Light Company
LP&L	Louisiana Power & Light Company
MP&L	Mississippi Power & Light
NAESCO	North Atlantic Energy Service Company
NOV	Notice of Violation
NRC	U.S. Nuclear Regulatory Commission
NSC	No Significant Change
NUDOCS	NRC Nuclear Documents System
OES	OES Nuclear, Incorporated
OL	Operating License
ORNL	Oak Ridge National Laboratory
PDR	NRC Public Document Room
PG&E	Pacific Gas & Electric Company
PNPP	Perry Nuclear Power Plant
SERI	System Energy Resources, Incorporated
TE	Toledo Edison Company
TIS	Texas Interconnected System
TM	NRC Technical Monitor

## 1 Introduction

This report is the result of a review performed by the Oak Ridge National Laboratory (ORNL) of the NRC's antitrust licensing review activities involving commercial nuclear power reactors. The work was sponsored by the U.S. Nuclear Regulatory Commission's (NRC) Office of Nuclear Reactor Regulation Generic Issues and Environmental Projects Branch (PDEB) and provides an update to NUREG-0447<sup>1</sup> which covered May 1976 through February 1978. This work involved the collection and review of data from all antitrust licensing actions from February 1978 through December 1996 to determine the presence of any antitrust license conditions. Documents subject to review included construction permits, operating licenses, construction permit and operating license amendments and the antitrust reviews thereof, compliance or enforcement proceedings, and U.S. Attorney General's advice letters. This report provides a compilation of antitrust licensing conditions, operating license and amendment reviews, and advice letters from the U.S. Attorney General.



## 2 Methodology

### 2.1 Scope

The primary goal of this work is to summarize antitrust licensing activities occurring since February 1978 for commercial nuclear power reactors. Construction permits (CPs), operating licenses (OLs), and amendment reviews (ARs) were examined to establish the presence of any antitrust license conditions. Antitrust license conditions were then categorized by type of service provided for each licensee (e.g., generation access, transmission access, coordination services, emergency power, etc.). The findings from operating license reviews were described in terms of license conditions imposed, interventions, Director's significant change findings and reevaluations, and whether hearings were conducted. Results of amendment reviews were cataloged, with the reasons for conducting the reviews categorized by restructurings, mergers, or asset sales. Compliance and enforcement proceedings were examined to determine whether a notice of violation (NOV) or director's decision (DD) was issued pursuant to antitrust issues, whether any new antitrust license conditions were issued, or whether the antitrust proceeding was dismissed. A list of Attorney General's advice letters concerning CP and OL reviews is included as well as copies of the letters as they appeared in the Federal Register (FR). Units and applicants not subject to Section 105 antitrust review are not addressed in this report, pursuant to Penn, Delaney, and Honeycutt, *The NRC's Antitrust Review of Nuclear Power Plants: The Conditioning of Licenses*, NR-AIG-001, Appendix 3, April 1976.

### 2.2 Data Sources

The NRC Nuclear Documents System (NUDOCS) data base is a document management system for documents received or issued by the NRC.<sup>2</sup> For the majority of documents needed for this review, NUDOCS provided only bibliographic data such as title, author, keywords, issue date, and docket number for searching. For more recent documents, a short abstract could also be queried.

The Bibliographic Retrieval System (BRS), managed by the NRC's Public Document Room (PDR) in Washington, DC, indexes the majority of documents placed in the PDR after October 1978 and contains documents involving nuclear power facilities from 1967.<sup>3</sup> As with NUDOCS, the majority of word searches were limited to keywords and titles for the types of documents needed for this review.

Federal Register electronic data bases maintained by Legislate Incorporated and Counterpoint Publishing were searched for notices of antitrust licensing-related information such as Attorney General's advice letters, construction permit applications, operating license antitrust information submissions and related reviews, permit and license amendments, and enforcement actions. At the time this work was performed, Counterpoint's data base contained full-text versions of the Federal Register from 1991, and Legislate's system contained full-text from 1985 and searchable titles and captions from 1981. For documents issued prior to 1981, NUDOCS and BRS provided the only electronically searchable sources of information. The ORNL and University of Tennessee College of Law microfiche collections of the Federal Register were extensively utilized to supplement the limited early 1978 data in the NUDOCS and BRS systems and for the search and retrieval of documents that were known to exist but were not showing up in the query results of the electronic systems.

In many cases, FR notices provided sufficient summaries of antitrust activity. However, the detailed information needed for this review could not be completely obtained without examination of the actual amendments, licenses, and permits. Therefore, many documents were ordered from the NRC PDR and were received within one to two weeks of submission. Each order was based on the document accession numbers and microfiche addresses found by querying the BRS and NUDOCS systems. When documents could not be located by PDR staff, they were provided by the NRC technical monitor (TM). Copies of documents published in the Federal Register were obtained from local and electronic FR sources.

## Methodology

### 2.3 Strategy for Data Collection

#### 2.3.1 Document Type

Initial NUDOCS and BRS data base search efforts concentrated on retrieving relevant records restricted by document type for the time frame of interest. All construction permits and operating licenses issued since February 1978 that were cited in the BRS and NUDOCS data bases were obtained. Because there were several thousand operating license amendment records, and the majority of them addressed changes in technical specifications, OL amendments were obtained only if there was reason to believe that antitrust issues were involved. Thus, the initial data base searches of OL amendments were restricted to those having 'ownership' or 'antitrust' in the titles or abstracts (when available) or as keywords. Subsequent searches for OL amendments were conducted based on information found by searching the Federal Register.

Relevant Notices of Violation, enforcement notifications, Director's Decisions, and meeting minutes were retrieved from a combination of document type and other limiting criteria.

#### 2.3.2 Federal Register

Searches of the Federal Register were useful for establishing a timeline of licensing-related activity for each reactor. Attorney General's advice letters, construction permit and operating license applications, requests for and receipts of antitrust information, antitrust reviews, and subsequent findings are all noticed in the Federal Register. Because some documents point to the existence of other corresponding documents, initial searches of all data base systems focused on antitrust-related issues and terms. By cross-referencing the results of these searches with license and date information on individual reactors, reactor-specific document "gaps" could be pinpointed and could then be addressed. For instance, the submission of antitrust information in an application for a construction permit or an operating license naturally points to the subsequent issuance of an Attorney General's advice letter or a Director's "Significant Change" finding, respectively, within a specific time frame thereafter. This understanding of the antitrust licensing process was important in minimizing time and effort, especially when it was necessary to search the microfiche collections of the Federal Register.

A similar process was utilized when permit or license amendments were found by searching backwards through the relevant portions of the document "trail" left by the NRC's antitrust licensing and review process. Searching via this document/corresponding document method proved highly effective and efficient and was often the only way to find pertinent antitrust information. This information also contributed to the definition of additional queries for the NUDOCS and BRS systems leading to the acquisition of documents not previously located in those systems.

### 3 Results

The results of the review are found in Tables 3.1–3.4. Data in each table are arranged alphabetically by the applicant(s) shown on the source documents with data listed separately by each applicant.

Table 3.1 summarizes reactor permits and licenses requiring NRC antitrust license conditions by applicant. Conditions added to permits and licenses since 1978 are summarized based on the examples shown in NR-AIG-001 and NUREG-0447. Table 3.1 also denotes the results of any compliance or enforcement proceedings. Dates of construction permits and operating licenses are taken from the *Nuclear Regulatory Commission Information Digest*.<sup>4</sup>

Table 3.2 lists 42 operating license reviews performed during the time period of interest and categorizes the results of each review. Result categories are license conditions, interventions, reevaluations of Director's Significant Change Finding, and whether a hearing was conducted. Most findings were of no significant change.

Table 3.3 lists the amendment reviews, why they were held, and the resulting actions. For the purpose of this report, we considered an amendment review to be an antitrust review held prior to the issuance of an amendment to an existing operating license. More specifically, an amendment review examines the antitrust ramifications of a transfer of control of an existing license, pursuant to 'Transfer of Licenses', 10 CFR 50.80 (1996). Although formal antitrust reviews were not held for licensee name changes, the informal reviews held in these cases were also noted in this table. Based on this definition, there were 36 amendment reviews between February 1978 and December 1996.

Table 3.4 lists U.S. Attorney General's advice letters, the corresponding Federal Register publication dates, and brief summaries of the advice given. The summaries also indicate whether the advice was sought relative to CP or OL actions. A copy of each letter as it appeared in the Federal Register is also provided in Appendix A.



Table 3.1 Nuclear Power Reactor Permits and Licenses Requiring NRC Antitrust License Conditions

Alabama Power Company					
Unit Name	Agreement Date	CP Issued	OL Issued	Compliance/Enforcement Proceedings	
Joseph M. Farley Nuclear Plant, Units 1 & 2	OL Amendment 08/10/81 <sup>a</sup> Agreement 11/18/88 Amendment review 09/19/91 <sup>b</sup>	08/16/72 08/16/72	06/25/77 03/31/81	06/16/86 NOV Re 11 violations of AT condition #2. 06/16/86 DD. Settled in the 11/18/88 Purchase and Ownership Agreement whereby Alabama Power Co. (APCo) agreed to sell Alabama Electric Cooperative (AEC) an ownership interest in the James H. Miller, Jr. Steam Electric Generating Plant, Units 1 & 2, which was substituted for ownership participation in Farley.	
License Conditions					
Unit Access	Transmission Services	Operations	Coordination	Planning	Contractual Provisions
<sup>a</sup> Offer to sell to AEC an undivided ownership interest in Units 1 and 2 of the Farley Nuclear Plant in a percentage based on the relative sizes of the respective peak loads of AEC and the Licensee occurring in 1976.	<sup>a</sup> Provide transmission service via its system from AEC's electric system to AEC's off-system members and both to and from AEC's electric system from systems other than Licensee's.	<sup>a</sup> Furnish other bulk power supply services as are reasonably available from its system.	<sup>a</sup> Make reasonable provisions for disclosed transmission requirements of any distribution system(s) in planning future transmission.	<sup>a</sup> Recognize and accord to AEC the status of a competing electric utility in central and southern Alabama.	<sup>a</sup> No restrictive provisions that serve to prevent entity or group engaged in the retail sale of firm electric power from fulfilling all or part of their bulk power requirements through self-generation through purchases from some source other than licensee.
		<sup>a</sup> Amend the 1972 Interconnection Agreement to provide for a reserve sharing arrangement for AEC that provides reserves comparable to Licensee's responsibility to the operating companies of the Southern Company System.			<sup>a</sup> Sell partial requirements power to any requesting entity upon reasonable terms.

Table 3.1 (Continued)

Alabama Power Company		License Conditions			Contractual Provisions
Unit Access	Transmission Services	Operations	Coordination	Planning	
		<sup>a</sup> General obligation to wheel power for or at the request of any municipally owned distribution system.			
		<sup>b</sup> APCo shall continue to be responsible for compliance with the obligations imposed on it by the antitrust conditions contained in this license.			
		<sup>b</sup> APCo shall be responsible and accountable for the actions of its agent, Southern Nuclear, to the extent said agent's actions may, in any way, contravene the antitrust conditions of this license.			

<sup>a</sup>All antitrust license conditions are listed as amended.

<sup>b</sup>Additional antitrust license conditions agreed to by APCo in September 1991. Applicants were Alabama Power Company and Southern Nuclear Operating Company.

Table 3.1 (Continued)

Arizona Public Service Company					
Unit Name	Agreement Date	CP Issued	OL Issued	Compliance/Enforcement Proceedings	
Palo Verde Nuclear Generating Station, Units 1 <sup>a</sup> & 2 <sup>b</sup>	OL Amendment 06/02/86 <sup>a</sup> OL Amendment 08/15/86 <sup>b</sup>	05/25/76 05/25/76	06/01/85 04/24/86		
License Conditions					
Unit Access	Transmission Services	Operations	Coordination	Contractual Provisions	
			Planning		
		<sup>a</sup> Lessor and anyone else who may acquire an interest in Palo Verde Unit 1 by means of a sale/leaseback transaction are prohibited from exercising, directly or indirectly, any control over the licensees.			
		<sup>b</sup> Lessor and anyone else who may acquire an interest in Palo Verde Unit 2 by means of a sale/leaseback transaction are prohibited from exercising, directly or indirectly, any control over the licensees.			

<sup>a</sup>Applicants were Arizona Public Service Company and Public Service Company of New Mexico.

<sup>b</sup>Applicants were Arizona Public Service Company, Public Service Company of New Mexico, Salt River Project Agricultural Improvement & Power District, El Paso Electric Company, Southern California Edison Company, Los Angeles Department of Water & Power, and Southern California Public Power Authority.

Results

Table 3.1 (Continued)

Arkansas Power & Light Company				
Unit Name	Agreement Date	CP Issued	OL Issued	Compliance/Enforcement Proceedings
Arkansas Nuclear One, Unit 2	OL Amendment 12/14/89 <sup>a</sup> OL Amendment 10/23/96 <sup>b</sup>	12/06/72	09/01/78	
License Conditions				
Unit Access	Transmission Services	Operations	Coordination	Contractual Provisions
		<sup>a</sup> Arkansas Power & Light Co. (AP&L) is responsible and accountable for the actions of its agents, including Energy Operations, Inc. (EOI), to the extent that its agents' actions affect the marketing or brokering of power from Arkansas Nuclear One (ANO), Unit 2.	Planning	

<sup>a</sup>Applicants were Arkansas Power & Light Company and Entergy Operations, Inc.

<sup>b</sup>Amendment 177 to NPF-6 modified antitrust conditions to reflect licensee's name change from Arkansas Power & Light Company to Entergy Arkansas, Inc. Applicant was Entergy Operations, Inc.

Table 3.1 (Continued)

Centerior Service Company					
Unit Name	Agreement Date	CP Issued	OL Issued	Compliance/Enforcement Proceedings	
Davis-Besse Nuclear Power Station	OL Amendment 12/31/90 <sup>a</sup>	03/24/71	04/22/77		
Perry Nuclear Power Plant, Unit 1	OL Amendment 12/31/90 <sup>b</sup>	05/03/77	11/13/86		
License Conditions					
Unit Access	Transmission Services	Operations	Coordination	Contractual Provisions	
		<p><sup>c</sup>Centerior Service Company (CSC) shall comply with the antitrust conditions contained in the Davis-Besse Operating License; Toledo Edison Company (TE) is responsible and accountable for the actions of Centerior to the extent that those actions contravene the antitrust license conditions contained in the Davis-Besse Operating License.</p>			
			<p><sup>d</sup>CSC shall comply with the antitrust conditions set forth in Appendix C of the Perry Operating License; Cleveland Electric Illuminating Co. (CEICO) is responsible and accountable for the actions of CSC to the extent that CSC's actions contravene those antitrust license conditions.</p>		

<sup>a</sup>Applicants were Toledo Edison Company and Centerior Service Company who act as agents for Cleveland Electric Illuminating Company.

<sup>b</sup>Applicants were Cleveland Electric Illuminating Company and Centerior Service Company who act as agents for the following licensees: Toledo Edison Company, Duquesne Light Company, Ohio Edison Company, and Pennsylvania Power Company.

Results

Table 3.1 (Continued)

Unit Name		Agreement Date		CP Issued		Central Power & Light		Compliance/Enforcement Proceedings	
South Texas Project, Units 1 & 2		CP Amendment 9/80 (proposed conditions) <sup>a</sup>		12/22/75		3/22/88		September 1980 CP amendment settled the antitrust licensing proceeding arising from AG 03/03/78 advice letter indicating "significant changes."	
License Conditions									
Unit Access	Transmission Services	Operations		Coordination		Planning		Contractual Provisions	
<sup>a</sup> Central Power & Light (CPL) shall offer the Public Utilities Board of the City of Brownsville a reasonable opportunity to participate in the South Texas Project, Units 1 & 2, up to a 50 MW interest, and provide related transmission arrangements for delivery of power therefrom.	<sup>a</sup> Participate in the transmission of bulk power over Applicants' transmission facilities between or among two or more South Texas Area entities with which Applicants are connected and between area entities and any entities engaging in bulk power supply outside the South Texas Area between whose facilities the Applicants' transmission lines form a continuous electrical path.	<sup>a</sup> CPL shall sell full and partial requirements bulk power to requesting entities in and adjacent to the applicable service area.		Include in planning and construction programs sufficient transmission capacity as necessary for required transmission services.		<sup>a</sup> Support requests by South Texas Area entities for membership in the Texas Interconnected System (TIS) or in any other planning organization or power pool of which Applicants are members; share information related thereto.			

Table 3.1 (Continued)

Central Power & Light (Continued)				
Unit Access	Transmission Services	License Conditions		Contractual Provisions
		Operations	Coordination	
<sup>a</sup> Afford ownership participation in future nuclear generating facilities and future DC interconnections constructed, owned, or operated on terms similar to those in the instant license.	<p><sup>a</sup>No refusal to provide transmission services merely because the rates to be charged for such transmission are in dispute.</p> <p><sup>a</sup>Provide transmission services to, from, and over the proposed DC interconnections at a reasonable, single rate consistent with the Transmission Services Settlement Agreement.</p>	<p><sup>a</sup>No disconnection from or refusal to connect existing or future facilities with the facilities of any entity used or to be used for the transmission of electric energy in interstate commerce by reason of the interstate character of such facilities.</p>		<p><sup>a</sup>No restrictive provisions preventing entities with which applicants maintain connection from engaging in the transmission of electric energy in interstate commerce by reason of the interstate character of such transactions.</p>

<sup>a</sup>Applicants were Central Power & Light and Houston Lighting & Power Company.

Results

Table 3.1 (Continued)

Cleveland Electric Illuminating Company					
Unit Name	Agreement Date	CP Issued	OL Issued	Compliance/Enforcement Proceedings	
Erie Nuclear Plant, Units 1 & 2	Pre-CP Agreement 02/08/78 <sup>a</sup>	Both canceled 1980 under review	N/A	NOV 06/28/78. Found CEICO to be in violation of antitrust license condition #3 by refusing to wheel power for and at the request of other entities in the Combined CAPCO Company Territories (CCCT). Applies also to PNPP. Request for NOV, 01/23/96. (DD 10/23/96) <sup>e</sup>	
Davis-Besse Nuclear Power Station	OL Amendment 06/25/79 <sup>b</sup>	03/24/71	04/22/77		
	OL Amendment 12/22/79 <sup>c</sup>				
	OL Amendment 12/31/90 <sup>d</sup>				
Perry Nuclear Power Plant, Unit 1	CP Amendment 06/25/79 <sup>b</sup>	05/03/77	11/13/86	NOV 06/28/78. (See description for Davis-Besse.)	
	OL Amendment 03/16/87 <sup>f</sup>				
	OL Amendment 12/31/90 <sup>g</sup>				
License Conditions					
Unit Access	Transmission Services	Operations	Coordination	Contractual Provisions	
<sup>a</sup> Access by entities in the CCCT making timely requests, by ownership share, unit participation, or contractual prepurchase of power, to the Erie plants up to 15% of the capacity of the units.		<sup>a</sup> Licensee is bound by the antitrust license conditions contained in the Perry Nuclear Power Plant (PNPP), Units 1 & 2, and Davis-Besse Nuclear Power Station, Units 1, 2, & 3 Construction Permits and/or Operating Licenses, as hereinafter amended.	Planning		

Table 3.1 (Continued)

## Cleveland Electric Illuminating Company (Continued)

Unit Access	Transmission Services	License Conditions			Contractual Provisions
		Operations	Coordination	Planning	
	<p><sup>b</sup>Cleveland Electric Illuminating (CEI) required to file a specific transmission tariff with the Federal Energy Regulatory Commission (FERC).</p>	<p>Share reserves with any requesting interconnected generation entity in the CCCT on an equal percentage basis or by use of the Central Area Power Coordination Group (CAPCO) P/N allocation formula or on any other mutually agreeable basis.</p> <p>Sell wholesale power to any requesting entity in the CCCT, in amounts needed to meet all or part of such entity's requirements, with such amounts determined by the requesting entity.</p>			<p>A lessor or anyone else who may acquire an interest in the PNPP by means of a sale and leaseback transaction is prohibited from exercising, directly or indirectly, any control over the licensees of PNPP, Unit 1.</p>

Results

Table 3.1 (Continued)  
Cleveland Electric Illuminating Company (Continued)

Unit Access	Transmission Services	License Conditions		Contractual Provisions
		Operations	Coordination	
Planning				
		<p>Licensees of PNPP required to notify the NRC in writing of any changes in the terms or conditions of any lease agreement executed pursuant to a sale/leaseback transaction or any changes to the PNPP Operating Agreement.</p> <p><sup>g</sup>CEICO, Duquesne Light Company, Ohio Edison Company, Pennsylvania Power Company and TE shall comply with the antitrust conditions delineated in Appendix C of the Perry Operating License.</p>	<p>CEICO, Duquesne Light Company, Ohio Edison Company, Pennsylvania Power Company and TE shall comply with the antitrust conditions delineated in Appendix C of the Perry Operating License.</p> <p><sup>g</sup>CSC shall comply with the antitrust conditions set forth in Appendix C of the Perry Operating License; CEICO is responsible and accountable for the actions of CSC to the extent that CSC's actions contravene those antitrust license conditions.</p>	

<sup>a</sup>Applicants were Ohio Edison Company, Duquesne Light Company, Cleveland Electric Illuminating Company, and Toledo Edison Company.

<sup>b</sup>Applicants were Toledo Edison Company and Cleveland Electric Illuminating Company.

<sup>c</sup>Applicants were Toledo Edison Company, Cleveland Electric Illuminating Company, Duquesne Light Company, Ohio Edison Company, and Pennsylvania Power Company.

<sup>d</sup>Applicants were Toledo Edison Company and Centerior Service Company who act as agents for Cleveland Electric Illuminating Company.

<sup>e</sup>Request for Expedited Issuance of Notice of Violation, Enforcement of License Conditions, and Imposition of Appropriate Fines. Filed by the City of Cleveland, Ohio, dated 1/23/96 for CEI's alleged failure to comply fully with the antitrust license conditions pertaining to wheeling power, interconnection, and the discriminatory sale of emergency power (Conditions 2, 3, and 6). NRC denied the expedited enforcement request (3/04/96). The Director's Decision noticed in the Federal Register on 10/23/96 determined that no NRC proceeding should be instituted and that no further regulatory action was required. This decision was based on decisions reached in parallel proceedings involving the same parties and similar issues before FERC.

<sup>f</sup>Applicants were Cleveland Electric Illuminating Company, Duquesne Light Company, Ohio Edison Company, Pennsylvania Power Company, and Toledo Edison Company.

<sup>g</sup>Applicants were Cleveland Electric Illuminating Company and Centerior Service Company who act as agents for the following licensees: Toledo Edison Company, Duquesne Light Company, Ohio Edison Company, and Pennsylvania Power Company.

Table 3.1 (Continued)

Consumers Power Company					
Unit Name	Agreement Date	CP Issued	OL Issued	Compliance/Enforcement Proceedings	
Midland Nuclear Generating Station, Units 1 & 2	CP Amendments 10/20/80 <sup>a</sup>	Both canceled 1986	N/A		
License Conditions					
Unit Access	Transmission Services	Operations	Coordination	Planning	Contractual Provisions
Afford any neighboring entity an opportunity to participate in Midland Plant, Units 1 & 2, upon timely request, and allow such entities an opportunity to participate in all future nuclear generating units; interconnect with and deliver to any such participating neighboring entity and power to which it may be entitled under such participation.	Provide transmission service between or among the integrated bulk power systems of two or more neighboring entities or to such integrated bulk power systems from the generation facilities of such entities, and also provide transmission service for bulk power transactions over its transmission facilities between the integrated bulk power system of any neighboring entity and any electric system engaged in bulk power transactions which is outside the Licensee's service area.	Interconnect with, enter coordination agreements with, and operate normally in parallel with reciprocating neighboring entities which so request.	Keep all requesting neighboring entities informed of generation planning and construction programs, and include in such planning and programs sufficient generation capacity to satisfy requests for firm bulk power from a wholesale customer system.		No limitations upon the use or resale of capacity and energy after delivery to a neighboring entity (other than to protect system reliability).

Table 3.1 (Continued)

Consumers Power Company (Continued)

Unit Access	Transmission Services	License Conditions			Contractual Provisions
		Operations	Coordination	Planning	
	Jointly establish and separately maintain minimum reserves to be installed or otherwise provided, with reserve requirements to be calculated as a percentage of peak load demand, adjusted for firm power purchases and sales.	Keep requesting neighboring entities informed of its transmission planning and construction programs and include therein sufficient transmission capacity as required by such entities.		No restrictive interconnection agreement provisions prohibiting neighboring coordinating entities from entering into other interconnection agreements.	
	Exchange emergency power with neighboring coordinating entities which so request and when possible.			No opposition to the membership of a neighboring coordinating entity in any pooling or coordination arrangement to which Licensee is presently a party or becomes a party.	
		Exchange joint maintenance schedules and engage in purchases and sales of maintenance power and energy with neighboring coordinating entities which so request and when possible.			
		Sell to, purchase from, or exchange economy energy when appropriate with requesting neighboring coordination entities, and provide cost and availability data thereon.			

Table 3.1 (Continued)

## Consumers Power Company (Continued)

Unit Access	Transmission Services	License Conditions		Contractual Provisions
		Operations	Coordination	
		Sell to, purchase from, or exchange with any neighboring coordinating entity other non-firm bulk power which the supplying system deems to be surplus.		
		Interconnect with, execute appropriate agreements with, and sell firm bulk power to any non-coordinating, neighboring wholesale customer entity and to neighboring coordinating entities.		

<sup>a</sup>All listed antitrust conditions were added by Amendment 2 to CPPR-81 and CPPR-82.

Results

Table 3.1 (Continued)

Duquesne Light Company					
Unit Name	Agreement Date	CP Issued	OL Issued	Compliance/Enforcement Proceedings	
Erie Nuclear Plant, Units 1 & 2	Pre-CP Agreement 02/08/78 <sup>a</sup>	Both canceled 1980 under CP review 03/24/71	N/A		
Davis-Besse Nuclear Power Station	OL Amendment 12/22/79 <sup>b</sup>		04/22/77		
Perry Nuclear Power Plant, Unit 1	OL Amendment 03/16/87 <sup>c</sup>	05/03/77	11/13/86		
License Conditions					
Unit Access	Transmission Services	Operations	Coordination	Contractual Provisions	
<sup>a</sup> Allow access by entities in the CCCT making timely requests, by ownership share, unit participation, or contractual prepurchase of power, to the Erie plants up to 15% of the capacity of the units.		<sup>a</sup> Licensee is bound by the antitrust license conditions contained in the PNPP, Units 1 & 2, and Davis-Besse Nuclear Power Station, Units 1, 2, & 3 Construction Permits and/or Operating Licenses, as hereinafter amended.	Planning		
				<sup>b</sup> Share reserves with any requesting interconnected generating entity in the CCCT on an equal percentage basis by use of the CAPCO P/N allocation formula, or on any other mutually agreeable basis.	

Table 3.1 (Continued)

## Duquesne Light Company (Continued)

Unit Access	Transmission Services	License Conditions			Contractual Provisions
		Operations	Coordination	Planning	
		<sup>b</sup> Sell wholesale power to any requesting entity in the CCCT, in amounts needed to meet all or part of such entity's requirements, with such amounts determined by the requesting entity.			
			<sup>c</sup> A lessor or anyone else who may acquire an interest in the PNPP by means of a sale and leaseback transaction is prohibited from exercising, directly or indirectly, any control over the licensees of PNPP, Unit 1.		
					<sup>c</sup> Licensees of PNPP required to notify the NRC in writing of any changes in the terms or conditions of any lease agreement executed pursuant to a sale/leaseback transaction or any changes to the PNPP Operating Agreement.

Results

Table 3.1 (Continued)

Duquesne Light Company (Continued)					
Unit Access	Transmission Services	License Conditions			
		Operations		Coordination	Planning
		<sup>d</sup> CEICO, Duquesne Light Company, Ohio Edison Company, Pennsylvania Power Company and TE shall comply with the antitrust conditions delineated in Appendix C of the Perry Operating License.			

<sup>a</sup>Applicants were Ohio Edison Company, Duquesne Light Company, Cleveland Electric Illuminating Company, and Toledo Edison Company.

<sup>b</sup>Applicants were Toledo Edison Company, Cleveland Electric Illuminating Company, Duquesne Light Company, Ohio Edison Company, and Pennsylvania Power Company.

<sup>c</sup>Applicants were Cleveland Electric Illuminating Company, Duquesne Light Company, Ohio Edison Company, Pennsylvania Power Company, and Toledo Edison Company.

<sup>d</sup>Applicants were Cleveland Electric Illuminating Company and Centerior Service Company who act as agents for the following licensees: Toledo Edison Company, Duquesne Light Company, Ohio Edison Company, and Pennsylvania Power Company.

Table 3.1 (Continued)

Entergy Arkansas, Inc. <sup>a</sup>			
Unit Name	Agreement Date	CP Issued	OL Issued
Arkansas Nuclear One, Unit 2	OL Amendment 10/23/96		

<sup>a</sup>Amendment 177 to NPP-47 modified antitrust conditions to reflect licensee's name change from Arkansas Power & Light Company to Entergy Arkansas, Inc. See license conditions listed under Arkansas Power & Light Company.

## Results

Table 3.1 (Continued)

Entergy Gulf States, Inc. <sup>a</sup>			
Unit Name	Agreement Date	CP Issued	OL Issued
River Bend Station, Unit 1	OL Amendment 07/30/96		

<sup>a</sup> Amendment 88 to NPF-47 modified antitrust conditions to reflect licensee's name change from Gulf States Utilities Company to Entergy Gulf States, Inc. See license conditions listed under Gulf States Utilities Company.

Table 3.1 (Continued)

Entergy Mississippi, Inc. <sup>a</sup>			
Unit Name	Agreement Date	CP Issued	OL Issued
Grand Gulf Nuclear Station, Unit 1	OL Amendment 97/16/96		

<sup>a</sup> Amendment 125 to NPF-29 modified antitrust conditions to reflect licensee's name change from Mississippi Power & Light Company to Entergy Mississippi, Inc. See license conditions listed under Mississippi Power & Light Company.

Results

Table 3.1 (Continued)

Entergy Operations, Inc.					
Unit Name	Agreement Date	CP Issued	OL Issued	Compliance/Enforcement Proceedings	
Arkansas Nuclear One, Unit 2	OL Amendment 12/14/89 <sup>a</sup> OL Amendment 10/23/96 <sup>b</sup>	12/06/72	09/01/78		
Grand Gulf Nuclear Station, Units 1 & 2	OL Amendment 12/14/89 <sup>c</sup> CP Amendment 12/22/89 <sup>d</sup> OL Amendment 07/16/96 <sup>e</sup>	09/04/74 Unit 2 canceled 1990	11/01/84 Unit 2 N/A		
River Bend Station, Unit 1	OL Amendment 12/23/93 <sup>f</sup> OL Amendment 07/14/95 <sup>f</sup> OL Amendment 07/30/96 <sup>g</sup>	03/25/77	11/20/85		
Waterford Steam Electric Station, Unit 3	OL Amendment 12/14/89 <sup>h</sup>	11/14/74	03/16/85		
License Conditions					
Unit Access	Transmission Services	Operations	Coordination	Contractual Provisions	
		<sup>a</sup> EOI shall not market or broker power or energy from ANO Unit 2.	Planning		
		<sup>b</sup> EOI accepts the right to possess, use, and operate the facility subject to the outcome of pending antitrust determinations.			

Table 3.1 (Continued)

## Energy Operations, Inc. (Continued)

Unit Access	Transmission Services	License Conditions		Contractual Provisions
		Operations	Coordination	
		<i>f</i> EOI will not market or broker power or energy from River Bend Station, Unit 1; Gulf States Utilities Co. (GSU) is responsible and accountable for the actions of EOI to the extent that EOI's actions affect the marketing or brokering of power or energy from River Bend Station, Unit 1, or in any way contravene the antitrust conditions of the River Bend Station Operating License.		

<sup>a</sup>Applicants were Arkansas Power & Light Company and Entergy Operations, Inc.<sup>b</sup>Amendment 177 to NPF-47 modified antitrust conditions to reflect licensee's name change from Arkansas Power & Light Company to Entergy Arkansas, Inc. Applicant was Entergy Operations, Inc.<sup>c</sup>Applicants were Mississippi Power & Light Co., System Energy Resources, Inc., Southern Mississippi Electric Power Assoc., and Entergy Operations, Inc.<sup>d</sup>Applicants were Mississippi Power & Light Co., System Energy Resources, Inc., Southern Mississippi Electric Power Assoc., and Entergy Operations, Inc.<sup>e</sup>Amendment 125 to NPF-29 modified antitrust conditions to reflect licensee's name change from Mississippi Power & Light Company to Entergy Mississippi, Inc. Applicants were Entergy Operations, Inc., System Energy Resources, Inc., Southern Mississippi Electric Power Assoc., and Entergy Mississippi, Inc.<sup>f</sup>The two antitrust conditions that were added by an OL amendment (FR notice 12/23/93) were vacated by an Order of the United States Court of Appeals for the District of Columbia Circuit (03/14/95). They were reinstated following an AR reevaluation (FR notice 06/05/95). The order to reinstate them was noticed on 07/14/95. Applicants were Gulf States Utilities, Entergy Operations, Inc., Entergy Corp., and Cajun Electric Power Coop., Inc.<sup>g</sup>Amendment 88 to NPF-47 modified antitrust conditions to reflect licensee's name change from Gulf States Utilities Company to Entergy Gulf States, Inc. Applicants were Entergy Gulf States, Inc., Cajun Electric Power Cooperative, and Entergy Operations, Inc.<sup>h</sup>Applicants were Louisiana Power & Light Company and Entergy Operations, Inc.

Results

Table 3.1 (Continued)

Florida Power and Light Company				
Unit Name	Agreement Date	CP Issued	OL Issued	Compliance/Enforcement Proceedings
St. Lucie Plant, Unit 2	CP Amendment 05/26/81 <sup>a</sup>	05/02/77	06/10/83	<p>DD 81-15 (08/07/81) issued in response to an antitrust license condition enforcement request (07/29/81 FR notice). Decision was to not institute the requested enforcement action in light of relevant issues then pending before the Federal Energy Regulatory Commission (FERC) regarding both petitioner and Florida Power &amp; Light Co. (FP&amp;L).</p> <p>DD 95-10 (05/26/95) issued in response to an antitrust license condition enforcement request by Florida Municipal Power Agency (noticed in 09/13/93 Fed. Register). Decision was to take no further action in light of the fact that the identical issues that could be remedied by the NRC had been addressed and resolved in an earlier proceeding before the FERC regarding both petitioner and FP&amp;L.</p>

Table 3.1 (Continued)

## Florida Power and Light (Continued)

Unit Access	Transmission Services	License Conditions			Contractual Provisions
		Operations	Coordination	Planning	
Afford neighboring entities and distribution systems listed in the permit the opportunity to participate in the ownership of St. Lucie, Unit 2 in the percentages so delineated; offer listed entities and other future neighboring entities or distribution systems the opportunity to participate in the ownership of all nuclear units for which FP&L files a construction permit application with the NRC prior to 1/1/90.	Transmit power: between company power sources and neighboring entities or neighboring distribution systems with which Company is connected; between or among neighboring entities, or sections of neighboring entities' systems that are geographically separated, with which FP&L is interconnected, now or in the future; between neighboring entities and neighboring distribution systems with whom, now or in the future, FP&L is interconnected; and between any neighboring entity or neighboring distribution systems and any other electric utility outside the applicable area, provided FP&L's and other connected transmission lines form a continuous path.	Interconnect and operate in parallel with any neighboring entity requesting such interconnection.	Keep requesting neighboring entities and distribution systems informed of transmission planning and construction programs and include therein sufficient transmission capacity as required by such entities under these agreements.	Keep requesting neighboring entities and distribution systems informed of transmission planning and construction programs and include therein sufficient transmission capacity as required by such entities under these agreements.	No restrictive provisions in interconnection agreements limiting the use or resale of capacity and energy or prohibiting parties from entering into other interconnection agreements; no wholesale power sales agreements restricting the use or resale of power sold pursuant to such agreements.

Results

Table 3.1 (Continued)

Florida Power and Light (Continued)

Unit Access	Transmission Services	License Conditions			Contractual Provisions
		Operations	Coordination	Planning	
	Cooperate in transmitting power produced from any neighboring entity's or neighboring distribution system's ownership share, or the ownership share of any other Florida electric utility for which FP&L's transmission system is necessary to deliver such power, of the Alvin W. Vogtle Nuclear Units.	Sell emergency power to interconnected neighboring entities, provided such capacity and energy are available and requesting entities operate and maintain reasonable installed reserve margins.			No rates, terms, or conditions for the sale of firm wholesale power which discriminate among customers on the basis or whether or not an entity has historically been a wholesale firm power customer of FP&L.
		Offer generating capacity in excess of that called for by reserve criteria to neighboring entities in order to meet such entities' minimum reserve margins.			Sponsor membership of any neighboring entity in any pooling arrangement to which FP&L is or becomes a party and permit reasonable and nondiscriminatory opportunities for requesting neighboring entities to participate in such arrangements.
			Exchange maintenance schedules and engage in purchases and sales of maintenance power and energy with neighboring entities which so request.		

Table 3.1 (Continued)

## Florida Power and Light (Continued)

Unit Access	Transmission Services	License Conditions		Contractual Provisions
		Operations	Coordination	
		Sell or purchase economy energy to or from a requesting neighboring entity when feasible, and exchange data on costs and availability of such energy.		
		Sell firm wholesale power on a full or partial requirements basis to neighboring entities or distribution systems up to the amount required to supply electric service to retail customers, and to certain wholesale customers.		

<sup>a</sup>All listed antitrust conditions were added by Amendment 3 to the construction permit. Applicants were Florida Power and Light Company and the Orlando Utilities Commission of the City of Orlando, Florida.

Results

Table 3.1 (Continued)

Gulf States Utilities Company					
Unit Name	Agreement Date	CP Issued	OL Issued	Compliance/Enforcement Proceedings	
River Bend Station, Unit 1	OL Amendment 12/23/93 <sup>a</sup> OL Amendment 07/14/95 <sup>a</sup> OL Amendment 07/30/96 <sup>b</sup>	03/25/77	11/20/85		
License Conditions					
Unit Access	Transmission Services	Operations	Coordination	Contractual Provisions	
		<sup>a</sup> GSU shall continue to comply with the antitrust license conditions previously incorporated into the River Bend Station Operating License.			
		<sup>a</sup> EOI will not market or broker power or energy; GSU is responsible and accountable for the actions of EOI to the extent that EOI's actions affect the marketing or brokering of power or energy from River Bend Station, Unit 1, or in any way contravene the antitrust conditions of the River Bend Station Operating License.			

<sup>a</sup>The two antitrust conditions that were added by an OL amendment (FR notice 12/23/93) were vacated by an Order of the United States Court of Appeals for the District of Columbia Circuit (03/14/95). They were reinstated following an AR reevaluation (FR notice 06/05/95). The order to reinstate them was noticed on 07/14/95. Applicants were Gulf States Utilities, Entergy Operations, Inc., Entergy Corp., and Cajun Electric Power Coop., Inc.

<sup>b</sup>Amendment 88 to NPF-47 modified antitrust conditions to reflect licensee's name change from Gulf States Utilities Company to Entergy Gulf States, Inc. Applicants were Entergy Gulf States, Inc., Cajun Electric Power Cooperative, and Entergy Operations, Inc.

Table 3.1 (Continued)

Houston Lighting & Power Company					
Unit Name	Agreement Date	CP Issued	OL Issued	Compliance/Enforcement Proceedings	
South Texas Project, Units 1 & 2	CP Amendment 9/80 (proposed conditions) <sup>a</sup>	12/22/75 12/22/75	3/22/88 3/28/89	September 1980 CP amendment settled the antitrust licensing proceeding arising from AG 03/03/78 advice letter indicating "significant changes."	
Allens Creek Nuclear Generating Station, Unit 1	Pre-CP agreement 9/29/78 <sup>b</sup>	Canceled 1982 under review			
License Conditions					
Unit Access	Transmission Services	Operations	Coordination	Contractual Provisions	
<sup>a</sup> Afford ownership participation in future nuclear generating facilities and future DC interconnections constructed, owned, or operated on terms similar to those in the instant license.	"Participate in the transmission of bulk power over Applicants' transmission facilities between or among two or more South Texas Area entities with which Applicants are connected and between area entities and any entities engaging in bulk power supply outside the South Texas Area between whose facilities the Applicants' transmission lines form a continuous electrical path.	"No disconnection from or refusal to connect existing or future facilities with the facilities of any entity used of to be used for the transmission of electric energy in interstate commerce due to the interstate nature of such facilities.	"Include in planning and construction programs sufficient transmission capacity as necessary for required transmission services.	<sup>a</sup> Support requests by South Texas Area entities for membership in the TIS or in any other planning organization or power pool of which Applicants are members and share information related thereto.	

Results

Table 3.1 (Continued)

Houston Lighting & Power Company (Continued)			
Unit Access	Transmission Services	License Conditions	
		Operations	Coordination Planning
	<p><sup>a</sup>No refusal to provide transmission services merely because the rates to be charged for such transmission are in dispute.</p> <p><sup>b</sup>Any conditions and subsequent amendments attached or ordered to be attached to the operating licenses for the South Texas Project, Units 1 and 2 and applicable to the Houston Lighting and Power Company shall also be incorporated into the construction permit/operating license for the Allens Creek Nuclear Generating Station, Unit 1.</p>		
	<p><sup>a</sup>Provide transmission services to, from, and over the proposed DC interconnections at a reasonable, single rate consistent with the Transmission Services Settlement Agreement.</p>		

<sup>a</sup>Applicants were Central Power & Light and Houston Lighting & Power Company.

<sup>b</sup>Applicant was Houston Lighting & Power Company.

Table 3.1 (Continued)

Louisiana Power & Light Company					
Unit Name	Agreement Date	CP Issued	OL Issued	Compliance/Enforcement Proceedings	
Waterford Steam Electric Station, Unit 3	OL Amendment 09/18/89 <sup>a</sup> OL Amendment 12/14/89 <sup>b</sup>	11/14/74	03/16/85		
License Conditions					
Unit Access	Transmission Services	Operations	Coordination	Contractual Provisions	
		<sup>a</sup> Sale and leaseback transactions are subject to the condition that the equity investors and anyone else who may acquire an interest under such transaction(s) are prohibited from exercising, directly or indirectly, any control over the facility, power or energy produced by the facility, or the licensee of the facility.			
		<sup>b</sup> Rights acquired under sale and leaseback transactions are subject to the requirements and restrictions of the operating license and all applicable laws and regulations.			

Results

Table 3.1 (Continued)

Louisiana Power & Light Company (Continued)

Unit Access	Transmission Services	License Conditions			Contractual Provisions
		Operations	Coordination	Planning	
		<i>a</i> Louisiana Power and Light (LP&L) shall comply with the antitrust conditions contained in Appendix C of the Waterford 3 Operating License.			
		<i>b</i> LP&L is responsible and accountable for the actions of its agents to the extent said agent's actions contravene the antitrust license conditions in Appendix C of the Waterford Operating License.			

*a*Applicant was Louisiana Power & Light Company.

*b*Applicants were Louisiana Power & Light Company and Entergy Operations, Inc.

Table 3.1 (Continued)

Mississippi Power & Light Company					
Unit Name	Agreement Date	CP Issued	OL Issued	Compliance/Enforcement Proceedings	
Grand Gulf Nuclear Station, Units 1 & 2					
CP Amendment 12/20/86 <sup>a</sup>	09/04/74	11/01/84	NOV 05/29/80 of conditions 4, 5, & 6. Parties settled October 1981. OL review found no significant changes. (Additional applicant was Middle South Energy, Inc.)	Unit 2 canceled 1990	Unit 2 N/A
OL Amendment 12/20/86 <sup>b</sup>					
OL Amendment 12/19/88 <sup>c</sup>					
OL Amendment 12/14/89 <sup>d</sup>					
CP Amendment 12/22/89 <sup>e</sup>					
OL Amendment 07/16/96 <sup>f</sup>					
License Conditions					
Unit Access	Transmission Services	Coordination		Contractual Provisions	
		Operations	Planning		
		"MP&L is authorized to transfer its rights under CPPR-119, provided both MP&L and System Energy Resources, Inc. (SERI) continue to be responsible for compliance with the obligations imposed on the licensees in the antitrust conditions identified in this permit and provided further that SERI agrees to construct the facility subject to the outcome of NRC's antitrust review of this transfer.			

Results

Table 3.1 (Continued)

Mississippi Power & Light Company (Continued)

Unit Access	Transmission Services	License Conditions			Contractual Provisions
		Operations	Coordination	Planning	
		<sup>b</sup> MP&L and SERI to be held responsible for compliance with the terms of the existing antitrust conditions in the operating license for Unit 1 pending further antitrust authorization from the NRC.			
		<sup>c</sup> Sale and leaseback transactions are subject to the condition that lessors and others acquiring an interest under such transactions are prohibited from exercising directly or indirectly any control over Grand Gulf Unit 1, its licensees, or power or energy produced thereby.			
		<sup>d</sup> MP&L and SERI are obligated to comply with the antitrust conditions set forth in Appendix C of Grand Gulf Unit 1 OL.			
		<sup>d</sup> MP&L and SERI are responsible for compliance with obligations imposed on the licensees in the antitrust conditions of the OL.			

Table 3.1 (Continued)

## Mississippi Power &amp; Light Company (Continued)

Unit Access	Transmission Services	License Conditions		Contractual Provisions
		Operations	Coordination	
		<sup>a</sup> MP&L and SERI are responsible for the actions of their respective agent to the extent said agent's actions contravene antitrust conditions in Appendix C of the OL.	<sup>b</sup> MP&L and SERI remain responsible and accountable for the actions of their respective agents to the extent said agent's actions contravene the antitrust conditions of the Grand Gulf, Unit 2 Construction Permit.	

<sup>a</sup>Applicants were Mississippi Power & Light Co., System Energy Resources, Inc., and Southern Mississippi Electric Power Assoc.

<sup>b</sup>Applicants were Mississippi Power & Light Co., and System Energy Resources, Inc.

<sup>c</sup>Applicants were Mississippi Power & Light Co., System Energy Resources, Inc., and Southern Mississippi Electric Power Assoc.

<sup>d</sup>Applicants were Mississippi Power & Light Co., System Energy Resources, Inc., and Entergy Operations, Inc.

<sup>e</sup>Applicants were Mississippi Power & Light Co., System Energy Resources, Inc., and Entergy Operations, Inc.

<sup>f</sup>Applicants were Mississippi Power & Light Co., System Energy Resources, Inc., and Entergy Operations, Inc. Applicants were Amendment 12.5 to NPF-29 modified antitrust conditions to reflect licensee's name change from Mississippi Power & Light Company to Entergy Mississippi, Inc. Applicants were Entergy Operations, Inc., System Energy Resources, Inc., Southern Mississippi Electric Power Assoc., and Entergy Mississippi, Inc.

Results

Table 3.1 (Continued)

North Atlantic Energy Service Company				
Unit Name	Agreement Date	CP Issued	OL Issued	Compliance/Enforcement Proceedings
Seabrook Station, Unit 1	OL Amendment 06/05/92 <sup>a</sup>	07/07/76	03/15/90	
License Conditions				
Unit Access	Transmission Services	Operations	Coordination	Contractual Provisions
		"North Atlantic Energy Service Co. (NAESCO) is prohibited from marketing or brokering power or energy from Seabrook Station. <sup>a</sup> All licensees other than NAESCO are responsible and accountable for the actions of NAESCO to the extend that its actions effect the marketing or brokering of power and energy from the Seabrook Station.		

<sup>a</sup> Applicants were Public Service Company of New Hampshire, North East Utilities, North Atlantic Energy Service Company, and North Atlantic Energy Company.

Table 3.1 (Continued)

Ohio Edison Company				Compliance/Enforcement Proceedings
Unit Name	Agreement Date	CP Issued	OL Issued	
Erie Nuclear Plant, Units 1 & 2	Pre-CP Agreement 02/08/78 <sup>a</sup>	Both canceled 1980 under CP review	N/A	
Davis-Besse Nuclear Power Station	OL Amendment 12/22/79 <sup>b</sup>	03/24/71	04/22/77	
Perry Nuclear Power Plant, Unit 1	OL Amendment 03/16/87 <sup>c</sup> OL Amendment 12/31/90 <sup>d</sup>	05/03/77	11/13/86	
License Conditions				
Unit Access	Transmission Services	Operations	Coordination	Contractual Provisions
<sup>a</sup> Allow access by entities in the CCCT making timely requests, by ownership share, unit participation, or contractual pre-purchase of power, to the Erie plants up to 15% of the capacity of the units.		<sup>a</sup> Licensee is bound by the antitrust license conditions contained in the Perry Nuclear Power Plant, Units 1 & 2, and Davis-Besse Nuclear Power Station, Units 1, 2, & 3 Construction Permits and/or Operating Licenses, as hereinafter amended.		
		<sup>b</sup> Share reserves with any requesting interconnected generating entity in the CCCT on an equal percentage basis, by use of the CAPCO P/N allocation formula, or on any other mutually agreeable basis.		

Results

Table 3.1 (Continued)

Ohio Edison Company (Continued)

Unit Access	Transmission Services	License Conditions		Contractual Provisions
		Operations	Coordination	
		<sup>b</sup> Sell wholesale power to any requesting entity in the CCCT, in amounts needed to meet all or part of such entity's requirements, with such amounts determined by the requesting entity.		
			<sup>c</sup> A lessor or anyone else who may acquire an interest in the PNPP by means of a sale and leaseback transaction is prohibited from exercising, directly or indirectly, any control over the licensees of PNPP, Unit 1	
				Licensees of PNPP are required to notify the NRC in writing of any changes in the terms or conditions of any lease agreement executed pursuant to a sale/leaseback transaction or any changes to the PNPP Operating Agreement.

Table 3.1 (Continued)

Ohio Edison Company (Continued)			
Unit Access	Transmission Services	License Conditions	
		Operations	Coordination
		<sup>d</sup> CEICO, Duquesne Light Company, Ohio Edison Company, Pennsylvania Power Company and TE shall comply with the antitrust conditions delineated in Appendix C of the Perry Operating License.	Planning

<sup>a</sup>Applicants were Ohio Edison Company, Duquesne Light Company, Cleveland Electric Illuminating Company, and Toledo Edison Company.

<sup>b</sup>Applicants were Toledo Edison Company, Cleveland Electric Illuminating Company, Duquesne Light Company, Ohio Edison Company, and Pennsylvania Power Company.

<sup>c</sup>Applicants were Toledo Edison Company, Duquesne Light Company, Ohio Edison Company, Pennsylvania Power Company, and Toledo Edison Company.

<sup>d</sup>Applicants were Cleveland Electric Illuminating Company, Duquesne Light Company, Ohio Edison Company, and Centerior Service Company who act as agents for the following licensees: Toledo Edison Company, Duquesne Light Company, Ohio Edison Company, and Pennsylvania Power Company.

Table 3.1 (Continued)

		Pacific Gas & Electric Company			Compliance/Enforcement Proceedings
Unit Name	Agreement Date	CP Issued	OL Issued		
Diablo Canyon Nuclear Power Plant, Units 1 & 2	CP Amendments 12/06/78 <sup>a</sup>	04/23/68 12/09/70	11/02/84 08/26/85	NOV & DD 06/14/90. Found to have violated 4 conditions. DD requires Pacific Gas & Electric Co. (PG&E) to report corrective actions.	
Unit Access	Transmission Services	Operations	Coordination	Planning	Contractual Provisions
Allow participation in the Stanislaus Nuclear Project, Unit No. 1, or any other future nuclear generating unit for which applicant applies for a construction permit during the 20-year period immediately following the date of the CP for Stanislaus Unit No. 1, for neighboring entities or distribution systems making timely requests.	Provide transmission services between or among any electric systems with which applicant is interconnected, now or in the future.	No unreasonable refusal to interconnect and operate in parallel with neighboring entities, or to interconnect and operate in parallel with neighboring distribution systems.	Increase in transmission capacity or such additional transmission facilities as may be required to carry out the transmission demands of area electric systems.	No restrictive provisions limiting the use or resale of capacity and energy sold or exchanged.	No restrictive provisions pertaining to interconnection agreements.
	Provide transmission services between any neighboring entity or neighboring distribution system(s) and the applicant's point of direct interconnection with any other electric system engaging in bulk power supply outside the area then electrically served at retail by applicant.	Jointly establish and separately maintain minimum reserves to be installed under interconnection agreements, and, unless otherwise agreed, each party's reserve responsibility shall be expressed as a percentage of estimated firm peak load, adjusted for purchases of firm power.		No restrictive provisions pertaining to interconnection agreements.	

Table 3.1 (Continued)

## Pacific Gas &amp; Electric Company (Continued)

Unit Access	Transmission Services	License Conditions		Contractual Provisions
		Operations	Coordination	
		Jointly establish and separately maintain minimum spinning reserves under interconnection agreements, expressed as a percentage of peak load, adjusted for purchases of firm power.		
		Offer to sell excess capacity to reciprocating neighboring entities; offer to sell firm, full, or partial requirements power to requesting interconnected neighboring entities or neighboring distribution systems.		Coordinate maintenance schedules with interconnected neighboring entities; sell or exchange maintenance capacity and energy when available.

Results

Table 3.1 (Continued)

Pacific Gas & Electric Company (Continued)

		License Conditions			Contractual Provisions
Unit Access	Transmission Services	Operations	Coordination	Planning	
		Sell emergency power to interconnected neighboring entities; sell and purchase short-term capacity and energy, limited-term capacity and energy, long-term capacity and energy, or economy energy with requesting neighboring entities on a nondiscriminatory basis and respond to inquiries thereto pertaining to the availability of such types of energy.			

<sup>a</sup>All listed antitrust conditions were added by the amendments to the construction permits dated 12/06/78.

Table 3.1 (Continued)

Pennsylvania Power Company					
Unit Name	Agreement Date	CP Issued	OL Issued	Compliance/Enforcement Proceedings	
Davis-Besse Nuclear Power Station	OL Amendment 12/22/79 <sup>a</sup>	03/24/71	04/22/77		
Perry Nuclear Power Plant, Unit 1	OL amendment 03/16/87 <sup>b</sup> OL amendment 12/31/90 <sup>c</sup>	05/03/77	11/13/86		
License Conditions					
Unit Access	Transmission Services	Operations	Coordination	Contractual Provisions	
		"Share reserves with any requesting interconnected generating entity in the CCCT on an equal percentage basis, by use of the CAPCO P/N allocation formula, or on any other mutually agreeable basis.			
		"Sell wholesale power to any requesting entity in the CCCT, in amounts needed to meet all or part of such entity's requirements, with such amounts determined by the requesting entity.			

Table 3.1 (Continued)

## Pennsylvania Power Company (Continued)

Unit Access	Transmission Services	License Conditions			Contractual Provisions
		Operations	Coordination	Planning	
		<sup>b</sup> A lessor or anyone else who may acquire an interest in the PNPP by means of a sale and leaseback transaction is prohibited from exercising, directly or indirectly, any control over the licensees of PNPP, Unit 1.			
			Licensees of PNPP are required to notify the NRC in writing of any changes in the terms or conditions of any lease agreement executed pursuant to a sale/leaseback transaction or any changes to the PNPP Operating Agreement.		
				cCEICO, Duquesne Light Company, Ohio Edison Company, Pennsylvania Power Company, and TE shall comply with the antitrust conditions delineated in Appendix C of the Perry Operating License.	

<sup>a</sup>Applicants were Toledo Edison Company, Cleveland Electric Illuminating Company, Duquesne Light Company, Ohio Edison Company, and Pennsylvania Power Company.

<sup>b</sup>Applicants were Cleveland Electric Illuminating Company, Duquesne Light Company, Ohio Edison Company, Pennsylvania Power Company, and Toledo Edison Company.

<sup>c</sup>Applicants were Cleveland Electric Illuminating Company and Centerior Service Company, who act as agents for the following licensees: Toledo Edison Company, Duquesne Light Company, Ohio Edison Company, and Pennsylvania Power Company.

Table 3.1 (Continued)

Public Service Company of Indiana, Inc.					Compliance/Enforcement Proceedings
Unit Name	Agreement Date	CP Issued	OL Issued	License Conditions	Contractual Provisions
Marble Hill Nuclear Station, Units 1 & 2		Both canceled 1985 <sup>a</sup>	N/A		
Unit Access	Transmission Services	Operations	Coordination	Planning	Interconnection agreements will not impose limitations upon the use or resale of capacity and energy sold or exchanged pursuant to the agreement, and shall not prohibit the parties thereto from entering into other interconnection or coordination agreements.

Afford any neighboring entity or distribution system that has made a timely request an opportunity to participate in the ownership of Marble Hill Nuclear Generating Station, Units 1 and 2, or an opportunity to participate in the ownership of or to purchase a portion of the output from any other nuclear generating unit of licensee, including the provision of related transmission service required pursuant to the terms and conditions imposed by this license.

Provide transmission service for bulk power transactions between or among any electric systems in the applicable area with whom licensee is interconnected, now or in the future.

Mutually agree upon a level of minimum reserves to be installed or provided calculated as a percentage of the estimated annual peak load of the interconnected systems, adjusted to exclude purchases of firm power.

No wholesale power sales agreements that restrict the use or resale of wholesale power sold pursuant to such agreements, except as needed to protect system reliability.

Results

Table 3.1 (Continued)

Public Service of Indiana (Continued)

Unit Access	Transmission Services	License Conditions		
		Operations	Coordination	Contractual Provisions
		Sell emergency power to any neighboring interconnected entity which maintains the minimum reserve margin established by the agreement.		
		Prepare joint maintenance schedules and engage in sales of maintenance power when possible.		
		Enter into interconnection agreements with any neighboring entity providing for the sale and purchase of short-term, limited-term, and long-term capacity and energy, economy energy, and other forms of capacity and energy; promptly respond to all inquiries regarding the availability of such energy in its system.		
		Sell power on a full or partial requirements basis to any neighboring distribution system.		

<sup>a</sup> All listed conditions are from construction permits dated 04/04/78. Applicants were Public Service Company of Indiana, Inc. and Wabash Valley Power Association, Inc.

Table 3.1 (Continued)

Southern Nuclear Operating Company					
Unit Name	Agreement Date	CP Issued	OL Issued	Compliance/Enforcement Proceedings	
Joseph M. Farley Nuclear Plant, Units 1 & 2	Amendment review 09/19/91 <sup>a</sup>	08/16/72 08/16/72	06/25/77 03/31/81		
License Conditions					
Unit Access	Transmission Services	Operations	Coordination	Contractual Provisions	
		<sup>a</sup> Southern Nuclear shall not market or broker power or energy from Joseph M. Farley Nuclear Plant, Units 1 & 2.			

<sup>a</sup> Additional antitrust license conditions agreed to by APCo in September 1991. Applicants were Alabama Power Company and Southern Nuclear Operating Company.

Table 3.1 (Continued)

System Energy Resources, Inc.					
Unit Name	Agreement Date	CP Issued	OL Issued	Compliance/Enforcement Proceedings	
Grand Gulf Nuclear Station, Units 1 & 2	CP Amendment 12/20/86 <sup>a</sup> OL Amendment 12/20/86 <sup>b</sup> OL Amendment 12/19/88 <sup>c</sup> OL Amendment 12/14/89 <sup>d</sup> CP Amendment 12/22/89 <sup>e</sup> OL Amendment 07/16/96 <sup>f</sup>	09/04/74 Unit 2 canceled 1990	11/01/84 Unit 2 N/A		
				License Conditions	
Unit Access	Transmission Services	Operations	Planning	Contractual Provisions	
		<p><sup>b</sup>MP&amp;L and SERI to be held responsible for compliance with the terms of the existing antitrust conditions in the operating license for Unit 1 pending further antitrust authorization from the NRC.</p> <p><sup>b</sup>SERI accepts the right to possess, use, and operate Grand Gulf, Unit 1, pending separate NRC antitrust review of the antitrust considerations of this license transfer.</p>			

Table 3.1 (Continued)

## System Energy Resources, Inc. (Continued)

Unit Access	Transmission Services	License Conditions			Contractual Provisions
		Operations	Coordination	Planning	
		"Sale and leaseback transactions are subject to the condition that lessors and others acquiring an interest under such transactions are prohibited from exercising, directly or indirectly, any control over Grand Gulf Unit 1, its licensees, or power or energy produced thereby.			
			"SERI is required to notify NRC in advance and in writing of changes in the terms or conditions of any new or existing sale or lease agreements executed pursuant to a sale/leaseback transaction.		
				"MP&L and SERI are obligated to comply with the antitrust conditions set forth in Appendix C of Grand Gulf Unit 1 OL.	
				"MP&L and SERI are responsible for compliance with obligations imposed on the licensees in the antitrust conditions of the OL.	

Results

Table 3.1 (Continued)

System Energy Resources, Inc. (Continued)

Unit Access	Transmission Services	License Conditions		Contractual Provisions
		Operations	Coordination	
		<sup>d</sup> MP&L and SERI are responsible for the actions of their respective agent to the extent said agent's actions contravene antitrust conditions in Appendix C of the OL.		
		<sup>e</sup> SERI is authorized to transfer its rights to construct Grand Gulf, Unit 2 to Entergy Operations, Inc. (EOI).		
		<sup>f</sup> MP&L and SERI will remain responsible and accountable for the actions of their respective agents to the extent said agent's actions contravene the antitrust conditions of the Grand Gulf, Unit 2 Construction Permit.		

<sup>a</sup>Applicants were Mississippi Power & Light Co., System Energy Resources, Inc., and Southern Mississippi Electric Power Assoc.

<sup>b</sup>Applicants were Mississippi Power & Light Co., and System Energy Resources, Inc.

<sup>c</sup>Applicants were Mississippi Power & Light Co., System Energy Resources, Inc., and Southern Mississippi Electric Power Assoc.

<sup>d</sup>Applicants were Mississippi Power & Light Co., System Energy Resources, Inc., Southern Mississippi Electric Power Assoc., and Entergy Operations, Inc.

<sup>e</sup>Applicants were Mississippi Power & Light Co., System Energy Resources, Inc., Southern Mississippi Electric Power Assoc., and Entergy Operations, Inc. Amendment 12.5 to NPF-29 modified antitrust conditions to reflect licensee's name change from Mississippi Power & Light Company to Entergy Mississippi, Inc. Applicants were Entergy Operations, Inc., System Energy Resources, Inc., Southern Mississippi Electric Power Assoc., and Entergy Mississippi, Inc.

<sup>f</sup>Applicants were Mississippi Power & Light Co., System Energy Resources, Inc., Southern Mississippi Electric Power Assoc., and Entergy Operations, Inc. Applicants were Entergy Mississippi, Inc.

Table 3.1 (Continued)

Texas Utilities Generating Company				Compliance/Enforcement Proceedings
Unit Name	Agreement Date	CP Issued	OL Issued	
Comanche Peak Steam Electric Station, Units 1 & 2	Amendment 09/80 <sup>a</sup>	12/19/74 12/19/74	04/17/90 04/06/93	Enforcement action requested on 08/07/89 by Cap Rock Elec. Parties settled dispute and request was withdrawn on 08/29/90.
License Conditions				
Unit Access	Transmission Services	Operations	Coordination	Contractual Provisions
Allow ownership participation in Comanche Peak units by North Texas Area entities making timely requests; provide interconnection and transmission services necessitated by such participation.	Provide bulk power transmission between or among North Texas Area entities with which applicant is interconnected.	Interconnect, coordinate reserves, and sell, purchase or exchange emergency and/or scheduled maintenance bulk power on a nondiscriminatory basis with North Texas Area entities; exchange information pertaining to said operations.	Include in planning and construction programs sufficient transmission capacity for bulk power transmissions and sales to North Texas Area entities.	Support membership for requesting North Texas Area entities in the Texas Interconnected System or in other planning/operating organizations to which applicant belongs; support nondiscriminatory criteria for membership into said organizations.
		Establish minimum reserves to be installed or provided to the interconnected system, with minimum reserve requirements calculated as a percentage of each party's estimated net peak load demand; establish adequate spinning reserves with parties to interconnection agreements.		Provide identical treatment to the reliability of power delivered into Texas Interconnected System-Electric Reliability Council of Texas (TIS-ERCOT) over DC asynchronous connections and to power originating within TIS-ERCOT, for the purposes of spinning and installed reserve calculations/requirements and outages; support the adoption of principles involving DC asynchronous connections within any TIS or ERCOT organization.

Table 3.1 (Continued)

## Texas Utilities Generating Company (Continued)

Unit Access	Transmission Services	License Conditions			Contractual Provisions
		Operations	Coordination	Planning	
No refusal of transmission services merely because of rate disputes with such entities.	Sell full and partial requirements bulk power to requesting North Texas Area entities.				No restrictive provisions pertaining to intersystem coordination in interconnection and coordination agreements.

<sup>a</sup>All antitrust license conditions are listed as amended. Applicants were Texas Utilities Generating Company, Dallas Power & Light Company, Texas Electric Service Company, and Texas Power & Light Company.

Table 3.1 (Continued)

Unit Name		Agreement Date	CP Issued	OL Issued	Compliance/Enforcement Proceedings
Erie Nuclear Plant, Units 1 & 2		Pre-CP Agreement 02/08/78 <sup>a</sup>	Both canceled 1980 under review	N/A	
Davis-Besse Nuclear Power Station		OL Amendment 06/25/79 <sup>b</sup> OL Amendment 12/22/79 <sup>c</sup> OL Amendment 12/31/90 <sup>d</sup>	03/24/71	04/22/77	
Perry Nuclear Power Plant, Unit 1		CP amendment 06/25/79 <sup>b</sup> OL amendment 03/16/87 <sup>e</sup> OL amendment 12/31/90 <sup>f</sup>	05/03/77	11/13/86	
License Conditions					
Unit Access	Transmission Services	Operations	Coordination	Planning	Contractual Provisions
		"Licensee is bound by the antitrust license conditions contained in the PNPP, Units 1 & 2, and Davis-Besse Nuclear Power Station, Units 1, 2, & 3 Construction Permits and/or Operating Licenses, as hereinafter amended.			

Results

Table 3.1 (Continued)

Toledo Edison Company (Continued)

Unit Access	Transmission Services	License Conditions			Contractual Provisions
		Operations	Coordination	Planning	
		<sup>c</sup> Share reserves with any requesting interconnected generating entity in the CCCT on an equal percentage basis, by use of the CAPCO P/N allocation formula, or on any other mutually agreeable basis.			
			<sup>c</sup> Sell wholesale power to any requesting entity in the CCCT, in amounts needed to meet all or part of such entity's requirements, with such amounts determined by the requesting entity.		
				<sup>d</sup> CSC shall comply with the antitrust conditions contained in the Davis-Besse Operating License; TE is responsible and accountable for the actions of Centerior to the extent that those actions contravene the antitrust license conditions contained in the Davis-Besse Operating License.	

Table 3.1 (Continued)

## Toledo Edison Company (Continued)

Unit Access	Transmission Services	License Conditions		Contractual Provisions
		Operations	Coordination	
		<sup>e</sup> A lessor or anyone else who may acquire an interest in the PNPP by means of a sale and leaseback transaction is prohibited from exercising, directly or indirectly, any control over the licensee of PNPP, Unit 1.		
		<sup>e</sup> Licensees of PNPP are required to notify the NRC in writing of any changes in the terms or conditions of any lease agreement executed pursuant to a sale/leaseback transaction or any changes to the PNPP Operating Agreement.		
		/CEICO, Duquesne Light Company, Ohio Edison Company, Pennsylvania Power Company and TE shall comply with the antitrust conditions delineated in Appendix C of the Perry Operating License.		

<sup>a</sup>Applicants were Ohio Edison Company, Duquesne Light Company, Cleveland Electric Illuminating Company, and Toledo Edison Company.

<sup>b</sup>Applicants were Toledo Edison Company and Cleveland Electric Illuminating Company.

<sup>c</sup>Applicants were Toledo Edison Company, Cleveland Electric Illuminating Company, Duquesne Light Company, and Pennsylvania Power Company.

<sup>d</sup>Applicants were Toledo Edison Company and Centerior Service Company who act as agents for Cleveland Electric Illuminating Company.

<sup>e</sup>Applicants were Cleveland Electric Illuminating Company, Duquesne Light Company, Ohio Edison Company, Pennsylvania Power Company, and Toledo Edison Company.

<sup>f</sup>Applicants were Centerior Service Company who act as agents for the following licensees: Toledo Edison Company, Duquesne Light Company, Ohio Edison Company, and Pennsylvania Power Company.



Table 3.2 Nuclear Power Reactor Operating License Reviews

Applicant	Unit Name	Date	Finding
Allegheny Electric Cooperative, Inc.	Susquehanna Steam Electric Station	05/29/81	Units 1&2: NSC* since earlier CP reviews
Arizona Public Service Co. et al.	Palo Verde Nuclear Generating Station	02/09/83	Units 1&2; NSC since earlier CP reviews
Arizona Public Service Co. et al.	Palo Verde Nuclear Generating Station	07/10/87	Unit 3; NSC since Unit 1&2 OL review
Atlantic City Electric Co.	Hope Creek Nuclear Generating Station	09/17/85	Unit 1; NSC since CP review
Cajun Electric Power Cooperative	River Bend Station	04/09/85	Unit 1; NSC since CP review
Carolina Power & Light Co.	Harris (Shearon) Nuclear Power Plant	02/05/86	Unit 1; NSC since CP review
Cincinnati Gas & Electric Co.	Zimmer Nuclear Unit	04/09/82	Reevaluation of Unit 1 OL finding; no change
Cincinnati Gas & Electric Co.	Zimmer Nuclear Unit	08/06/81	Unit 1; NSC since CP review
Cleveland Electric Illuminating Co.	Perry Nuclear Plant	11/23/83	Unit 1; NSC since CP review
Commonwealth Edison Co.	Braidwood Station	08/15/86	Unit 1; NSC since CP review
Commonwealth Edison Co.	Braidwood Station	11/07/86	Reevaluation of Unit 1 OL finding; no change
Commonwealth Edison Co.	Byron Station	01/05/84	Unit 1; NSC since CP review
Commonwealth Edison Co.	Byron Station	09/25/86	Unit 2; NSC since CP review
Consumers Power Co.	Midland Nuclear Generating Station	06/07/83	Units 1&2; NSC since earlier CP reviews
Detroit Edison et al.	Enrico Fermi	11/25/81	Unit 2; NSC since CP review
Duke Power Co.	Catawba Nuclear Station	03/06/84	Unit 1; NSC since CP review
Duke Power Co.	Catawba Nuclear Station	05/30/85	Unit 2; NSC since CP review
Duquesne Light Co. et al.	Beaver Valley Power Station	04/28/87	Unit 2; NSC since CP review
Florida Municipal Power Agency	St. Lucie Plant	09/22/82	Unit 2; NSC since CP review
Florida Power & Light Co.	St. Lucie Plant	09/22/82	Unit 2; NSC since CP review
Georgia Power Co. et al.	Vogtle (Alvin W.) Nuclear Plant	12/01/86	Unit 1; NSC since CP review
Georgia Power Co. et al.	Vogtle (Alvin W.) Nuclear Plant	03/02/89	Unit 2; NSC since Unit 1 OL review
Georgia Power Co. et al.	Vogtle (Alvin W.) Nuclear Plant	03/27/89	Reevaluation of Unit 2 OL finding; no change
Gulf States Utilities Co.	River Bend Station	04/09/85	Unit 1; NSC since CP review
Houston Lighting & Power Co. et al.	South Texas Project	08/05/86	Unit 1; NSC since CP review
Illinois Power Co.	Clinton Power Station	03/11/82	Unit 1; NSC since CP review
Illinois Power Co.	Clinton Power Station	09/13/85	Unit 1; NSC since CP review (Updated finding pursuant to a 4-year unit completion delay)
Illinois Power Co.	Clinton Power Station	01/09/86	Reevaluation of Unit 1 updated OL finding; no change

Results

Table 3.2 (Continued)

Applicant	Unit Name	Date	Finding
Kansas Gas & Electric Co. et al.	Wolf Creek Generating Station	07/20/84	Unit 1; NSC since CP review
Long Island Lighting Co.	Shoreham Nuclear Power Station	01/04/82	Unit 1; NSC since CP review
Louisiana Power & Light Co.	Waterford Generating Station	10/21/82	Unit 3; NSC since CP review
Mississippi Power & Light	Grand Gulf Nuclear Station	10/21/81	Unit 1; NSC since CP review
Municipal Power Agency No. 1	Catawba Nuclear Station	05/30/85	Unit 2; NSC since CP review
NC Eastern Municipal Power Agency	Harris (Shearon) Nuclear Power Plant	02/05/86	Unit 1; NSC since CP review
NC Electric Membership Corp.	Catawba Nuclear Station	03/06/84	Unit 1; NSC since CP review
Niagara Mohawk Power Corporation	Nine Mile Point Nuclear Station	02/14/86	Unit 2; NSC since CP review
Northeast Nuclear Energy Co. et al.	Millstone Nuclear Power Station	09/06/85	Unit 3; NSC since CP review
Orlando Utility Commission	St. Lucie Plant	09/22/82	Unit 2; NSC since CP review
Pennsylvania Power & Light Co.	Susquehanna Steam Electric Station	05/29/81	Units 1&2; NSC since earlier CP reviews
Philadelphia Electric Co.	Limerick Generating Station	07/26/84	Unit 1; NSC since CP review
Philadelphia Electric Co.	Limerick Generating Station	05/19/89	Unit 2; NSC since Unit 1 OL review
Public Service Company of New Hampshire et al.	Seabrook Nuclear Power Station	02/07/86	Unit 1; NSC since CP review
Public Service Electric & Gas Co.	Hope Creek Nuclear Generating Station	09/17/85	Unit 1; NSC since CP review
Saluda River Electric Coop., Inc.	Catawba Nuclear Station	03/06/84	Unit 1; NSC since CP review
San Diego Gas & Electric	San Onofre Nuclear Generating Station	04/30/80	Units 2&3, NSC since CP review
South Mississippi Electric Power Association	Grand Gulf Nuclear Station	10/21/81	Unit 1; NSC since CP review
Southern California Edison Co.	San Onofre Nuclear Generating Station	04/30/80	Units 2&3, NSC since CP review
Soyland Power Co.	Clinton Power Station	03/11/82	Unit 1; NSC since CP review
Soyland Power Co.	Clinton Power Station	01/09/86	Reevaluation of Unit 1 updated OL finding; no change
Soyland Power Co.	Clinton Power Station	09/13/85	Unit 1; NSC since CP review (Updated finding pursuant to a 4-year unit completion delay)
Tennessee Valley Authority	Watts Bar Nuclear Plant	08/28/91	Unit 1; NSC since previous antitrust review
Texas Utilities Generating Co.	Comanche Peak Steam Electric Station	06/28/89	Unit 1; NSC since CP review
Texas Utilities Generating Co.	Comanche Peak Steam Electric Station	09/7/89	Reevaluation of Unit 1 OL finding; no change
Texas Utilities Generating Co.	Comanche Peak Steam Electric Station	09/28/92	Unit 2; NSC since Unit 1 OL review
Union Electric Co.	Callaway Plant	02/13/84	Unit 1; NSC since CP review

Table 3.2 (Continued)

Applicant	Unit Name	Date	Finding
Washington Public Power Supply System	WPPSS Nuclear Project	10/03/79	Unit 2; NSC since previous antitrust review
Western Illinois Power Cooperative	Clinton Power Station	03/11/82	Unit 1; NSC since CP review
Western Illinois Power Cooperative	Clinton Power Station	01/09/86	Reevaluation of Unit 1 updated OL finding; no change
Western Illinois Power Cooperative	Clinton Power Station	09/13/85	Unit 1; NSC since CP review (Updated finding pursuant to a 4-year unit completion delay).

\* NSC = No Significant Change Found



Table 3.3 Nuclear Power Reactor Amendment Reviews

Applicant	Unit Name	Date	Purpose	Result
Alabama Power Co.	Joseph M. Farley Nuclear Plant, Units 1 and 2	FR notice 09/19/91	To authorize Southern Nuclear Operating Company, Inc., to become the operator of Farley Nuclear Plant.	Review ended when APCo agreed to three additional antitrust license conditions on both OLs.
Arizona Public Service Company	Palo Verde Nuclear Generating Station, Units 1 & 2	OL amended 06/02/86 OL amended 08/15/86	Proposed sale and leaseback transactions with certain equity investors (both amendments).	Added one antitrust condition to Unit 1 OL. Added one antitrust condition to Unit 2 OL.
Arkansas Power & Light	Arkansas Nuclear One, Units 1 & 2	FR notice 11/01/89	To add Entergy (formerly SERI) to OL as operating company, responsible for management and operation but not ownership.	Added antitrust conditions to OL for Unit 2 only.
Cajun Electric Power Cooperative, Inc.	River Bend Station, Unit 1	04/10/95	Pursuant to D.C. Appeals Court demand of proposed transfer of ownership of Gulf State Utilities to Entergy Corporation.	Finding of No Significant Antitrust Change. Reinstates two AT conditions.
Cajun Electric Power Cooperative, Inc.	River Bend Station, Unit 1	06/05/95	Amendment review reevaluation.	No change in previous "No Significant Antitrust Change" finding.
Cajun Electric Power Cooperative, Inc.	River Bend Station, Unit 1	FR notice 10/20/93	Proposed transfer of ownership of Gulf State Utilities to Entergy Corporation (pursuant to a merger) and the subsequent assumption of operating authority for River Bend to Entergy Operations, Inc.	Finding of No Significant Antitrust Change since the completion of the antitrust OL review.
Cajun Electric Power Cooperative, Inc.	River Bend Station, Unit 1	FR notice 12/13/93	Amendment review reevaluation.	No change from prior finding.
Centerior Service Company	Davis-Besse Nuclear Power Station	OL amended 12/31/90	To add Centerior Service Company as a licensee to the OL.	Added one antitrust condition to OL.
Centerior Service Company	Davis-Besse Nuclear Power Station and Perry Nuclear Power Plant (joint action)	Proposal FR notice 08/10/94 FR notice of transfer 10/03/95	To reflect new owner-operator resulting from the proposed merger between Toledo Edison Company (TE) and the Cleveland Electric Illuminating Company (CEI), both existing licensees and owners of Perry and Davis-Besse.	No further antitrust review of the proposed merger was warranted due to previous antitrust reviews by both TE and CEI. New owner-operator resulting from merger would be bound by existing antitrust conditions.

Table 3.3 (Continued)

Applicant	Unit Name	Date	Purpose	Result
Centerior Service Company	Perry Nuclear Power Plant, Unit 1	OL amended 12/31/90	To add Centerior Service Company as a licensee to the OL.	Added two antitrust conditions to OL.
Centerior Service Company	Perry Nuclear Power Plant, Unit 1	OL amended 02/27/96	Proposal to transfer from Ohio Edison to a newly formed wholly owned subsidiary, OES Nuclear, Inc., a 17.42% ownership interest. (Proposal noticed in the Fed. Reg. 12/11/95.)	OES would be bound by the existing antitrust license conditions then applying to Ohio Edison, and Ohio Edison would remain obligated to those same conditions. OL was amended to reflect ownership interest of OES.
Centerior Service Company	Perry Nuclear Power Plant, Unit 1	Order approving transfer of license 07/25/96	Proposal to transfer from Ohio Edison to a newly formed wholly owned subsidiary, OES Nuclear, Inc., a 12.58% ownership interest. (Proposal noticed in the Fed. Reg. 05/08/96.)	OES would be bound by the existing antitrust license conditions then applying to Ohio Edison, and Ohio Edison would remain obligated to those same conditions.
Central Iowa Power Cooperative	Arnold (Duane) Energy Center	FR notice 05/13/94	Re-corporate merger.	Name change on OL approved to reflect merger.
Cleveland Electric Illuminating Company	Beaver Valley Power Station, Unit 1 & 2	FR notice 03/16/89	Corporate restructuring to create a holding company (DQE) to control Duquesne.	Restructuring approved under 50.80. No license change was necessary.
Cleveland Electric Illuminating Company	Davis-Besse Nuclear Power Station	OL amended 12/31/90	To add Centerior Service Company as a licensee to the OL.	Added one antitrust condition to OL.
Cleveland Electric Illuminating Company	Davis-Besse Nuclear Power Station and Perry Nuclear Power Plant (joint action)	Proposal FR notice 08/10/94 FR notice of transfer 10/03/95	To reflect new owner-operator resulting from the proposed merger between Toledo Edison Company (TE) and the Cleveland Electric Illuminating Company (CEI), both existing licensees and owners of Perry and Davis-Besse.	No further antitrust review of the proposed merger was warranted due to previous antitrust reviews by both TE and CEI. New owner-operator resulting from merger would be bound by existing antitrust conditions.
Cleveland Electric Illuminating Company	Perry Nuclear Power Plant, Unit 1	OL amended 03/16/87	Proposed sale and leaseback transactions with certain equity investors.	Added two antitrust conditions to OL.
Cleveland Electric Illuminating Company	Perry Nuclear Power Plant, Unit 1	OL amended 12/31/90	To add Centerior Service Company as a licensee to the OL.	Added two antitrust conditions to OL.

Table 3.3 (Continued)

Applicant	Unit Name	Date	Purpose	Result
Cleveland Electric Illuminating Company	Perry Nuclear Power Plant, Unit 1	OL amended 02/27/96	Proposal to transfer from Ohio Edison to a newly formed wholly owned subsidiary, OES Nuclear, Inc., a 17.42% ownership interest. (Proposal noticed in the Fed. Reg. 12/11/95.)	OES would be bound by the existing antitrust license conditions then applying to Ohio Edison, and Ohio Edison would remain obligated to those same conditions. OL was amended to reflect ownership interest of OES.
Cleveland Electric Illuminating Company	Perry Nuclear Power Plant, Unit 1	Order approving transfer of license 07/25/96	Proposal to transfer from Ohio Edison to a newly formed wholly owned subsidiary, OES Nuclear, Inc., a 12.58% ownership interest. (Proposal noticed in the Fed. Reg. 05/08/96.)	OES would be bound by the existing antitrust license conditions then applying to Ohio Edison, and Ohio Edison would remain obligated to those same conditions.
Corn Belt Power Cooperative	Arnold (Duane) Energy Center	FR notice 05/13/94	Re-corporate merger.	Name change on OL approved to reflect merger.
Detroit Edison Company	Enrico Fermi, Unit 2	OL amended 02/16/90	For the proposed purchase of the Fermi ownership interest of Wolverine Power Supply Cooperative, Inc., by Detroit Edison Co.	No formal antitrust review required since Detroit Edison was already the majority owner.
Duquesne Light Company	Beaver Valley Power Station, Unit 1 & 2	FR notice 03/16/89	Corporate restructuring to create a holding company (DQE) to control Duquesne.	Restructuring approved under 50.80. No license change was necessary.
Duquesne Light Company	Perry Nuclear Power Plant, Unit 1	OL amended 03/16/87	Proposed sale and leaseback transactions with certain equity investors.	Added two antitrust conditions to OL.
Duquesne Light Company	Perry Nuclear Power Plant, Unit 1	OL amended 12/31/90	To add Centerior Service Company as a licensee to the OL.	Added two antitrust conditions to OL.
Duquesne Light Company	Perry Nuclear Power Plant, Unit 1	OL amended 02/27/96	Proposal to transfer from Ohio Edison to a newly formed wholly owned subsidiary, OES Nuclear, Inc., a 17.42% ownership interest. (Proposal noticed in the Fed. Reg. 12/11/95.)	OES would be bound by the existing antitrust license conditions then applying to Ohio Edison, and Ohio Edison would remain obligated to those same conditions. OL was amended to reflect ownership interest of OES.
Duquesne Light Company	Perry Nuclear Power Plant, Unit 1	Order approving transfer of license 07/25/96	Proposal to transfer from Ohio Edison to a newly formed wholly owned subsidiary, OES Nuclear, Inc., a 12.58% ownership interest. (Proposal noticed in the Fed. Reg. 05/08/96.)	OES would be bound by the existing antitrust license conditions then applying to Ohio Edison, and Ohio Edison would remain obligated to those same conditions.

Table 3.3 (Continued)

Applicant	Unit Name	Date	Purpose	Result
El Paso Electric Company	Palo Verde Nuclear Generating Station, Unit 2	OL amended 08/15/86	Proposed sale and leaseback transactions with certain equity investors.	Added one antitrust condition to Unit 2 OL.
Entergy Arkansas, Inc.	Arkansas Nuclear One, Unit 2	OL amended 10/23/96	To change the AT conditions to account for the name change of AP&L to Entergy Arkansas, Inc.	OL amended. No formal antitrust review required.
Entergy Gulf States, Inc.	River Bend Station, Unit 1	OL amended 07/30/96	To change the AT conditions to account for the name change of GSU to Entergy Gulf States, Inc.	OL amended. No formal antitrust review required.
Entergy Mississippi, Inc.	Grand Gulf Nuclear Station, Unit 1	OL amended 07/16/96	To change the AT conditions to account for the name change of MP&L to Entergy Mississippi, Inc.	OL amended. No formal antitrust review required.
Entergy Operations, Inc.	Arkansas Nuclear One, Units 1 & 2	FR notice 11/01/89	To add Entergy (formerly SERI) to OL as operating company, responsible for management and operation but not ownership.	Added antitrust conditions to OL for Unit 2 only.
Entergy Operations, Inc.	Grand Gulf Nuclear Station, Unit 1	OL amended 12/14/89	To authorize the transfer of control and operation of facility from SERI to Energy Operations, Inc.	Added four antitrust conditions to OL.
Entergy Operations, Inc.	Waterford Steam Electric Station, Unit 3	OL amended 12/14/89	To authorize transfer of operating authority under the license to Entergy Operations, Inc. (Proposal noticed 11/01/89 Fed. Reg.)	OL amended to add two antitrust license conditions.
Gulf States Utility Co.	River Bend Station, Unit 1	04/10/95	Pursuant to D. C. Appeals Court remand of proposed transfer of ownership of Gulf State Utilities to Entergy Corporation. Amendment review reevaluation.	Finding of No Significant Antitrust Change. Reinstates two AT conditions.
Gulf States Utility Co.	River Bend Station, Unit 1	06/05/95	Pursuant to D. C. Appeals Court remand of proposed transfer of ownership of Gulf State Utilities to Entergy Corporation. Proposed transfer of ownership of Gulf State Utilities to Entergy Corporation (pursuant to a merger) and the subsequent assumption of operating authority for River Bend to Entergy Operations, Inc.	No change in previous "No Significant Antitrust Change" finding.
Gulf States Utility Co.	River Bend Station, Unit 1	FR notice 10/20/93	Amendment review reevaluation.	Finding of No Significant Antitrust Change since the completion of the antitrust OL review.
Gulf States Utility Co.	River Bend Station, Unit 1	FR notice 12/13/93	Amendment review reevaluation.	No change from prior finding.

Table 3.3 (Continued)

Applicant	Unit Name	Date	Purpose	Result
IES Utilities Inc.	Arnold (Duane) Energy Center	FR notice 05/13/94	Re corporate merger.	Name change on OL approved to reflect merger.
Illinois Power Co.	Clinton Power Station	OL amended 03/27/89	Soyland/WIPCO merger.	OL amended to reflect merger.
Iowa Electric Light & Power Company	Arnold (Duane) Energy Center	FR notice of proposed review 06/24/86	To add IE Industries as the controlling entity on the OL, pursuant to corporate restructuring.	Applicant consented to change.
Kansas Gas & Electric Co.	Wolf Creek Generating Station, Unit 1	OL amended 11/26/91	To transfer a 47% undivided possession-only interest in OL from Kansas Gas & Electric (KG&E) to a successor company, also to be called Kansas Gas and Electric Company, as a result of a pending merger of KG&E into a subsidiary of Kansas Power and Light Company (KPL).	No Significant Antitrust Change since previous antitrust review.
Los Angeles Department of Water & Power	Palo Verde Nuclear Generating Station, Unit 2	OL amended 08/15/86	Proposed sale and leaseback transactions with certain equity investors.	Added one antitrust condition to Unit 2 OL.
Louisiana Power & Light Company	Waterford Steam Electric Station, Unit 3	OL amended 09/18/89	To authorize one or more sale and leaseback transactions by LP&L with respect to its 100% ownership interest to one or more equity investors. (Proposal noticed in 06/02/89 Fed. Reg.)	OL amended to add two antitrust license conditions.
Louisiana Power & Light Company	Waterford Steam Electric Station, Unit 3	OL amended 12/14/89	To authorize transfer of operating authority under the license to Entergy Operations, Inc. (Proposal noticed 11/01/89 Fed. Reg.)	OL amended to add two antitrust license conditions.
Mississippi Power & Light	Grand Gulf Nuclear Station, Unit 1	OL amended 12/20/86	To authorize the transfer of control and performance of licensed activities from MP&L to SERI.	Added one antitrust condition to OL.
Mississippi Power & Light	Grand Gulf Nuclear Station, Unit 1	OL amended 12/19/88	To change the existing ownership by way of sale/leaseback transactions involving one or more passive equity investors.	Added two antitrust conditions to OL.

Table 3.3 (Continued)

Applicant	Unit Name	Date	Purpose	Result
Mississippi Power & Light	Grand Gulf Nuclear Station, Unit 1	OL amended 12/14/89	To authorize the transfer of control and operation of facility from SERI to Entergy Operations, Inc.	Added four antitrust conditions to OL.
North Atlantic Energy Company	Seabrook Station, Unit 1	OL amended 06/05/92	Proposed transfer of operating authority from Public Service Co. of NH to North Atlantic Energy Service Co. (Proposal noticed 03/06/91 Fed. Reg.)	Transfer approved. OL amended to add two antitrust conditions.
North Atlantic Energy Service Corporation	Seabrook Station, Unit 1	OL amended 06/05/92	Proposed transfer of operating authority from Public Service Co. of NH to North Atlantic Energy Service Co. (Proposal noticed 03/06/91 Fed. Reg.)	Transfer approved. OL amended to add two antitrust conditions.
North Atlantic Energy Service Corporation	Seabrook Station, Unit 1	OL amended 01/07/94	Proposed purchase of Vermont Electric Generation and Transmission Cooperative's interest by North Atlantic Energy Corporation.	Finding of no need for further antitrust review.
Northeast Nuclear Energy Company	Millstone Nuclear Power Station, Unit 3	FR notice 05/13/91 OL amended 05/29/92	Transfer of ownership interest from Public Service Co. of New Hampshire to a wholly owned subsidiary of Northeast Utilities, also to be called Public Service Company of New Hampshire (the result of a bankruptcy reorganization plan confirmed by the U.S. Bankruptcy Court for the District of New Hampshire).	Finding of No Significant Change since prior antitrust review (FR notice 02/19/92).
Northeast Utilities	Seabrook Station, Unit 1	OL amended 06/05/92	Proposed transfer of operating authority from Public Service Co. of NH to North Atlantic Energy Service Co. (Proposal noticed 03/06/91 Fed. Reg.)	Transfer approved. OL amended to add two antitrust conditions.
OES Nuclear, Inc.	Perry Nuclear Power Plant, Unit 1	OL amended 02/27/96	Proposal to transfer from Ohio Edison to a newly formed wholly owned subsidiary, OES Nuclear, Inc., a 17.42% ownership interest. (Proposal noticed in the Fed. Reg. 12/11/95.)	OES would be bound by the existing antitrust license conditions then applying to Ohio Edison, and Ohio Edison would remain obligated to those same conditions. OL was amended to reflect ownership interest of OES.

Table 3.3 (Continued)

Applicant	Unit Name	Date	Purpose	Result
OES Nuclear, Inc.	Perry Nuclear Power Plant, Unit 1	Order approving transfer of license 07/25/96	Proposal to transfer from Ohio Edison to a newly formed wholly owned subsidiary, OES Nuclear, Inc., a 12.58% ownership interest. (Proposal noticed in the Fed. Reg. 05/08/96.)	OES would be bound by the existing antitrust license conditions then applying to Ohio Edison, and Ohio Edison would remain obligated to those same conditions.
Ohio Edison Company	Beaver Valley Power Station, Unit 1 & 2	FR notice 03/16/89	Corporate restructuring to create a holding company (DQE) to control Duquesne.	Restructuring approved under 50.80. No license change was necessary.
Ohio Edison Company	Perry Nuclear Power Plant, Unit 1	OL amended 03/16/87	Proposed sale and leaseback transactions with certain equity investors.	Added two antitrust conditions to OL.
Ohio Edison Company	Perry Nuclear Power Plant, Unit 1	OL amended 12/31/90	To add Centerior Service Company as a licensee to the OL.	Added two antitrust conditions to OL.
Ohio Edison Company	Perry Nuclear Power Plant, Unit 1	OL amended 02/27/96	Proposal to transfer from Ohio Edison to a newly formed wholly owned subsidiary, OES Nuclear, Inc., a 17.42% ownership interest. (Proposal noticed in the Fed. Reg. 12/11/95.)	OES would be bound by the existing antitrust license conditions then applying to Ohio Edison, and Ohio Edison would remain obligated to those same conditions. OL was amended to reflect ownership interest of OES.
Ohio Edison Company	Perry Nuclear Power Plant, Unit 1	Order approving transfer of license 07/25/96	Proposal to transfer from Ohio Edison to a newly formed wholly owned subsidiary, OES Nuclear, Inc., a 12.58% ownership interest. (Proposal noticed in the Fed. Reg. 05/08/96.)	OES would be bound by the existing antitrust license conditions then applying to Ohio Edison, and Ohio Edison would remain obligated to those same conditions.
Pennsylvania Power Company	Beaver Valley Power Station, Unit 1 & 2	FR notice 03/16/89	Corporate restructuring to create a holding company (DQE) to control Duquesne.	Restructuring approved under 50.80. No license change was necessary.
Pennsylvania Power Company	Perry Nuclear Power Plant, Unit 1	OL amended 03/16/87	Proposed sale and leaseback transactions with certain equity investors.	Added two antitrust conditions to OL.
Pennsylvania Power Company	Perry Nuclear Power Plant, Unit 1	OL amended 12/31/90	To add Centerior Service Company as a licensee to the OL.	Added two antitrust conditions to OL.
Pennsylvania Power Company	Perry Nuclear Power Plant, Unit 1	OL amended 02/27/96	Proposal to transfer from Ohio Edison to a newly formed wholly owned subsidiary, OES Nuclear, Inc., a 17.42% ownership interest. (Proposal noticed in the Fed. Reg. 12/11/95.)	OES would be bound by the existing antitrust license conditions then applying to Ohio Edison, and Ohio Edison would remain obligated to those same conditions. OL was amended to reflect ownership interest of OES.

Table 3.3 (Continued)

Applicant	Unit Name	Date	Purpose	Result
Pennsylvania Power Company	Perry Nuclear Power Plant, Unit 1	Order approving transfer of license 07/25/96	Proposal to transfer from Ohio Edison to a newly formed wholly owned subsidiary, OES Nuclear, Inc., a 12.58% ownership interest. (Proposal noticed in the Fed. Reg. 05/08/96.)	OES would be bound by the existing antitrust license conditions then applying to Ohio Edison, and Ohio Edison would remain obligated to those same conditions.
Public Service Company of New Hampshire	Seabrook Station, Unit 1	FR notice of DD 04/20/92	Amendment review reevaluation	DD did not change previous finding.
Public Service Company of New Hampshire	Seabrook Station, Unit 1	OL amended 06/05/92	Proposed transfer of operating authority from Public Service Co. of NH to North Atlantic Energy Service Co. (Proposal noticed 03/06/91 Fed. Reg.)	Transfer approved. OL amended to add two antitrust conditions.
Public Service Company of New Hampshire	Seabrook Station, Unit 1	Proposal FR notice 02/28/91	Proposed ownership interest transfer of Public Service Company of New Hampshire's interest to North Atlantic Energy Corporation pursuant to a merger.	No Significant Antitrust Change since previous antitrust review. FR notice of finding 02/19/92
Public Service Company of New Mexico	Palo Verde Nuclear Generating Station, Units 1 & 2	OL amended 06/02/86 OL amended 08/15/86	Proposed sale and leaseback transactions with certain equity investors (both amendments).	Added one antitrust condition to Unit 1 OL.
Salt River Project Agricultural Improvement & Power District	Palo Verde Nuclear Generating Station, Unit 2	OL amended 08/15/86	Proposed sale and leaseback transactions with certain equity investors.	Added one antitrust condition to Unit 2 OL.
Southern California Edison Company	Palo Verde Nuclear Generating Station, Unit 2	OL amended 08/15/86	Proposed sale and leaseback transactions with certain equity investors.	Added one antitrust condition to Unit 2 OL.
Southern California Public Power Authority	Palo Verde Nuclear Generating Station, Unit 2	OL amended 08/15/86	Proposed sale and leaseback transactions with certain equity investors.	Added one antitrust condition to Unit 2 OL.
Southern Mississippi Electric Power Association	Grand Gulf Nuclear Station, Unit 1	OL amended 12/19/88	To change the existing ownership by way of sale/leaseback transactions involving one or more passive equity investors.	Added two antitrust conditions to OL.
Southern Mississippi Electric Power Association	Grand Gulf Nuclear Station, Unit 1	OL amended 12/14/89	To authorize the transfer of control and operation of facility from SERI to Entergy Operations, Inc.	Added four antitrust conditions to OL.

Table 3.3 (Continued)

Applicant	Unit Name	Date	Purpose	Result
Southern Nuclear Operating Co.	Joseph M. Farley Nuclear Plant, Units 1 and 2	FR notice 09/19/91	To authorize Southern Nuclear Operating Company, Inc., to become the operator of Farley Nuclear Plant.	Review ended when APCo agreed to three additional antitrust license conditions on both OLs.
Soyland Power Cooperative, Inc.	Clinton Power Station	OL amended 03/27/89	Soyland/WIPCO merger.	OL amended to reflect merger.
System Energy Resources, Inc.	Grand Gulf Nuclear Station, Unit 1	OL amended 12/20/86	To authorize the transfer of control and performance of licensed activities from MP&L to SERI.	Added one antitrust condition to OL.
System Energy Resources, Inc.	Grand Gulf Nuclear Station, Unit 1	OL amended 12/19/88	To change the existing ownership by way of sale/leaseback transactions involving one or more passive equity investors.	Added two antitrust conditions to OL.
System Energy Resources, Inc.	Grand Gulf Nuclear Station, Unit 1	OL amended 12/19/88	To change the existing ownership by way of sale/leaseback transactions involving one or more passive equity investors.	Added two antitrust conditions to OL.
System Energy Resources, Inc.	Grand Gulf Nuclear Station, Unit 1	OL amended 12/14/89	To authorize the transfer of control and operation of facility from SERI to Entergy Operations, Inc.	Added four antitrust conditions to OL.
Toledo Edison Company	Beaver Valley Power Station, Unit 1 & 2	FR notice 03/16/89	Corporate restructuring to create a holding company (DQE) to control Duquesne.	Restructuring approved under 50.80. No license change was necessary.
Toledo Edison Company	Davis-Besse Nuclear Power Station	OL amended 12/31/90	To add Centerior Service Company as a licensee to the OL.	Added one antitrust condition to OL.
Toledo Edison Company	Davis-Besse Nuclear Power Plant (Joint action)	Proposal FR notice 08/10/94 FR notice of transfer 10/03/95	To reflect new owner-operator resulting from the proposed merger between Toledo Edison Company (TE) and the Cleveland Electric Illuminating Company (CEI), both existing licensees and owners of Perry and Davis-Besse.	No further antitrust review of the proposed merger was warranted due to previous antitrust reviews by both TE and CEI. New owner-operator resulting from merger would be bound by existing antitrust conditions.
Toledo Edison Company	Perry Nuclear Power Plant, Unit 1	OL amended 03/16/87	Proposed sale and leaseback transactions with certain equity investors.	Added two antitrust conditions to OL.
Toledo Edison Company	Perry Nuclear Power Plant, Unit 1	OL amended 12/31/90	To add Centerior Service Company as a licensee to the OL.	Added two antitrust conditions to OL.

Results

Table 3.3 (Continued)

Applicant	Unit Name	Date	Purpose	Result
Toledo Edison Company	Perry Nuclear Power Plant, Unit 1	OL amended 02/27/96	Proposal to transfer from Ohio Edison to a newly formed wholly owned subsidiary, OES Nuclear, Inc., a 17.42% ownership interest. (Proposal noticed in the Fed. Reg. 12/11/95.)	OES would be bound by the existing antitrust license conditions then applying to Ohio Edison, and Ohio Edison would remain obligated to those same conditions. OL was amended to reflect ownership interest of OES.
Toledo Edison Company	Perry Nuclear Power Plant, Unit 1	Order approving transfer of license 07/25/96	Proposal to transfer from Ohio Edison to a newly formed wholly owned subsidiary, OES Nuclear, Inc., a 12.58% ownership interest. (Proposal noticed in the Fed. Reg. 05/08/96.)	OES would be bound by the existing antitrust license conditions then applying to Ohio Edison, and Ohio Edison would remain obligated to those same conditions.
Union Electric Company	Callaway Plant	FR notice 06/10/96	Proposed merger and transfer of license control pursuant to corporate merger between Union Electric Co. & CIPSCO Inc.	Draft finding of No Significant Change 01/14/97.
Wolf Creek Nuclear Operating Corp.	Wolf Creek Generating Station, Unit 1	OL amended 11/26/91	To transfer a 47% undivided possession-only interest in OL from Kansas Gas & Electric (KG&E) to a successor company, also to be called Kansas Gas and Electric Company, as a result of a pending merger of KG&E into a subsidiary of Kansas Power and Light Company (KPL).	No Significant Antitrust Change since previous antitrust review.

\* North Atlantic Energy Service Corporation is authorized to act as agent for North Atlantic Energy Co., Canal Electric Co., The Connecticut Light & Power Co., Great Bay Power Corporation, Hudson Light & Power Department, Massachusetts Municipal Wholesale Electric Co., Montauk Electric Co., New England Power Co., New Hampshire Electric Cooperative, Inc., Taunton Municipal Light Plant, The United Illuminating Co.

Table 3.4 Attorney General's Advice Letters

Applicant	Unit Name	FR Date	Finding
Arizona Public Service Co. et al.	Palo Verde Nuclear Generating Station, Units 4 & 5	09/25/78	No hearing needed (CP application—AZ Public Svrc. Co., El Paso Elec. Co., Southern CA Edison).
Arizona Public Service Co. et al.	Palo Verde Nuclear Generating Station, Units 4 & 5	03/07/79	No hearing needed (additional CP ownership—Los Angeles Dept. of Water & Power, San Diego Gas & Elec., Nevada Power Co., Cities of Anaheim, Glendale, Riverside, Pasadena, Burbank).
Arizona Public Service Co.	Palo Verde Nuclear Generating Station, Units 1, 2, & 3	03/10/82	No hearing needed (additional CP ownership—Los Angeles Dept. of Water & Power, S. Calif. Public Power Authority).
Boston Edison Company et al.	Pilgrim Station, Unit 2	05/01/78	No hearing needed (additional CP ownership—Mass. Municipal Wholesale Elec., Taunton Municipal Lighting Plant, VT Electric Coop.).
Boston Edison Company	Pilgrim Station	04/15/80	No hearing needed (OL application).
California Dept. of Water Resources	Sundesert Nuclear Plant, Units 1 & 2	08/04/78	No hearing needed (additional CP ownership—Cities of Los Angeles and Burbank).
Central Hudson Gas & Electric Corp.	Nine Mile Point Nuclear Station, Unit 2	08/04/78	No hearing needed (revised CP application—Long Island Lighting Co., NY State Elec. & Gas, Rochester Gas & Elec., and Central Hudson Gas & Elec.).
Cities of Los Angeles and Burbank, CA	Sundesert Nuclear Plant, Units 1 & 2	08/04/78	No hearing needed (additional CP ownership—Cities of Los Angeles and Burbank).
City of Anaheim et al.	Sundesert Nuclear Plant, Units 1 & 2	08/04/78	No hearing needed (additional CP ownership—Cities of Los Angeles and Burbank).
City of Orlando, FL	St. Lucie Plant, Unit 2	08/11/80	No hearing needed (additional CP ownership—City of Orlando, Orlando Utilities Commission).
Duke Power Co.	Catawba Nuclear Station, Unit 2	09/01/78	No hearing needed (additional CP ownership—N.C. Municipal Power Agency).
Duke Power Co.	Catawba Nuclear Station, Unit 1	11/14/80	No hearing needed (additional CP ownership—N.C. Elec. Membership Corp. and Saluda River Elec. Coop.).
Duke Power Co.	Catawba Nuclear Station, Unit 2	09/02/81	No hearing needed (additional CP ownership—Piedmont Municipal Power Agency).
Florida Power & Light Co.	St. Lucie Plant, Unit 2	08/11/80	No hearing needed (additional CP ownership—City of Orlando, Orlando Utilities Commission).

## Results

Table 3.4 (Continued)

Applicant	Unit Name	FR Date	Finding
Florida Power & Light Co.	St. Lucie Plant, Unit 2	11/29/82	No hearing needed (additional CP ownership—Fla. Municipal Power Agency).
Gulf States Utilities Co.	River Bend Station, Unit 1	05/29/80	No hearing needed (additional CP ownership—Cajun Elec. Power Coop., Sam Rayburn C&T).
Houston Lighting & Power Co. et al.	South Texas Project	03/03/78	Significant changes found; antitrust hearing necessary (OL application).
Illinois Power Co.	Clinton Power Station, Unit 1	08/22/78	No hearing needed (additional CP ownership—Soyland Power Coop. and W. Ill. Power Coop.).
Kansas City Power & Light Co.	Wolf Creek Generating Station, Unit 1	04/09/80	No hearing needed (additional CP ownership—Kansas City Electric Power Coop.).
Kansas Gas & Electric Co.	Wolf Creek Generating Station, Unit 1	04/09/80	No hearing needed (additional CP ownership—Kansas City Electric Power Coop.).
Long Island Lighting Co.	Jamesport Nuclear Station, Units 1 & 2	02/09/78	No hearing needed (additional CP ownership—NY State Electric & Gas).
Long Island Lighting Co.	Nuclear Power Station/New Haven—Stuyvesant Sites, Units 1 & 2	07/28/78	No hearing needed (CP application).
Long Island Lighting Co.	Nine Mile Point Nuclear Station, Unit 2	08/04/78	No hearing needed (revised CP application—Long Island Lighting Co., NY State Elec. & Gas, Rochester Gas & Elec., and Central Hudson Gas & Elec.).
Massachusetts Municipal Wholesale Electric Co. et al.	New England Power Project, Units 1 & 2	08/30/79	No hearing needed (additional CP ownership—Mass. Municipal Wholesale Electric, Maine Public Service Co., & Bangor Hydro-Electric Co.).
Middle South Energy, Inc.	Grand Gulf Nuclear Station, Units 1 & 2	06/05/80	No hearing needed (additional CP ownership—South Miss. Electric Power Assoc.).
Mississippi Electric Power Association	Grand Gulf Nuclear Station, Units 1 & 2	06/05/80	No hearing needed (additional CP ownership—South Miss. Electric Power Assoc.).
Mississippi Power & Light Co.	Grand Gulf Nuclear Station, Units 1 & 2	06/05/80	No hearing needed (additional CP ownership—South Miss. Electric Power Assoc.).
NC Electric Membership Corp.	North Anna Power Station, Units 1, 2, 3, & 4 and Surry Power Station, Units 1 & 2	04/03/79	No hearing needed (additional CP ownership—N.C. Electric Membership Corp., Old Dominion Elec. Coop.).

Table 3.4 (Continued)

Applicant	Unit Name	FR Date	Finding
NC Electric Membership Corp.	Catawba Nuclear Station, Unit 1	11/14/80	No hearing needed (additional CP ownership—N.C. Elec. Membership Corp. and Saluda River Elec. Coop.).
NC Power Agency No. 1	Catawba Nuclear Station, Unit 2	09/01/78	No hearing needed (additional CP ownership—N.C. Municipal Power Agency).
New York State Electric & Gas Corporation	Jamesport Nuclear Station, Units 1 & 2	02/09/78	No hearing needed (additional CP ownership—NY State Electric & Gas).
New York State Electric & Gas Corporation	Nuclear Power Station/New Haven-Stuyvesant Sites, Units 1 & 2	07/28/78	No hearing needed (CP application).
New York State Electric & Gas Corporation	Nine Mile Point Nuclear Station, Unit 2	08/04/78	No hearing needed (additional CP ownership—Long Island Lighting Co., NY State Elec. & Gas, Rochester Gas & Elec., and Central Hudson Gas & Elec.).
Niagara Mohawk Power Corporation	Nine Mile Point Nuclear Station, Unit 2	08/04/78	No hearing needed (revised CP application—Long Island Lighting Co., NY State Elec. & Gas, Rochester Gas & Elec., and Central Hudson Gas & Elec.).
Ohio Edison Co. et al.	Erie Nuclear Plant	03/24/78	Settles AT action; license conditions incorporated.
Old Dominion Electric Cooperative	North Anna Power Station, Units 1, 2, 3, & 4 and Surry Power Station, Units 1 & 2	04/03/79	No hearing needed (additional CP ownership—N.C. Electric Membership Corp., Old Dominion Elec. Coop.).
Orlando Utilities Commission	St. Lucie Plant, Unit 2	08/11/80	No hearing needed (additional CP ownership—City of Orlando, Orlando Utilities Commission).
Public Service Co. of New Hampshire et al.	Seabrook Nuclear Power Station, Units 1 & 2	04/19/82	No hearing needed (additional CP ownership—Canal Electric).
Public Service Co. of New Hampshire et al.	Seabrook Nuclear Power Station, Units 1 & 2	07/17/86	No hearing needed (additional CP ownership—EUA Power Co.).
Rochester Gas & Electric Corp.	Nine Mile Point Nuclear Station, Unit 2	08/04/78	No hearing needed (revised CP application—Long Island Lighting Co., NY State Elec. & Gas, Rochester Gas & Elec., and Central Hudson Gas & Elec.).
Saluda River Electric Cooperative	Catawba Nuclear Station, Unit 1	11/14/80	No hearing needed (additional CP ownership—N.C. Elec. Membership Corp. and Saluda River Elec. Coop.).
San Diego Gas & Electric Company	Sundesert Nuclear Plant, Units 1 & 2	08/04/78	No hearing needed (additional CP ownership—Cities of Los Angeles and Burbank).

Results

Table 3.4 (Continued)

Applicant	Unit Name	FR Date	Finding
San Diego Gas and Electric Company	San Onofre Nuclear Generating Station, Units 2 & 3	02/14/80	No hearing needed (additional CP ownership—Cities of Anaheim and Riverside).
Southern California Edison Co.	San Onofre Nuclear Generating Station, Units 2 & 3	02/14/80	No hearing needed (additional CP ownership—Cities of Anaheim and Riverside).
Soyland Power Cooperative, Inc.	Clinton Power Station, Unit 1	08/22/78	No hearing needed (additional CP ownership—Soyland Power Coop. and W. Ill. Power Coop.).
Texas Utilities Generating Co. et al.	Comanche Peak Steam Electric Station	08/07/78	Affirmative significant changes finding; AT hearing is necessary.
Texas Utilities Generating Co.	Comanche Peak Steam Electric Station, Units 1 & 2	09/14/79	No hearing needed* (additional CP ownership—Texas Municipal Power Agency).
Texas Utilities Generating Co.	Comanche Peak Steam Electric Station, Units 1 & 2	10/10/79	No hearing needed* (additional CP ownership—Brazos Electric Power Coop.).
Virginia Electric & Power Co.	North Anna Power Station, Units 1, 2, 3, & 4 and Surry Power Station, Units 1 & 2	04/03/79	No hearing needed (additional CP ownership—N.C. Electric Membership Corp., Old Dominion Elec. Coop.).
Western Illinois Power Cooperative, Inc.	Clinton Power Station, Unit 1	08/22/78	No hearing needed (additional CP ownership—Soyland Power Coop. and W. Ill. Power Coop.).

\* Perspective ownership participant agreed to be bound by the terms and license conditions resulting from the pending Comanche Peak antitrust proceeding.

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## APPENDIX A

## NOTICES

uthority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make such determinations by the Acting Director, NSF, on February 18, 1977.

M. REBECCA WINKLER,  
Committee Management  
Coordinator.

SEPTEMBER 19, 1978.  
[FR Doc. 78-26695 Filed 9-22-78; 8:45 am]

[7555-01]

SUBCOMMITTEE ON SYSTEMATIC BIOLOGY  
Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Subcommittee on Systematic Biology of the Advisory Committee for Environmental Biology.

Date and time: October 16 and 17, 1978; 8:30 a.m. to 5 p.m. each day.

Place: Room 338, National Science Foundation, 1800 G Street NW., Washington, D.C. 20550.

Type of Meeting: Closed.

Contact person: Dr. William Louis Stern, Program Director, Systematic Biology Program, Room 338, National Science Foundation, Washington, D.C. 20550, telephone 202-632-5846.

Purpose of subcommittee: To provide advice and recommendations concerning support for research in systematic biology.

Agenda: To review and evaluate research proposals as part of the selection process for awards.

Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make such determinations by the Acting Director, NSF, on February 18, 1977.

M. REBECCA WINKLER,  
Committee Management  
Coordinator.

SEPTEMBER 19, 1978.

[FR Doc. 78-26696 Filed 9-22-78; 8:45 am]

[7590-01]

NUCLEAR REGULATORY  
COMMISSION

[Docket Nos. 50-592A and 50-593A]

ARIZONA PUBLIC SERVICE CO., ET AL

Receipt of Attorney General's Advice and Time for Filing of Petitions To Intervene on Antitrust Matters

The Commission has received, pursuant to section 105c of the Atomic Energy Act of 1954, as amended, the following advice from the Attorney General of the United States, dated September 13, 1978, with respect to a construction permit application for Palo Verde Nuclear Generating Station, units 4 and 5:

You have requested our advice pursuant to the provisions of section 105c of the Atomic Energy Act of 1954, as amended, in regard to the above-cited application.

The Palo Verde Nuclear Generating Station (PVNGS) Units 4 and 5 are two additional units planned for construction at the same site as Units 1, 2, and 3 currently being built pursuant to construction permits issued by the Nuclear Regulatory Commission in NRC dockets Nos. STN 50-528, STN 50-529, and STN 50-530, respectively. Units 4 and 5 will be jointly owned by Arizona Public Service Co. (Arizona), El Paso Electric Co. (El Paso), and Southern California Edison Co. (Southern California).<sup>1</sup>

The Department of Justice rendered antitrust advice to the Commission by letter of April 8, 1975, with respect to the then proposed participation in PVGNS Units 1, 2, and 3 by Arizona and El Paso. At that time Arizona had agreed to a license condition relating to transmission services that satisfactorily eliminated the anticompetitive effects of certain restrictions placed upon its wholesale customers' ability to resell power wheeled to them by Arizona. Since there was no evidence then before the Department that any of the applicants, including El Paso, was exercising any other market power they might have had to inhibit competition, we concluded that an antitrust hearing was not necessary.

Subsequent to our antitrust advice of April 8, 1975, one of the six original participants in PVNGS Units 1, 2, and 3, Tucson Gas & Electric Co. was replaced by Southern California. We advised you by letter of April 6, 1976, that no antitrust hearing would be necessary as a result of the addition of Southern California as a part owner in PVNGS Units 1, 2, and 3. The basis for our recommendation was that Southern California had earlier agreed to accept license conditions in connection with its San Onofre Nuclear Generating Station, Units 2 and 3, AEC docket Nos. 50-381A and 50-382A<sup>2</sup> and that there was no other information that would warrant an antitrust hearing.

Our review of the instant application has not disclosed any evidence that any of the applicants has used its size or ownership of transmission facilities in such a manner as to inhibit competition in the area in which they operate. The Department did receive a complaint from electrical district No. 2, an electric distribution system competing with Arizona for retail loads in the area of the city of Casa Grande in Pinal County, Ariz. Electrical district No. 2 alleged that Arizona had instituted lawsuits against the district and had threatened lawsuits against prospective retail customers in order to prevent the district from serving anything other than agricultural pumping and incidental farm domestic loads. The dispute, however, appears to be concerned primarily with the interpretation of certain Arizona State statutes regulating retail service by electrical districts within the State. Electrical district No. 2 does not rely on Arizona for its bulk power supply and apparently has been able

<sup>1</sup>The Department has received your request of August 25, 1978, for advice with respect to the participation in units 4 and 5 of an additional eight electric utilities. This advice letter, however, covers only the three companies referenced in your letter of March 1, 1978.

<sup>2</sup>See our advice letter to the Commission of June 23, 1974.

SEPTEMBER 19, 1978.  
[FR Doc. 78-26693 Filed 9-22-78; 8:45 am]

## NOTICES

to compete successfully with Arizona for retail customers.

It is our opinion that the ownership of PVMCS Units 4 and 5 by NRG, three applicants will not create or maintain a situation inconsistent with the antitrust laws. We do not, therefore, believe it necessary for the Commission to hold an antitrust hearing.

Any person whose interest may be affected by this proceeding may, pursuant to § 2.714 of the Commission's "rules of practice," 10 CFR part 2, file a petition for leave to intervene and request a hearing on the antitrust aspects of the application. Petitions for leave to intervene and requests for hearing shall be filed by October 25, 1978, either (1) by delivery to the NRC Docketing and Service Branch at 1717 H Street NW., Washington, D.C., or (2) by mail or telegram addressed to the Secretary, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch.

For the Nuclear Regulatory Commission.

JEROME SALTZMAN,  
Chief, Antitrust and Indemnity  
Group, Office of Nuclear Reactor  
Regulation.

[FR Doc. 78-26847 Filed 9-22-78; 8:45 am]

[7590-01]

[Docket No. 50-293]

BOSTON EDISON CO.

Issuance of Amendment to Facility Operating  
License

The U.S. Nuclear Regulatory Commission (the Commission) has issued amendment No. 34 to facility operating license No. DPR-35, issued to Boston Edison Co., which revised the technical specifications for operation of the Pilgrim Nuclear Power Station, Unit No. 1, located near Plymouth, Mass. The amendment is effective as of the date of its issuance.

This amendment changes the trip level setting for the high flow main steam line instruments from 0120 percent to 0140 percent of rated steam flow. The new setpoint is consistent with assumptions used in the final safety analysis report for main steam line high flow differential pressure switch trip settings.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment

does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4), an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) application for amendment dated March 22, 1978, (2) amendment No. 34 to license No. DPR-35, and (3) the Commission's related safety evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Plymouth Public Library, on North Street in Plymouth, Mass. 02360. A single copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 19th day of September 1978.

For the Nuclear Regulatory Commission.

THOMAS A. IPPOLITO,  
Chief, Operating Reactors  
Branch No. 3, Division of  
Operating Reactors.

[FR Doc. 78-26848 Filed 9-22-78; 8:45 am]

[7590-01]

[Docket No. 50-263]

NORTHERN STATES POWER CO.

Issuance of Amendment to Provisional  
Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued amendment No. 35 to provisional operating license No. DPR-22 issued to Northern States Power Co. (NSP) (the licensee) which revised the technical specifications for operation of the Monticello Nuclear Generating Plant (the facility) located in Wright County, Minn. The amendment is effective as of its date of issuance.

The amendment revised the technical specifications to provide operating limits and procedures for the recirculation pump trip system for Monticello Nuclear Generating Station.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are

set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4), an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated March 1, 1978, (2) amendment No. 35 to license No. DPR-22, and (3) the Commission's related safety evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Environmental Conservation Library, Minneapolis Public Library, 300 Nicollet Mall, Minneapolis, Minn. 55401. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactor.

Dated at Bethesda, Md., this 15th day of September 1978.

For the Nuclear Regulatory Commission.

THOMAS A. IPPOLITO,  
Chief, Operating Reactors  
Branch No. 3, Division of  
Operating Reactors.

[FR Doc. 78-26849 Filed 9-22-78; 8:45 am]

[7590-01]

[Docket Nos. STN 50-556, STN 50-557]

PUBLIC SERVICE COMPANY OF OKLAHOMA,  
ASSOCIATED ELECTRIC COOPERATIVE, INC.,  
AND WESTERN FARMERS ELECTRIC COOP-  
ERATIVE, INC., (BLACK FOX STATION, UNITS 1  
AND 2)

Second Amended Order Setting Evidentiary  
Hearing on Health and Safety Issues

Our first Amended Order Setting Evidentiary Hearing On Health And Safety Issues dated August 28, 1978 and published in the FEDERAL REGISTER on September 1, 1978 (43 FR 39198), noticed, inter alia, that the evidentiary hearing beginning on October 10, 1978 would be held in Courtroom No. 3, U.S. Courthouse, 333 West Fourth Street, Tulsa, Okla. This courtroom is no longer available.

Accordingly, please take notice and it is hereby ordered that the evidentiary hearing on health and safety issues specified in our initial order dated August 17, 1978 (43 FR 37502, August 23, 1978), is scheduled to begin

considering the grant applications submitted by:

1. Summit County Legal Aid Society in Akron, Ohio to serve Medina County

2. Legal Aid Society of Cincinnati in Cincinnati, Ohio to serve Brown County.

3. Legal Aid Society of Cleveland in Cleveland, Ohio to serve Crawford and Ashland Counties.

4. Legal Aid Society of Columbus in Columbus, Ohio to serve Marion, Delaware and Morrow Counties.

5. Ohio State Legal Services Association in Columbus, Ohio to serve Lawrence, Athens, Meigs, Belmont and Jefferson Counties.

6. Allen County Legal Services Association in Lima, Ohio to serve Auglaize County.

7. Licking County Legal Aid Society in Newark, Ohio to serve Knox and Fairfield Counties.

8. The Rural Legal Aid Society of West Central Ohio in Greerille, Ohio to serve Clark, Preble, Miami and Greene Counties.

Interested persons are hereby invited to submit written comments or recommendations concerning the above applications to the Regional Office of the Legal Services Corporation at: Legal Services Corporation, Northern Virginia Regional Office, 1730 North Lynn Street, Suite 600, Arlington, VA 22209.

THOMAS EHRLICH,  
President

(FIR Doc 79-6865 Filed 3-6-79, 8:45 am)

[6820-35-M]

GRANTS AND CONTRACTS

MARCH 6, 1979.

The Legal Services Corporation was established pursuant to the Legal Services Corporation Act of 1974, Pub. L. 93-355 88 Stat. 378, 42 U.S.C 2996-2996i, as amended, Pub. L. 95-222 (December 28, 1977). Section 1007(f) provides: "At least 30 days prior to the approval of any grant application or prior to entering into a contract or prior to the initiation of any other project, the Corporation shall announce publicly \*\*\* such grant, contract or project."

The Legal Services Corporation hereby announces publicly that it is considering the grant applications submitted by:

1. Macomb County Legal Aid Bureau in Mt. Clemens, Michigan to serve St. Clair County.

2. Kalamazoo County Legal Aid Bureau in Kalamazoo, Michigan to serve Kalamazoo and Van Buren Counties.

Interested persons are hereby invited to submit written comments or recommendations concerning the above

applications to the Regional Office of the Legal Services Corporation at Legal Services Corporation, Northern Virginia Regional Office, 1730 North Lynn Street, Suite 600, Arlington, VA 22209.

THOMAS EHRLICH,  
President

(FIR Doc 79-6866 Filed 3-6-79, 8:45 am)

[7510-01-M]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

(NOTICE (79-25))

SPACE SCIENCE STEERING COMMITTEE VENUS ORBITING IMAGING RADAR (VOIR) AD HOC ADVISORY SUBCOMMITTEE

Establishment

Pursuant to section 9(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), and after consultation with the Committee Management Secretariat, General Services Administration, NASA has determined that the establishment of an Ad Hoc Advisory Subcommittee for the evaluation of Venus Orbiting Imaging Radar (VOIR) proposals, is in the public interest. In connection with the performance of duties imposed upon NASA by law, The Space Science Steering Committee, under which the Subcommittee will operate, is a NASA internal committee, composed wholly of government employees.

The function of this Subcommittee will be to obtain the advice of the scientific community on proposals in the specialized areas identified by the name of the Subcommittee.

ARNOLD W. FRUTKIN,  
Associate Administrator  
for External Relations.

MARCH 1, 1979.

(FIR Doc 79-6756 Filed 3-6-79, 8:45 am)

[4510-30-M]

NATIONAL COMMISSION ON UNEMPLOYMENT COMPENSATION

Rescheduled Meeting

On January 26, 1979, FR 44, page 5542, notice was given of the eleventh meeting of the National Commission on Unemployment Compensation to be held on March 8, 9, and 10 at the Ramada Inn, Rosslyn, Virginia.

The meeting location and dates have been changed. The meeting of the National Commission will now take place on March 8 from 10:00 A.M. to 5:30 P.M., and on March 9 from 8:30 A.M. to 5:00 P.M., at the Shoreham Americana Hotel, 2500 Calvert Street NW, Washington, D.C.

Telephone inquiries and communications concerning this meeting should be directed to JAMES M. ROSBROW, Executive Director, National Commission on Unemployment Compensation, 1815 Lynn Street, Room 440, Rosslyn, Virginia 22209, (703) 235-2782.

Signed at Washington, D.C. this 1st day of March, 1979.

JAMES M. ROSBROW  
Executive Director, National  
Commission on Unemployment  
Compensation

(FIR Doc. 79-6813 Filed 3-6-79, 8:45 am)

[7590-01-M]

NUCLEAR REGULATORY COMMISSION

(Docket Nos. 50-592A and 50-593A)

ARIZONA PUBLIC SERVICE CO., ET AL.

Receipt of Attorney General's Advice and Time for Filing of Petitions to Intervene on Antitrust Matters

The Commission has received, pursuant to section 105c of the Atomic Energy Act of 1954, as amended, the following additional advice from the Attorney General of the United States, dated February 22, 1979, with respect to a construction permit application for Palo Verde Nuclear Generating Station, Units 4 and 5.

You have requested our advice pursuant to Section 105c of the Atomic Energy Act of 1954, as amended, in regard to a revision of the above-cited application which would expand the ownership of the units to include Los Angeles Department of Water and Power (LADWP), San Diego Gas & Electric Company (San Diego), City of Anaheim (Anaheim), City of Glendale (Glendale), City of Riverside (Riverside), City of Pasadena (Pasadena), City of Burbank (Burbank), and the Nevada Power Company (NPC).

The Palo Verde Nuclear Generating Station (PVNGS) Units 4 and 5 are two additional units planned for construction at the same site as Units 1, 2 and 3 currently being built pursuant to construction permits issued by the Nuclear Regulatory Commission ("Commission") in NRC Docket Nos. STN 50-528, STN 50-529, and STN 50-530, respectively.<sup>1</sup> The Department of Justice rendered antitrust advice to the Commission by letter of September 13, 1978, with respect to the initial applications of Arizona Public Service Company, El Paso Electric Company and Southern California Edison Company regarding their participation in PVNGS Units 4 and 5. The proposed revi-

<sup>1</sup>The Department rendered antitrust advice to the Commission by letter of April 8, 1975 with respect to the proposed participation in PVNGS Units 1, 2 and 3 by Arizona Public Service Company and El Paso Electric Company, and by letter of April 6, 1976 with respect to the participation of Southern California Edison Co. in Units 1, 2 and 3.

## NOTICES

sion will result in the eight additional participants owning the following percentage of the two units:

LADWP	11.7%
San Diego	5.2%
Anaheim	1.5%
Glendale	1.0%
Riverside	1.0%
Pasadena	1.0%
Burbank	1.0%
SPC	2.2%

LADWP has been the subject of antitrust review on two previous occasions. In connection with LADWP's participation in the San Joaquin Nuclear Project we advised by letter of November 21, 1975, that no antitrust hearing was necessary, and more recently we advised by letter of July 17, 1978, that no antitrust hearing would be required in connection with LADWP's participation in Sundesert Nuclear Plant, Units 1 and 2.

San Diego has also been the subject of two previous antitrust reviews. We advised the Commission by letter of July 12, 1971, that a hearing was necessary in connection with Southern California Edison's participation in the San Onofre Nuclear Generating Station, Units 2 and 3, but concluded, with respect to San Diego's participation, that an antitrust hearing was not warranted. On May 12, 1976, we rendered antitrust advice in connection with San Diego's application to build the Sundesert Nuclear Plant, Units 1 and 2. We again advised that a hearing was not necessary.

Anaheim, Glendale, Riverside and Pasadena filed applications to participate in both the San Joaquin and Sundesert plants, and the Commission was advised by letters of November 24, 1975, and September 2, 1977, that no antitrust hearings were necessary in connection with the participation by those cities in the San Joaquin and Sundesert plants, respectively. We also advised the Commission by letter of July 17, 1978, that no antitrust hearing would be required in connection with the City of Burbank's planned participation in the Sundesert Nuclear Plant.

"Our review of the information submitted for antitrust review purposes as well as other information available to the Department provides no basis at this time to conclude that the participation in PVNGS Units 4 and 5 by the above seven entities would warrant any change in our prior advice.

"The eighth applicant, the Nevada Power Company (NPC) has not heretofore been the subject of an antitrust review under section 105c. NPC is the largest electric utility in southern Nevada and in 1977 served approximately 136,000 customers (including the city of Las Vegas), with a peak load of approximately 1900 MWs. NPC's 2.2 percent interest represents about 4 percent of its 1978 generating capacity (approximately 1200 MWs).

"There is one municipally owned distribution system, two power districts, one REA cooperative, and one investor-owned distribution system in southern Nevada serving in areas adjacent to NPC's facilities, none of which have any generation in the area. The investor-owned system purchases power from NPC. The public systems purchase power generated at Federal hydroelectric

<sup>1</sup>The investor-owned system (C-P National, formerly California Pacific Utilities Co.) owns some generation in Northern Nevada.

projects on the Colorado River from the U.S. Bureau of Reclamation and the Nevada Division of Colorado River Resources.

The NPC performs central dispatching service for all of the utilities in the area, and thus, is in a position to control the ability of these other utilities to obtain power from sources outside of the area. It appears, however, that all the utilities are engaged in the planning of jointly owned generating units. Moreover, our investigation uncovered no evidence that NPC has acted to foreclose or hinder the development of alternative sources of power or has otherwise placed the smaller utilities at a competitive disadvantage. Accordingly it is the Department's view that NPC's ownership of 2.2 percent of PVNGS units 4 and 5 will not create or maintain a situation inconsistent with the antitrust laws and that an antitrust hearing on NPC's application is not necessary."

Any person whose interest may be affected by this proceeding may, pursuant to § 2.714 of the Commission's "Rules of Practice," 10 CFR Part 2, file a petition for leave to Intervene and requests a hearing on the antitrust aspects of the application. Petitions for leave to Intervene and requests for hearing shall be filed by April 6, 1979, either (1) by delivery to the NRC Docketing and Service Branch at 1717 H Street, NW, Washington, DC or (2) by mail or telegram addressed to the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555, ATTN: Docketing and Service Branch.

For the Nuclear Regulatory Commission.

JEROME SALTZMAN,  
Chief, Antitrust and Indemnity  
Group, Office of Nuclear Reactor  
Regulation.

[FR Doc. 79-6644 Filed 3-5-79 8:45 am]

7590-01-M]

(Docket No. 50-293)

BOSTON EDISON CO.

Issuance of Amendment to Facility Operating  
License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 37 to Facility Operating License No. DPR-35, issued to Boston Edison Company (the Licensee), which revised the license for operation of the Pilgrim Nuclear Power Station Unit No. 1 (the facility) located near Plymouth, Massachusetts. The amendment becomes effective on February 23, 1979.

The amendment adds a license condition to include the Commission-approved physical security plan as part of the license.

The licensee's filings comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commiss-

sion has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter 1, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

The licensee's filing dated November 7, 1977 as revised May 26, 1978 and January 8, 1979, and the Commission's Security Plan Evaluation Report are being withheld from public disclosure pursuant to 10 CFR 2.790(d). The withheld information is subject to disclosure in accordance with the provisions of 10 CFR 9.12.

For further details with respect to this action, see (1) Amendment No. 37 to License No. DPR-35 and (2) the Commission's related letter to the Licensee dated February 23, 1979. These items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW, Washington, D.C. and at the Plymouth Public Library on North Street in Plymouth, Massachusetts 02360. A copy of items (1) and (2) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland this 23d day of February 1979.

For the Nuclear Regulatory Commission.

THOMAS A. IPPOLITO,  
Chief, Operating Reactors  
Branch No. 3, Division of Operating Reactors.

[FR Doc. 79-6842 Filed 3-6-79 8:45 pm]

7590-01-M]

(Docket Nos. 50-325 and 50-324)

CAROLINA POWER & LIGHT CO.

Issuance of Amendments to Facility Operating  
Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment Nos. 21 and 45 to Facility Operating License Nos. DPR-71 and DPR-62 issued to Carolina Power & Light Company (the licensee) which revised the licenses for operation of the Brunswick Steam Electric Plant, Units 1 and 2 (the facility), located in Brunswick County, North Carolina.

## FEDERAL REGISTER—IMPORTS

Name of applicant, Date of application, Date received, application No	Material type	Material in kilograms		End-Use	Country of destination
		Total element	Total isotope		
Exxon Nuclear Corp., Feb. 26, 1982, Mar. 2, 1982, ISNM 82004. Exxon Nuclear Corp., Feb. 26, 1982, Mar. 2, 1982, ISNM 82005.	3.4% Enriched Uranium	55,000	1,870	UF <sub>6</sub> will be fabricated by Exxon into fuel assemblies & reexported for use in the Biblis A Reactor	From Netherlands
	3.4% Enriched Uranium	66,000	2,224	UF <sub>6</sub> will be fabricated by Exxon into fuel assemblies & reexported for use in the Biblis B Reactor.	From USSR

[FR Doc. 82-6440 Filed 3-9-82 8:45 am]

BILLING CODE 7590-01-M

## [Docket Nos. 50-528A, 529A, 530A]

**Arizona Public Service Co.; Receipt of Attorney General's Advice and Time for Filing of Petitions To Intervene on Antitrust Matters**

The Commission has received the following additional advice, pursuant to section 105c of the amended Atomic Energy Act of 1954, from the Attorney General of the United States, dated February 11, 1982, with respect to the construction permit application for the Palo Verde Nuclear Generating Station, Units 1, 2, and 3.

You have requested our advice pursuant to the provisions of Section 105c of the Atomic Energy Act of 1954, as amended, in regard to a transfer of ownership interest in the above referenced units by Salt River Project Agricultural Improvement and Power District ("SRP") to the Los Angeles Department of Water and Power ("LADWP") and to the Southern California Public Power Authority ("SCPPA").<sup>1</sup> Under the proposed transfer, LADWP will acquire a 5.7 percent interest, and SCPPA will acquire a 5.91 percent in each of the three 1270 megawatt units. The Palo Verde Nuclear Generating Station ("PVNGS") is located near Phoenix, Arizona. LADWP and the members of SCPPA are California utilities.

LADWP has been the subject of antitrust review on three previous occasions. The most recent occasion was in connection with LADWP's participation in PVNGS Units 4 and 5. The Department of Justice advised the Nuclear Regulatory Commission by letter dated February 22, 1979 that the participation of LADWP in PVNGS Units 4 and 5 would not create or maintain a situation inconsistent with the antitrust laws.<sup>2</sup>

<sup>1</sup>The SCPPA is an entity formed pursuant to California law for the purpose of financing, acquiring, constructing, maintaining, and operating generation and transmission projects. The members of, and their percentage participating in SCPPA are: Los Angeles Department of Water (82%), City of Burbank (4%), City of Glendale (4%), City of Pasadena (4%), City of Riverside (5%), City of Anaheim (7.5%), City of Banning (1%), City of Vernon (4.5%), and Imperial Irrigation District (8%).

<sup>2</sup>LADWP was also the subject of antitrust review in connection with the Sundersert Nuclear Plant, Units 1 and 2 and the San Joaquin Nuclear Project. In both reviews the Department advised that antitrust hearings were not required.

Some of the members of SCPPA were the subject of antitrust review in connection with the Sundersert Nuclear Plant, and the San Joaquin Nuclear Project. On November 24, 1973 the Department advised that no hearing was required in connection with the Cities of Anaheim, Glendale, Riverside and Pasadena participating in the San Joaquin Nuclear Project. On September 2, 1977 the same advice was given in connection with the four cities participating in the Sundersert Nuclear Plant. We advised on July 17, 1978 that participation by the City of Burbank in the Sundersert Project would not require an antitrust hearing. We also advised on January 31, 1980, that participation by the Cities of Anaheim and Riverside in San Onofre Nuclear Generating Company, Units 2 and 3, would not require an antitrust hearing.

Our review of the information submitted in connection with the current application, as well as other relevant information, has disclosed no evidence that would warrant a change of our earlier advice with respect to LADWP, or the members of SCPPA that were the subject of prior antitrust review. We are not aware of any evidence that the other members of SCPPA have engaged in any conduct that might warrant further antitrust scrutiny. Accordingly, it is the Department's view that no antitrust hearing is necessary with respect to the proposed transfers of ownership.

Any person whose interest may be affected by this proceeding may, pursuant to § 2.714 of the Commission's "Rules of Practice," 10 CFR Part 2, file a petition for leave to intervene and request a hearing on the antitrust aspects of the application. Petitions for leave to intervene and requests for hearing shall be filed by (30 days) either (1) by delivery to the NRC Docketing and Service Branch at 1717 H Street NW, Washington, D.C. or (2) by mail or telegram addressed to the Secretary, U.S. Nuclear Regulatory Commission, Washington, D.C. 20585, ATTN: Docketing and Service Branch.

For the Nuclear Regulatory Commission,  
Argil Tolison,  
Acting Chief, Antitrust and Economic Analysis Branch, Division of Engineering, Office of Nuclear Reactor Regulation.

[FR Doc. 82-6435 Filed 3-8-82 8:45 am]

BILLING CODE 7590-01-M

## [Docket No. 50-366]

**Georgia Power Co., et al.; Issuance of Amendment to Facility Operating License**

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 26 to Facility Operating License No. NPF-5, issued to Georgia Power Company, Oglethorpe Power Corporation, Municipal Electric Authority of Georgia, and City of Dalton, Georgia, which revised Technical Specifications (TSs) for operation of the Edwin L. Hatch Nuclear Plant, Unit No. 2 (the facility) located in Appling County, Georgia. The amendment is effective as of the date of issuance.

This amendment revises the Technical Specification surveillance requirements needed to determine the operability of the source range monitors during periods of core alteration.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated January 22, 1982, (2) Amendment No. 26 to License No. NPF-5, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the

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18615

Dated: April 26, 1978.

DONALD G. DONAHOO,  
Chief, Permit Branch,  
Federal Wildlife Permit Office.  
[FR Doc. 78-11772 Filed 4-28-78; 8:45 am]

### THREATENED SPECIES PERMIT

#### Receipt of Application

The applicants listed below wish to apply for Captive Self-Sustaining Population permits authorizing the purchase and sale in interstate commerce, for the purpose of propagation, those species of pheasants listed in 50 CFR 17.11 as [T(C/P)]. Humane shipment and care in transit is assured.

These applications and supporting documents are available to the public during normal business hours in Room 534, 1717 H Street NW, Washington, D.C. or by writing to the Director, U.S. Fish and Wildlife Service (WPO), Washington, D.C. 20240. Interested persons may comment on these applications by May 31, 1978 by submitting written data, views, or arguments to the Director at the above address.

Applicant: Mr. B. S. Jolley, Route 1, Box 72, Roaring River, NC. 28669; PRT 2-2359.

Applicant: Mr. Winston Sessions, P.O. Box 353 Route 2, Monroeville, Ala. 36460; PRT 2-2382.

Applicant: Mr. Mark S. Bierbower, R.D. No. 1, Box 47 F 11, Hopwood, Pa. 15445; PRT 2-2405.

Applicant: Mr. Oswald A. Pung, 3424 18th Street, Lewiston, Idaho 83501; PRT 2-2373.

Applicant: Frederick S. Rose, 43 Cornwall Avenue, Cornwall-on-Hudson, N.Y. 12520; PRT 2-2397.

Please refer to the individual applicant and the appropriately assigned PRT 2- file number when submitting comments.

Dated: April 26, 1978.

DONALD G. DONAHOO,  
Chief, Permit Branch,  
Federal Wildlife Permit Office.  
[FR Doc. 78-11771 Filed 4-28-78; 8:45 am]

[7590-01]

### NUCLEAR REGULATORY COMMISSION

[Docket No. 50-313]

#### ARKANSAS POWER & LIGHT CO.

##### Granting of Relief From ASME Section XI Inservice Inspection (Testing) Requirements

The U.S. Nuclear Regulatory Commission (the Commission) has granted relief from certain requirements of the ASME Code, Section XI, "Rules for Inservice Inspection of Nuclear Power Plant Components" to Arkansas Power & Light Co. The relief relates to the inservice inspection (testing) program for the Arkansas Nuclear One, Unit No. 1 (the facility) located in Pope County, Ark. The ASME Code

requirements are incorporated by reference into the Commission's rules and regulations in 10 CFR Part 50. The relief is effective as of its date of issuance.

The relief is granted on an interim basis, pending completion of our detailed review from those inservice inspection and testing requirements of the ASME Code that the licensee has determined to be impractical within the limitations of design, geometry and materials of construction of components, because compliance would result in hardships or unusual difficulties without a compensating increase in the level of quality or safety.

The request for relief complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the letter granting relief. Prior public notice of this action was not required since the granting of this relief from ASME Code requirements does not involve a significant hazards consideration.

The Commission has determined that the granting of this relief will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with this action.

For further details with respect to this action, see (1) the request for relief dated October 19, 1977, and (2) the Commission's letter to the licensee dated April 20, 1978.

These items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW, Washington, D.C. and at the Arkansas Polytechnic College, Russellville, Ark. 72801. A copy of item (2) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 20th day of April, 1978.

For the Nuclear Regulatory Commission.

ROBERT W. REID,  
Chief, Operating Reactors  
Branch No. 4 Division of Operating Reactors.

[FR Doc. 78-11749 Filed 4-28-78; 8:45 am]

[7590-01]

[Docket No. 50-471A]

#### BOSTON EDISON CO. ET AL

##### Receipt of Attorney General's Advice and Time for Filing of Petitions To Intervene on Antitrust Matters

In the matter of Boston Edison Co. and Massachusetts Municipal Wholesale Electric Co., Taunton Municipal Lighting Plant, Vermont Electric Cooperative, Inc.

The Commission has received, pursuant to section 105c of the Atomic Energy Act of 1954, as amended, the following additional advice from the Attorney General of the United States, dated April 20, 1978:

You have requested our advice pursuant to the provisions of Section 105 of the Atomic Energy Act, as amended, in regard to the above-cited application. [Pilgrim Nuclear Generating Station, Unit No. 2]

On June 26, 1974, we advised the Commission that review of the information submitted by the lead applicant, Boston Edison Co., as well as other information relating to electric utility competition in New England, did not indicate any need for an antitrust hearing on this nuclear facility. You have now provided us with antitrust information submitted by three other applicants, Massachusetts Municipal Wholesale Electric Co. (MMWEC), Taunton Municipal Lighting Plant, and Vermont Electric Cooperative, Inc.

The MMWEC, which will own a 13.240 percent share in the unit, it is a public corporation of the Commonwealth of Massachusetts. It is engaged in the acquisition, development and sale of bulk power to its 30 member municipal electric systems and others. MMWEC has contracted for the sale of all of its ownership share of the output of this unit to 25 of its members through power sales agreements covering the life of the facility. These 25 members provide retail or wholesale electric service to 32 communities in Massachusetts. The non-coincident peak of all members of MMWEC was 671.3 MW in 1977. In that year the smallest member had a peak of 3.2 MW, the largest a peak of 74.8 MW.

Taunton, which supplies electric power in the Taunton, Mass. area, will own a 0.60 percent share of the unit. In 1976 Taunton experienced a peak load of 62 MW. Vermont Electric Cooperative serves rural areas primarily in northern Vermont, and had a peak load of 2.38 MW in 1975. Vermont's share of the unit will be 0.20 percent.

With the present changes in ownership the current ownership of the 1180 ...W Pilgrim Unit No. 2 is as follows:

	Percent ownership
Boston Edison Co. ....	59.026
Burlington Electric Dept. ....	0.330

'The 30 Massachusetts Municipal electric systems which are members of the MMWEC are: Ashburnham, Baldwinville, Belmont, Boylston, East Braintree, Chicopee, Danvers, Georgetown, Groton, Hingham, Holden, Holyoke, Hudson, Hull, Ipswich, Littleton, Mansfield, Marblehead, Middleborough, Middletown, North Attleborough, Paxton, Peabody, Reading, Shrewsbury, South Hadley, Sterling, Wakefield, West Boylston and Westfield.

## NOTICES

	Percent ownership
Central Maine Power Co.	2.850
Central Vermont Public Service Corp.	1.780
Fitchburg Gas & Electric Light Co.	0.190
Hudson Light & Power Dept.	0.174
Massachusetts Municipal Wholesale Electric Co.	13.240
Montauk Electric Co.	2.150
New Bedford Gas & Edison Light Co.	1.530
New England Power Co.	11.160
Public Service Co. of New Hampshire	3.470
Taunton Municipal Lighting Plant	0.600
The United Illuminating Co.	3.500
Vermont Electric Cooperative, Inc.	0.200

Our review three new applicants, as well as other relevant information, has disclosed no basis upon which to change our earlier conclusion that an antitrust hearing will not be necessary in this matter.

Any person whose interest may be affected by this proceeding may, pursuant to § 2.714 of the Commission's "Rules of Practice", 10 CFR Part 2, file a petition for leave to intervene and request a hearing on the antitrust aspects of the application. Petitions for leave to intervene and requests for hearing shall be filed by May 31, 1978, either (1) by delivery to the NRC Docketing and Service Section at 1717 H Street NW., Washington, D.C. or (2) by mail or telegram addressed to the Secretary, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Attention: Docketing and Service Section.

For the Nuclear Regulatory Commission.

JEROME SALTZMAN,  
Chief, Antitrust and Indemnity  
Group, Office of Nuclear Reactor  
Regulations.

[FIR Doc. 78-11750 Filed 4-28-78; 8:45 am]

[7590-01]

[Docket No. 50-219]

JERSEY CENTRAL POWER & LIGHT CO.  
Issuance of Amendment to Provisional  
Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 31 to Provisional Operating License No. DPR-16, issued to Jersey Central Power & Light Co. (the licensee), which revised Technical Specifications for operation of the Oyster Creek Nuclear Generating Station (the facility) located in Ocean County, N.J. The amendment is effective as of its date of issuance.

The amendment deleted the Respiratory Protection Program which was superseded by the amended § 20.103 of 10 CFR Part 20 of the Commission's regulations.

This amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's

rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the Commission's letter to Jersey Central Power & Light Co. dated July 29, 1977, (2) Amendment No. 31 to License No. DPR-16, and (3) the Commission's related evaluation that is included in the concurrently issued letter to the licensee. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Ocean County Library, Brick Township Branch, 401 Chambers Bridge Road, Brick Town, N.J. 08723. A copy of items (1), (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 19th day of April, 1978.

For the Nuclear Regulatory Commission,

DENNIS L. ZIEMANN,  
Chief, Operating Reactors  
Branch No. 2, Division of  
Operating Reactors.

[FIR Doc. 78-11751 Filed 4-28-78; 8:45 am]

[7590-01]

[Docket No. 50-336]

NORTHEAST NUCLEAR ENERGY CO., ET AL.  
Issuance of Amendment to Facility Operating  
License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 38 to Facility Operating License No. DPR-65 to Northeast Nuclear Energy Co., The Connecticut Light and Power Co., The Hartford Electric Light Co., and Western Massachusetts Electric Co., which revised Technical Specifications for operation of the Millstone Nuclear Power Station, Unit No. 2 located in the Town of Waterford, Conn. The amendment is effective as of its date of issuance.

The amendment authorizes operation with sleeved guide tubes for the Control Element Assemblies (CEAs), burnable poison pin perforations, modified containment electrical penetrations, and revises the Appendix A

Technical Specifications by: (1) incorporating changes resulting from the analyses of Cycle 2 reload fuel; (2) authorizing the removal of all part length CEAs; (3) changes relating to a new water hole peaking factor; and (4) deleting the requirement for two reactor protection system trips.

The applications for the amendment comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Notice of Proposed Issuance of Amendment to Facility Operating License in connection with operation with sleeved guide tubes for the CEAs was published in the FEDERAL REGISTER on February 10, 1978 (43 FR 5908). No request for a hearing or petition for leave to intervene was filed following this notice of proposed action. Prior public notice of the other actions mentioned above was not required since these actions do not involve a significant hazards consideration. Steam generator tube support plate cracking problems were also the subject of the above Notice. This action is being handled separately.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the applications for amendment dated September 2, 1977, February 22 and 23, 1978, and March 20, 1978, as supplemented August 25, September 2 and 28, October 12, November 14, 17, and 23, December 15, 1977, January 12, 24, and 25, February 1, 10, 21, and 28, March 8, 11, and 16, April 6 and 13, 1978, (2) Amendment No. 38 to License No. DPR-65 and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Waterford Public Library, Rope Ferry Road, Route 156, Waterford, Conn. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 19th day of April 1978.

## Application for Licenses To Export Nuclear Facilities or Materials

Pursuant to 10 CFR 110.41 "Public Notice of Receipt of an Application," please take notice that the Nuclear Regulatory Commission has received the

following application for export licenses for the period March 10, through March 29, 1980. A copy of each application is on file in the Nuclear Regulatory Commission's Public Document Room located at 1717 H Street NW, Washington, D.C.

Dated this day, April 7, 1980, at Bethesda, Maryland.  
For the Nuclear Regulatory Commission,  
James R. Shaw,  
Director, Office of International Programs.

Name of applicant, date of application, date received, application number	Material type	Material in kilograms		End-use	Country of destination
		Total element	Total isotope		
General Elec., 03/07/80, 03/10/80, XSNM01082	4.0 pct. enriched uranium	238,800	4,500	Initial cores for Taiwan Power Units 7 and 8.	Taiwan
Transnuclear, Inc., 03/12/80, 03/13/80, XSNM01083	2.4 pct. enriched uranium	10,764	367	Retired for Doel 1.	Belgium
T. <del>Transnuclear, Inc.</del> , 03/16/80, 03/19/80, XSNM01084	4.013 pct. enriched uranium	30,768			
	.711 pct. natural uranium				
		129,224	1,234		
Transnuclear, Inc., 03/21/80, 03/21/80, XSNM01085	3.3 pct. enriched uranium	48,058	1,638.85	Will be used as stockpile in accordance with provisions of offset agreement.	West Germany
Transnuclear, Inc., 03/25/80, 03/26/80, XSNM01086	93.3 pct. enriched uranium	40,480	37,798	Retires for Bugey 3 and Fessenheim 2 reactors. Fuel for JMTR and JRR-2 research reactors.	France
Transnuclear, Inc., 03/25/80, 03/26/80, XSNM01088	45.4 pct. enriched uranium	22,142	10,059	Fuel for W. Germany reactors.	Japan
General Elec., 03/07/80, 03/16/80, XSNM01089	2804 MWT (964 MWe), Taiwan Power Nuclear Units 7 and 8, 3200,000,000.			For use in JMTRC.	Japan
Rockwell Int'l., 03/14/80, 03/17/80, XCOM0382	Globe stop valves for Bhakra Atomic Res. Center, \$1,800.				Taiwan
General Atomic Co., 03/24/80, 03/28/80, XSNM01090	7.4 gms	6.6 gms			
		55.4			
		71.0	80		
			18.8		
NI Industries, 03/17/80, 03/21/80, XSNM01090(91)	34.64 pct. thru 93.23 pct.	Add'l 24,900	Add'l 15,541	For use in TRIGA Mark II Research Reactor.	Bangladesh
Edlow Int'l., 03/03/80, 03/06/80, XU08438	.711 pct. natural uranium	192,325		Increase quantity of material authorized for import.	From Canada
Edlow Int'l., 03/05/80, 03/07/80, XU08439	.711 pct. natural uranium	119,242		Fuel for W. Germany reactors	West Germany
Byron Jackson, 03/08/80, 03/11/80, XCOM0378				Fuel for Grohnde reactor	West Germany
					India
Byron Jackson, 03/08/80, 03/11/80, XCOM0377					
Carpenter Tech., 03/14/80, 03/17/80, XCOM0381					India
Coordination Council for N. American Affairs, 03/10/80, 03/18/80, XSNM01033					
Heat Process Systems, 11/16/78, 03/20/80, XCOM0388				For Taiwan Research reactor	Taiwan
					South Africa

[PR Doc. 80-12213 Filed 4-14-80 6:45 am]

BILLING CODE 7500-01-08

## [Docket No. 50-293A]

## Boston Edison Co.; Receipt of Attorney General's Supplemental Advice

The Commission has received, pursuant to section 105c of the Atomic Energy Act of 1954, as amended, the following supplemental advice from the Attorney General of the United States, dated March 17, 1980, with respect to Pilgrim Nuclear Power Station, Unit No. 1:

"By letter dated October 24, 1979, you requested that the Department of Justice ("Department") render additional advice pursuant to Section 105(c) of the Atomic Energy Act of 1954 as amended, 42 U.S.C.

§ 2133c, concerning the application by the Boston Edison Company ("BECCO") for a license to operate its Pilgrim Nuclear Power Station.

"On August 2, 1971, the Department advised the then Atomic Energy Commission that allegations advanced by certain Massachusetts Municipalities, in petitions to intervene with respect to antitrust matters, raised substantial questions which warranted an antitrust hearing pursuant to Section 105c. We noted at that time, however, that the competitive situation in New England was improving in that the municipal systems had gained access to some nuclear power plants and were participating in the efforts to form a New England power pool. We concluded by suggesting:

"It is possible that BECCO and the intervenors may decide that their interests

would be best served by mutual efforts to negotiate arrangements to ensure the intervenors reasonable access to low-cost power, and that a hearing might thereby be rendered unnecessary. We would of course be pleased to provide further advice to the Commission on the need for hearing if in light of subsequent developments the Commission should so request."

"The petitions to intervene and our request for an antitrust hearing are still pending before the Nuclear Regulatory Commission.

"On June 28, 1974, the Department rendered advice on Pilgrim Nuclear Generating Station, Units 2 and 3, Boston Edison Company, *et al.*, AEC Docket No. 50-471A, 50-472A, and pointed out that BECCO had demonstrated a commitment to allow municipal utilities in New England to gain access to bulk power from Pilgrim Units 2 and 3 on the same basis as is available to investor-owned utilities and

that this represented a significant step toward improving the competitive situation in New England. The Department concluded that, therefore, an antitrust hearing would not be necessary. The Department also noted that because negotiations between BECO and various municipal utilities for access to Pilgrim Nuclear Power Station were ongoing, we would not change our advice with respect to that nuclear unit.

"On April 20, 1978, in advising the NRC regarding additional applications for participation in Pilgrim Unit No. 2, the Department again concluded that no antitrust hearing would be necessary.

"You have now informed us that the settlement negotiations between BECO and the Massachusetts Municipalities have been concluded to the satisfaction of the parties and that the Massachusetts Municipalities have filed a 'Withdrawal of Intervention as Moot' with the Nuclear Regulatory Commission. You have asked us whether, in light of that information, the Department still believes that an antitrust hearing should be held.

"Since the Department rendered its advice in 1978, we have received no new information which would indicate that issuance of an operating license to Boston Edison Company would 'create or maintain a situation inconsistent with the antitrust laws.' 42 U.S.C. § 105(c). In light of this, because of the withdrawal of the Massachusetts Municipalities' Petition to Intervene and based upon other information we have received, the Department is of the opinion that an antitrust hearing is no longer necessary with respect to the instant application."

For the Nuclear Regulatory Commission.

Jerome Saltzman,

Chief, Antitrust and Indemnity Group, Office of Nuclear Reactor Regulation.

[FR Doc. 80-11314 Filed 4-14-80 8:45 am]

BILLING CODE 7590-01-M

**[Docket No. 50-302]**

**Florida Power Corp., et al., Issuance of Amendment to Facility Operating License**

In the matter of Florida Power Corporation, City of Alachua, City of Bushnell, City of Gainesville, City of Kissimmee, City of Leesburg, City of New Smyrna Beach and Utilities Commission, City of New Smyrna Beach, City of Ocala, Orlando Utilities Commission and City of Orlando, Sebring Utilities Commission, Seminole Electric Cooperative, Inc., City of Tallahassee.

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 29 to Facility Operating License No. DPR-72, issued to the Florida Power Corporation, City of Alachua, City of Bushnell, City of Gainesville, City of Kissimmee, City of Leesburg, City of New Smyrna Beach and Utilities Commission, City of New Smyrna Beach, City of Ocala, Orlando

Utilities Commission and City of Orlando, Sebring Utilities Commission, Seminole Electric Cooperative, Inc., and the City of Tallahassee (the licensees) which revised the Technical Specifications for operation for the Crystal River Unit No. 3 Nuclear Generating Plant (the facility) located in Citrus County, Florida. The amendment is effective as of the date of issuance.

The amendment changes the Technical Specifications concerning containment structural integrity to incorporate guidance on selecting the number of tendons for inspection and detensioning requirements.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) application for amendment dated November 21, 1977, as revised by letter dated February 15, 1980, (2) Amendment No. 29 to License No. DPR-72, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Crystal River Public Library, Crystal River, Florida. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 3rd day of April, 1980.

For the Nuclear Regulatory Commission.  
Robert W. Reid,

Chief, Operating Reactors Branch No. 4,  
Division of Operating Reactors.

[FR Doc. 80-11315 Filed 4-14-80 8:45 am]

BILLING CODE 7590-01-M

**[Docket No. 50-538]**

**Memphis State University; Issuance of Amendment to Facility Operating License and Negative Declaration**

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 1 to Facility Operating License No. R-127, issued to Memphis State University, which revised the license and Technical Specifications for operation of the AGN-201 nuclear reactor (the facility) located on the licensee's campus in Memphis, Tennessee. The amendment is effective as of its date of issuance.

The amendment authorizes: (1) an increase in the facility's licensed maximum power level from 100 milliwatts (thermal) to 20 watts (thermal) for continuous operation and authorizes intermittent operation at power levels not in excess of 1000 watts (thermal); and (2) an increase in the amount, from 700 grams to 1400 grams, of contained U-235 enriched equal to or less than 20% for use in connection with the facility.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

Notice of Proposed Issuance of Amendment to Facility Operating License in connection with this action was published in the Federal Register on September 7, 1979 (44 FR 52389). No request for a hearing or petition for leave to intervene was filed following notice of the proposed action.

The commission has prepared an environmental impact appraisal for this action and has concluded that an environmental impact statement is not warranted because there will be no environmental impact attributable to the action.

For further details with respect to this action, see (1) the application for amendment dated March 23, 1979, as supplemented August 3, 1979, and August 28, 1979, (2) Amendment No. 1 to License No. R-127, (3) the Commission related Safety Evaluation/Environmental Impact Appraisal. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission in Washington,

## NOTICES

39190

[7590-01]

[Docket No. 50-414A]

DUKE POWER CO. NORTH CAROLINA POWER  
AGENCY NO. 1

Receipt of Attorney General's Advice and Time  
for Filing of Petitions To Intervene on Anti-  
trust Matters

The Commission has received, pursuant to section 105c of the Atomic Energy Act of 1954, as amended, the following additional advice from the Attorney General of the United States, dated August 25, 1978, with respect to a construction permit application for Catawba Nuclear Station, Unit 2:

You have requested our advice pursuant to the provisions of section 105c of the Atomic Energy Act, as amended, in regard to the above-cited application amendment. Our advice concerns the participation of North Carolina Municipal Power Agency No. 1 (Power Agency) in Duke Power Co.'s (Duke) Catawba Unit 2.

Duke's participation in this unit was the subject of an earlier antitrust review by the Department. On April 26, 1974, we advised the former Atomic Energy Commission that based upon Duke's willingness to accept a statement of commitments as conditions to its Oconee, McGuire, and Catawba nuclear plant licenses, we recommended that the antitrust proceedings which we had previously initiated be terminated. After the cessation of those proceedings, Duke engaged in discussions with small municipal and cooperative systems in its area, and offered to sell them its Catawba Nuclear Station. This amendment to the Catawba application permitting Power Agency's participation in Catawba Unit 2 arose out of those discussions. Under its agreement with Duke, Power Agency will own 75 percent of unit 2; the remaining 25 percent will likely be sold to the municipal utilities operating in Duke's general service area in South Carolina. Duke is also engaged in continuing discussions with the cooperative systems in its area, aimed at selling them 75 percent ownership in unit 1.

A complex interconnection agreement integrates the Catawba Nuclear Station into the systems of Duke and Power Agency. The interconnection agreement also provides arrangements for exchange of power between the various Catawba and McGuire units, reserve capacity, deficiency energy, retained capacity from Catawba, purchased capacity and energy, surplus energy sales from Catawba, purchase of supplemental capacity and energy, and transmission service. In our view, the interconnection agreement should afford Power Agency access to significant forms of coordinated operation and development, and thereby, enhance its ability to compete effectively in electric power markets. After that agreement goes into operation, should any of its provisions actually prove to limit or otherwise hinder competition, we will, when appropriate, so advise the Commission.

Our review has not disclosed antitrust problems attending Power Agency's participation in the plant, and it is our opinion that their participation in Catawba Unit 2 will not create or maintain a situation inconsistent with the antitrust laws. We do

not, therefore, believe it necessary for the Commission to hold an antitrust hearing.

Any person whose interest may be affected by this proceeding may, pursuant to 2714 of the Commission's rules of practice, 10 CFR part 2, file a petition for leave to intervene and request a hearing on the antitrust aspects of the application. Petitions for leave to intervene and requests for hearing shall be filed by October 2, 1978, either (1) by delivery to the NRC Docketing and Service Branch at 1717 H Street NW, Washington, D.C., or (2) by mail or telegram addressed to the Secretary, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attn: Docketing and Service Branch.

For the Nuclear Regulatory Commission.

JEROME SALTZMAN,  
Chief, Antitrust and indemnity  
Group, Office of Nuclear Reactor  
Regulation.

[FPR Doc. 78-24768 Filed 8-31-78; 8:45 am]

[8010-01]

### SECURITIES AND EXCHANGE COMMISSION

[File No. 500-1]

AMERICAN LAND CO.

Suspension of Trading

AUGUST 25, 1978.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the securities of American Land Co. being traded on a national securities exchange or otherwise is required in the public interest and for the protection of investors:

Therefore, pursuant to section 12(k) of the Securities Exchange Act of 1934, trading in such securities on a national securities exchange or otherwise is suspended, for the period from 9:30 a.m. on August 25, 1978 through September 3, 1978.

By the Commission.

SHIRLEY E. HOLLIS,  
Assistant Secretary.

[FPR Doc. 78-24654 Filed 8-31-78; 8:45 am]

[8010-01]

[Release No. 15095; SR-BSE-78-6]

BOSTON STOCK EXCHANGE, INC.

Order Approving Proposed Rule Change

AUGUST 28, 1978.

On June 19, 1978, the Boston Stock Exchange, Inc. ("BSE"), 53 State Street, Boston, Mass. 02109, filed with the Commission, pursuant to section

19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78g(b)(1) (the "Act") and rule 19b-4 thereunder, copies of a proposed rule change which would amend chapter II, section 23(c) of the BSE rules to add exemptions to its off-board trading restrictions for transactions in securities (1) not listed and registered on any national securities exchange but which are traded on the BSE pursuant to a grant of unlisted trading privileges and (2) listed solely on the BSE, if the issuer of such securities has applied for delisting and the BSE has applied for unlisted trading privileges with respect to such securities.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission release (Securities Exchange Act release No. 34-14957, July 13, 1978) and by publication in the *FEDERAL REGISTER* (43 FR 31485, July 21, 1978). All written statements with respect to the proposed rule change between the Commission and any person were considered and (with the exception of those statements or communications which may be withheld from the public in accordance with the provisions of 5 U.S.C. 552) were made available to the public at the Commission's public reference room.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to registered national securities exchanges, and in particular, the requirements of section 6 and the rules and regulations thereunder.

It is therefore ordered, pursuant to section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

GEORGE A. FITZSIMMONS,  
Secretary.

[FPR Doc. 78-24655 Filed 8-31-78; 8:45 am]

[8010-01]

[File No. 500-1]

HOUSTON COMPLEX, INC. AND NETWORK  
ONE, INC.

Suspension of Trading

AUGUST 25, 1978.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the securities of Houston Complex, Inc. and Network One, Inc. being traded on a national securities exchange or otherwise is required in the public interest and for the protection of investors;

incomplete environmental qualification of safety-related electrical equipment, along with corrective actions taken or planned; and requested the staff to provide bi-monthly progress reports to the Commission.

The Commission further directed that, "In order to leave no room for doubt on this issue, the staff is to prepare additional Technical Specifications for all operating plants which codify the documentation requirement paragraph of the Guidelines (paragraph 8.0)." The staff was directed to add these documentation requirements to each license after they were approved by the Commission.

The Commission also pointed out that the various deadlines imposed in its Order, "do not excuse a licensee from the obligation to modify or replace inadequate equipment promptly."

III. The Commission has approved the Technical Specification provisions set forth in Section IV below which specify documentation requirements and which specifically impose on the licensee the requirement of the Commission's May 23, 1980 Memorandum and Order that by no later than June 30, 1982, all safety-related electrical equipment shall be qualified to the DOR Guidelines or NUREC-0588.

The information developed during the Commission review of the UCS Petition emphasizes the importance of prompt completion of the upgrading of environmental qualification of safety-related electrical equipment to conform to the DOR Guidelines or NUREC-0588 and of adequate documentation of equipment qualifications. The deadlines set forth in the Commission's Memorandum and Order dated May 23, 1980, assure that such upgrading will be accomplished promptly. In order to assure prompt completion of necessary qualification work or replacement of unqualified components, if necessary, in conformance with the requirements of the Commission's Memorandum and Order dated May 23, 1980, and to provide complete and adequate documentation as promptly as possible, such upgrading and documentation work must commence immediately. Therefore, I have concluded that the public health, safety and interest require this Order for Modification of License to be effective immediately.

IV. Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, and the Commission's rules and regulations in 10 CFR Parts 2 and 50, it is Ordered, That effective immediately Facility Operating Licenses Nos. DPR-38, DPR-47 and DPR-55 are hereby amended to add the following:

provisions to the Appendix A Technical Specifications:

(a) "By no later than June 30, 1982, all safety-related electrical equipment in the facilities shall be qualified in accordance with the provisions of: Division of Operating Reactors "Guidelines for Evaluating Environmental Qualifications of Class IIE Electrical Equipment in Operating Reactors" (DOR Guidelines); or, NUREC-0588, "Interim Staff Position on Environmental Qualification of Safety-Related Electrical Equipment," December 1979. Copies of these documents are attached to Order for Modification of Licenses DPR-38, DPR-47 and DPR-55 dated October 24, 1980.

(b) "By no later than December 1, 1980, complete and auditable records must be available and maintained at a central location which describe the environmental qualification method used for all safety-related electrical equipment in sufficient detail to document the degree of compliance with the DOR Guidelines or NUREC-0588. Thereafter, such records should be updated and maintained current as equipment is replaced, further tested, or otherwise further qualified."

To effectuate the foregoing, appropriate pages for incorporation into the Technical Specifications are attached to this Order.

V. The licensee or any person whose interest may be affected by this Order may request a hearing on or before December 4, 1980. Any request for a hearing will not stay the effective date of this Order. Any request for a hearing shall be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy of the request should also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to William S. Porter, Duke Power Company, P.O. Box 2178, 422 South Church Street, Charlotte, North Carolina 28242, attorney for the licensee.

If a hearing is held concerning this Order, the issues to be considered at the hearing shall be:

a. Whether the licensee should be required to have the environmental qualification records referred to in Section IV, above, available at a central location by no later than December 1, 1980; and

b. Whether all safety-related electrical equipment should be qualified as required in Section IV, above, by no later than June 30, 1982.

Operation of the facility on terms consistent with this Order is not stayed

by the pendency of any proceedings on the Order.

Effective Date: October 24, 1980, Bethesda, Maryland.

For the Nuclear Regulatory Commission.

Darrell G. Eisenbut,

Director, Division of Licensing, Office of Nuclear Reactor Regulation.

[PR Doc. 80-25438 Filed 11-13-80 8:48 am]  
Billing Code 7400-01-4.

[Docket Nos. 50-413A, 50-414A]

Duke Power Co., North Carolina Electric Membership Corp. and the Saluda River Electric Cooperative; Receipt of Attorney General's Advice and Time for Filing of Petitions To Intervene on Antitrust Matters.

The Commission has received, pursuant to section 105c of the Atomic Energy Act of 1954, as amended, the following additional advice from the Attorney General of the United States, dated October 29, 1980, with respect to Catawba Nuclear Station, Units No. 1 and No. 2.

"You have requested our advice pursuant to Section 105(c) of the Atomic Energy Act of 1954, as amended, in connection with the purchase of ownership interests in Duke Power Company's (Duke) Catawba Nuclear Station, Unit 1 by North Carolina Electric Membership Corporation (NCMEC) and the Saluda River Electric Cooperative (Saluda River).

"Duke's participation in the above captioned nuclear units was the subject of an antitrust review conducted by the Department of Justice (Department) in 1973. As a result of that review, the Department recommended that a hearing be held to determine whether Duke's proposed activities under the subject license would create or maintain a situation inconsistent with the antitrust laws. Because Duke was willing to have certain conditions attached to its license for the Catawba plant, the Department recommended that the antitrust proceeding it had initiated be terminated. The sale of 75% ownership in Unit 1 (56.25% to NCMEC, and 18.75% to Saluda River) was the result of the discussions between Duke and the cooperative systems in its service area that occurred after the cessation of those proceedings.

"Our review of the information submitted for antitrust review purposes, including responses to our requests for relevant data from over seventy neighboring electric systems, provides no basis at this time to conclude that the participation in the Catawba Station, Unit 1, by NCMEC and Saluda River would create or maintain a situation inconsistent with the antitrust laws. Accordingly, it is the Department's view that no antitrust hearing is necessary with respect to the subject transfer of ownership interests."

Any person whose interest may be affected by this proceeding may,

permitted to § 2714 of the Commission's "Rules of Practice," 10 CFR Part 2, file a petition for leave to intervene and request a hearing on the antitrust aspects of the application. Petitions for leave to intervene and requests for hearing shall be filed by December 15, 1980, either (1) by delivery to the NRC Docketing and Service Branch at 1717 H Street, NW, Washington, D.C. or (2) by mail or telegram addressed to the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20585, ATTN: Docketing and Service Branch.

Dated at Bethesda, Md., the 6th day of November, 1980.

For the Nuclear Regulatory Commission,  
Jerome Salzman.

Chief, Utility Finance Branch, Division of  
Engineering, Office of Nuclear Reactor  
Regulation.

[FR Doc. 80-33503 Filed 11-13-80; 8:45 am]  
BILLING CODE 7530-01-M

[Docket No. 50-234]

**Duquesne Light Co. (Beaver Valley Power Station, Unit No. 1); Order for Modification of License**

I. Duquesne Light Company (the licensee) is the holder of Facility Operating License No. DPR-86, which authorizes the operation of Beaver Valley Power Station, Unit No. 1 at steady state reactor power levels not in excess of 2652 megawatts thermal (rated power). The facility consists of a pressurized water reactor located at the licensee's site in Beaver County, Pennsylvania.

II. On November 4, 1977, the Union of Concerned Scientists (UCS) filed with the Commission a "Petition for Emergency and Remedial Relief." The petition sought action in two areas: fire protection for electrical cables, and environmental qualification of electrical components. By Memorandum and Order dated April 13, 1978 (7 NRC 400), the Commission denied certain aspects of the petition and, with respect to other aspects, ordered the NRC staff to take several related actions. UCS filed a Petition for Reconsideration on May 2, 1978. By Memorandum and Order, dated May 23, 1980, the Commission reaffirmed its April 13, 1978 decision regarding the possible shutdown of operating reactors. However, the Commission's May 23, 1980 decision directed licensees and the NRC staff to undertake certain actions.

With respect to environmental qualification of safety-related electrical equipment, the Commission determined that the provisions of the two staff documents—the Division of Operating

Reactors "Guidelines for Evaluating Environmental Qualification of Class IE Electrical Equipment in Operating Reactors" (DOR Guidelines) and NUREG-0588, "Interim Staff Position on Environmental Qualification of Safety-Related Electrical Equipment." December 1979 (copies attached) "form the requirements which licensees and applicants must meet in order to satisfy those aspects of 10 CFR Part 50, Appendix A, General Design Criterion (GDG-4), which relate to environmental qualifications of safety-related electrical equipment." The Commission directed, for replacement parts in operating plants, "unless there are sound reasons to the contrary, the 1974 standard in NUREG-0588 will apply." The Commission also directed the staff to complete its review of the information sought from licensees by Bulletin 79-01B<sup>1</sup> and to complete its review of environmental qualification of safety-related electrical equipment in all operating plants, including the publication of Safety Evaluation Reports, by February 1, 1981. The Commission imposed a deadline that, "by not later than June 30, 1982 all safety-related electrical equipment in all operating plants shall be qualified to the DOR Guidelines or NUREG-0588."

The Commission requested the staff to, "keep the Commission and the public apprised of any further findings of incomplete environmental qualification of safety-related electrical equipment, along with corrective actions taken or planned," and requested the staff to provide bi-monthly progress reports to the Commission.

The Commission further directed that, "in order to leave no room for doubt on this issue, the staff is to prepare additional Technical Specifications for all operating plants which codify the documentation requirement paragraph of the Guidelines (paragraph 8.0)." The staff was directed to add these documentation requirements to each license after they were approved by the Commission.

The Commission also pointed out that the various deadlines imposed in its Order, "do not excuse a licensee from the obligation to modify or replace inadequate equipment promptly."

III. The Commission has approved the Technical Specification provisions set forth in Section IV below which specify documentation requirements and which specifically impose on the licensee the

requirement of the Commission's May 23, 1980 Memorandum and Order that by no later than June 30, 1982 all safety-related electrical equipment shall be qualified to the DOR Guidelines or NUREG-0588.

The information developed during the Commission review of the UCS Petition emphasizes the importance of prompt completion of the upgrading of environmental qualification of safety-related electrical equipment to conform to the DOR Guidelines or NUREG-0588 and of adequate documentation of equipment qualifications. The deadlines set forth in the Commission's Memorandum and Order dated May 23, 1980, assure that such upgrading will be accomplished promptly. In order to assure prompt completion of necessary qualification work or replacement of unqualified components, if necessary, in conformance with the requirements of the Commission's Memorandum and Order dated May 23, 1980, and to provide complete and adequate documentation as promptly as possible, such upgrading and documentation work must commence immediately. Therefore, I have concluded that the public health, safety and interest require this Order for Modification of License to be effective immediately.

IV. Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, and the Commission's rules and regulations in 10 CFR Parts 2 and 50: *It Is Ordered*: That effective immediately Facility Operating License No. DPR-86 is hereby amended to add the following provisions to the Appendix A Technical Specifications.

(a) "By no later than June 30, 1982, all safety-related electrical equipment in the facility shall be qualified in accordance with the provisions of: Division of Operating Reactors "Guidelines for Evaluating Environmental Qualification of Class IE Electrical Equipment in Operating Reactors" (DOR Guidelines); or, NUREG-0588, "Interim Staff Position on Environmental Qualification of Safety-Related Electrical Equipment," December 1979. Copies of these documents are attached to Order for Modification of License No. DPR-86 dated October 24, 1980.

(b) "By no later than December 1, 1980, complete and auditable records must be available and maintained at a central location which describe the environmental qualification method used for all safety-related electrical equipment in sufficient detail to document the degree of compliance with the DOR Guidelines or NUREG-0588. Thereafter, such records should be updated and maintained current as

<sup>1</sup>Bulletin 79-01B was not sent to licensees for plants under review as part of the staff's Systematic Evaluation Program. The information sought by Bulletin 79-01B was requested from these licensees by a series of letters and meetings during the months of February and March, 1980.

with representatives of the Mississippi Power and Light Company, NRC Staff, their consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Staff Engineer, Mr. Herman Alderman (telephone 202/634-1413) between 8:15 a.m. and 5:00 p.m., EDT. The Designated Federal Employee for this meeting is Mr. Richard Major.

I have determined, in accordance with Subsection 10(d) of the Federal Advisory Committee Act, that it may be necessary to close some portions of this meeting. The authority for such closure is Exemption 3 to the Sunshine Act, 5 U.S.C. 552b(c)(3).

Dated: August 28, 1981.

Samuel J. Chilk,  
Acting Advisory Committee Management Officer.

[FR Doc. 81-25587 Filed 8-1-81: 8:45 am]  
BILLING CODE 7590-01-M

#### Advisory Committee on Reactor Safeguards, Subcommittee on Reliability and Probabilistic Assessment; Postponement

The ACRS Subcommittee on Reliability and Probabilistic Assessment scheduled for September 9, 1981 has been postponed indefinitely. Notice of this meeting was published Friday, August 21, 1981 (FR 46 42553).

Dated: August 27, 1981.

Samuel J. Chilk,  
Acting Advisory Committee Management Officer.

[FR Doc. 81-25588 Filed 8-1-81: 8:45 am]  
BILLING CODE 7590-01-M

[Docket No. 50-213]

#### Connecticut Yankee Atomic Power Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 40 to Facility Operating License No. DPR-61, to Connecticut Yankee Atomic Power Company (the licensee), which revised the Technical Specifications for operation of the Haddam Neck Plant (the facility), located in Middlesex County, Connecticut. The amendment is effective as of its date of issuance.

The amendment revises the instantaneous release rate limit for noble gases in the Environmental

Technical Specifications by incorporating a new X/Q factor and reducing the beta fraction used in the instantaneous release rate equation.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated July 16, 1980, as revised by letter dated October 18, 1980, (2) Amendment No. 40 to License No. DPR-61, and (3) the Commission's related Environmental Evaluation. All these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555 and at the Russell Library, 119 Broad Street, Middletown, Connecticut 06457. A single copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 26th day of August, 1981.

For the Nuclear Regulatory Commission.  
Dennis M. Crutchfield,  
Chief, Operating Reactors Branch No. 5,  
Division of Licensing.

[FR Doc. 81-25589 Filed 8-1-81: 8:45 am]  
BILLING CODE 7590-01-M

[Docket No. 50-414]

#### Duke Power Co.; Receipt of Attorney General's Advice and Time for Filing of Petitions To Intervene on Antitrust Matters

The Commission has received the following additional advice, pursuant to Section 105c of the amended Atomic Energy Act of 1954, from the Attorney General of the United States, dated July 31, 1981; with respect to the construction permit application for Catawba Nuclear Station, Unit 2:

You have requested our advice pursuant to Section 105(c) of the Atomic Energy Act of 1954, as amended, in connection with the purchase of an ownership interest in Duke Power Company's (Duke) Catawba Nuclear Station, Unit 2 by Piedmont Municipal Power Agency (PMPA).

Duke's participation in the above-captioned nuclear units was the subject of an antitrust review conducted by the Department of Justice (Department) in 1973. As a result of that review the Department recommended that a hearing be held to determine whether Duke's proposed activities under the license would create or maintain a situation inconsistent with the antitrust laws. Because Duke was willing to have certain conditions attached to its license for the Catawba plant, the Department recommended that the antitrust proceeding it had initiated be terminated. More recently, in October 1980, the Department had occasion to review an application to include North Carolina Electric Membership Corporation and Saluda River Electric Cooperative as co-owners of Catawba Nuclear Station, Unit 1 and co-applicants for the construction permit for that facility. After reviewing the information submitted for antitrust review purposes, the Department advised the Commission that no antitrust hearing was necessary.

Review of the information submitted to the Department has not disclosed antitrust problems attending PMPA's participation in the plant. PMPA's participation, consisting of a 25% individual ownership interest in Catawba Nuclear Station, Unit 2, will not create or maintain a situation inconsistent with the antitrust laws. We do not, therefore, believe it necessary for the Commission to hold an antitrust hearing.

Any person whose interest may be affected by this proceeding may, pursuant to § 2.714 of the Commission's "Rules of Practice," 10 CFR Part 2, file a petition for leave to intervene and request a hearing on the antitrust aspects of the application. Petitions for leave to intervene and requests for hearing shall be filed by either (1) by delivery to the NRC Docketing and Service Branch at 1717 H Street, N.W., Washington, DC, or (2) by mail or telegram addressed to the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555, ATTN: Docketing and Service Branch.

For the Nuclear Regulatory Commission.  
Argil Toalston,  
Acting Chief, Utility Finance Branch, Division of Engineering, Office of Nuclear Reactor Regulation.

[FR Doc. 81-25590 Filed 8-1-81: 8:45 am]  
BILLING CODE 7590-01-M

MC 141804 (Sub-8-68TA), filed July 28, 1980. Applicant: WESTERN EXPRESS, Division of Interstate Rental, Inc., P.O. Box 3488, Ontario, CA 91781. Representative: Frederick J. Coffman (same as applicant). *Insulation Materials, mineral wool and materials and equipment used in the production thereof, between all points in the U.S. (except AK & HI). Restricted to traffic originating at or destined to the facilities of Rockwool Industries, Inc., for 270 days.* Supporting shipper: Roy H. Whitman, National Traffic Manager, Rockwood Industries, Inc. 7400 South Alton Court, Englewood, CO 80112.

MC 150485 (Sub-6-5TA), filed July 28, 1980. Applicant: WESTSPAN HAULING, INC., 9122 South Tacoma Way, Tacoma, WA 98499. Representative: Henry C. Winters, 525 Evergreen Building, Renton, WA 98055. *Contract Carrier, irregular routes: Mobile homes and portable buildings and equipment, materials and supplies used in the distribution and installation of mobile homes and portable buildings, from points in the commercial zone of Boise, ID to points in the commercial zone of Tacoma, WA, for the account of Happy Homes, Inc., of Tacoma, WA, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Happy Homes, Inc., 10418 Pacific Highway S.W., Tacoma, WA 98499.*

MC 123329 (Sub-6-3TA), filed July 28, 1980. Applicant: H. M. TRIMBLE & SONS LTD., P.O. Box 3500, Calgary, Alberta, Canada T2P 2P9. Representative: D. S. Vincent (same as applicant). *Asphalt Emulsion, in bulk, in tank vehicles, from ports of entry on the International Boundary Line between the United States and Canada located in WA to points in Whatcom County, WA for 270 days. Restricted to traffic in foreign commerce. An underlying ETA seeks 120 days authority. Supporting shipper(s): Chevron Asphalt Ltd. 19770-101st Ave. Langley, B.C.*

MC 151191 (Sub-8-1TA), filed July 28, 1980. Applicant: ESPENSCHIED TRANSPORTATION CORPORATION; 322 South 600 East, Centerville, UT 84014. Representative: Raymond M. Kelley, 450 Capitol Life Center, Denver, CO 80203. *Contract Carrier, Irregular routes: (1) Such commodities as are dealt in or used by retail department stores and (2) materials, supplies and equipment used in the manufacture, distribution, warehousing and sale of the commodities named in (1) above, between points in ID, MT, NV, UT, WA and WY under continuing contract(s) with J.C. Penney Co., Inc. for 270 days. Applicant intends to interline with other carriers at Butte, MT, and Spokane, WA.*

An underlying ETA seeks 120 days authority. Supporting shipper: J.C. Penney Co., Inc., 1301 Avenue of the Americas, Floor Number 37, New York, NY 10009.  
Agatha L. Mergenovich,  
Secretary.  
[PR Doc. 80-24084 Filed 8-8-80; 8:45 am]  
BILLING CODE 7035-01-M

## NUCLEAR REGULATORY COMMISSION

[Docket No. 50-368]

### Arkansas Power & Light Co., Arkansas Nuclear One, Unit 2; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 13 to Facility Operating License No. NPF-6 issued to Arkansas Power and Light Company for Operation of Arkansas Nuclear One, Unit 2 (the facility) located at the licensee's site in Pope County, Arkansas. The amended license is effective as of its date of issuance.

The amendment changes the required date for the implementation of further containment radiation monitoring instrumentation to be consistent with the staff's requirements as set forth in NUREG-0578, "TMI-2 Lessons Learned Task Force Status Report and Short Term Recommendations", and the letter of Mr. H. Denton, Director, NRR, dated October 30, 1979 to all power reactor licensees.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR Section 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with the issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated July 21, 1980, (2) Amendment No. 13 to Facility Operating License No. NPF-6, and (3) the

Commission's related Safety Evaluation. These items are available for public inspection at the Commission's Public Document Room at 1717 H Street, N.W., Washington, D.C. 20555 and the Arkansas Polytechnic College, Russellville, Arkansas 72801. A copy of items (1) and (2) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland this 31st day of July, 1980.

For the Nuclear Regulatory Commission.

Robert A. Clark,

Chief, Operating Reactors Branch No. 3, Division of Licensing.

[PR Doc. 80-24032 Filed 8-8-80; 8:45 am]  
BILLING CODE 7590-01-M

[Docket No. 50-389A]

### Florida Power & Light Co., the City of Orlando, Florida, Orlando Utilities Commission; Receipt of Attorney General's Advice and Time for Filing of Petitions To Intervene on Antitrust Matters

The Commission has received, pursuant to section 105c of the Atomic Energy Act of 1954, as amended, the following additional advice from the Attorney General of the United States, dated July 28, 1980, with respect to St. Lucie Nuclear Generating Station, Unit No. 2.

"You have requested our advice pursuant to Section 105(c) of the Atomic Energy Act as amended, regarding a proposed amendment to the construction permit of the above referenced nuclear unit to allow the City of Orlando, Florida and Orlando Utilities Commission (collectively referred to as "Orlando") to become a co-owner of that unit. You have informed us that the Orlando Utilities Commission is part of the government of the City of Orlando but title to real estate is normally taken in the name of both the City of Orlando and the Orlando Utilities Commission. Orlando will acquire a 6.08951 percent ownership share of the St. Lucie Unit No. 2 which will be operated by Florida Power & Light Co.

"Our review of the information submitted for antitrust review purposes, as well as other information available to the Department, provides no basis at this time to conclude that the participation in St. Lucie Unit No. 2 by Orlando would create or maintain a situation inconsistent with the antitrust laws. Accordingly, it is the Department's view that no antitrust hearing is

necessary with respect to the proposed amendment to the construction permit."

Any person whose interest may be affected by this proceeding may, pursuant to § 2.714 of the Commission's "Rules of Practice," 10 CFR Part 2, file a petition for leave to intervene and request a hearing on the antitrust aspects of the application. Petitions for leave to intervene and requests for hearing shall be filed by September 10, 1980, either (1) by delivery to the NRC Docketing and Service Branch at 1717 H Street, NW, Washington, DC, or (2) by mail or telegram addressed to the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555, ATTN: Docketing and Service Branch.

Dated at Bethesda, MD, this first day of August, 1980.

For the Nuclear Regulatory Commission,  
Jerome Saltzman,

*Chief, Utility Finance Branch, Division of Engineering, Office of Nuclear Reactor Regulation.*

[FR Doc. 80-24029 Filed 8-8-80; 8:45 am]

BILLING CODE 7590-01-M

**[Docket No. 50-316]**

**Indiana and Michigan Electric Co.; Issuance of Amendment to Facility Operating License**

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 22 to Facility Operating License No. DPR-74, issued to Indiana and Michigan Electric Company (the licensee), which revised Technical Specifications for operation of Donald C. Cook Nuclear Plant, Unit No. 2 (the facility) located in Berrien County, Michigan. The amendment is effective as of the date of issuance.

The amendment revises: (1) the surveillance and monitoring requirements for the degraded voltage function; and (2) the surveillance requirements for onsite power source testing.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of the amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR

§ 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated February 22, 1980 and March 28, 1980, (2) Amendment No. 22 DPR-74, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Maude Reston Palenske Memorial Library, 500 Market Street, St. Joseph, Michigan 49085. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 10th day of July, 1980.

For the Nuclear Regulatory Commission.

Steven A. Varga,

*Chief, Operating Reactors Branch No. 1, Division of Licensing.*

[FR Doc. 80-24033 Filed 8-8-80; 8:45 am]

BILLING CODE 7590-01-M

**[Docket No. 50-344]**

**Portland General Electric Co., et al.; Issuance of Amendment to Facility Operating License**

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 46 to Facility Operating License No. NPF-1, issued to Portland General Electric Company, the City of Eugene, Oregon, and Pacific Power and Light Company (the licensees), which revised Technical Specifications for operation of Trojan Nuclear Plant (the facility) located in Columbia County, Oregon. The amendment is effective as of the date of issuance.

The amendment approves the use of the Westinghouse Improved Thermal Design Procedure and the WRB-1 Critical Heat Flux Correlation for the Trojan Facility.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since this amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated January 5, 1979, as supplemented February 22 and November 5, 1979, (2) Amendment No. 46 to License No. NPF-1 and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document room, 1717 H Street, N.W., Washington, D.C. and at the Columbia County Courthouse, Law Library, Circuit Court Room, St. Helens, Oregon 97051. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 25th day of July, 1980.

For the Nuclear Regulatory Commission.

Robert A. Clark,

*Chief, Operating Reactors Branch No. 3, Division of Licensing.*

[FR Doc. 80-24034 Filed 8-8-80; 8:45 am]

BILLING CODE 7590-01-M

**[Docket No. 50-344]**

**Portland General Electric Co., et al.; Issuance of Amendment to Facility Operating License**

The U.S. Nuclear Regulatory Commission (the Commission) has, pursuant to the Initial Decision of its Atomic Safety and Licensing Board (ASLB) dated July 11, 1980, issued Amendment No. 47 to Facility Operating License No. NPF-1, issued to Portland General Electric Company, the City of Eugene, Oregon, and Pacific Power and Light Company (the licensee), which revised the license and appended Technical Specifications for operation of the Trojan Nuclear Plant (the facility), located in Columbia County, Oregon. The amendment is effective as of its date of issuance.

The amendment authorizes modifications to the Control Building in order to substantially restore the originally intended seismic design margins and requires that the modification program be completed by not later than 12 months from the date of this amendment. In addition, the amendment adds 22 license conditions

independent inquiry and consideration of the criteria set out above, shall make the final decision.

[FR Doc. 82-32530 Filed 11-23-82 8:45 am]  
BILLING CODE 6820-35-M

#### NUCLEAR REGULATORY COMMISSION

[Dockets Nos. 50-269, 50-270 and 50-287]

#### Duke Power Co.; Issuance of Amendments to Facility Operating Licenses and Negative Declaration

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendments Nos. 116 and 113 to Facility Operating Licenses Nos. DPR-38, DPR-47 and DPR-55, respectively, issued to Duke Power Company, which revised the Technical Specifications (TSs) for operation of the Oconee Nuclear Station, Units Nos. 1, 2 and 3, located in Oconee County, South Carolina. The amendments are effective as of the date of issuance.

These amendments revise the TS restrictions on burning low-level contaminated oil.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has prepared an environmental impact appraisal for this action and has concluded that an environmental impact statement is not warranted because there will be no significant environmental impact attributable to the action.

For further details with respect to this action, see (1) the application for amendments dated February 3, 1982, as supplemented on July 23, 1982, (2) Amendments Nos. 118 and 113 to Licenses Nos. DPR-38, DPR-47 and DPR-55, respectively, and (3) the Commission's related Safety Evaluation/Environmental Impact Appraisal. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW, Washington, D.C. and at the Oconee County Library, 501 West Southbroad Street, Walhalla, South Carolina. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington.

D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 15th day of November 1982.

For the Nuclear Regulatory Commission.

John F. Stoltz,

*Chief, Operating Reactors Branch No. 4, Division of Licensing*

[FR Doc. 82-32530 Filed 11-26-82 8:45 am]  
BILLING CODE 7590-01-M

[Docket No. 50-389A]

#### Florida Power and Light Company, et al.; Receipt of Attorney General's Advice and Time for Filing of Petitions To Intervene on Antitrust Matters

The Commission has received the following additional advice, pursuant to Section 105(c) of the amended Atomic Energy Act of 1954, from the Attorney General of the United States, dated October 25, 1982, with respect to the construction permit application for the St. Lucie Nuclear Generating Station, Unit 2.

You have requested our advice pursuant to section 105(c) of the Atomic Energy Act, as amended, regarding a proposed amendment to the construction permit of the above referenced nuclear units to allow the Florida Municipal Power Agency ("FMPA") to become a co-owner of these units. FMPA will acquire an 8.806 percent ownership interest in St. Lucie, Unit 2, which will be operated by Florida Power & Light Company.

Our review of the information submitted for antitrust review purposes, as well as other information available to the Department, provides no basis at this time to conclude that the participation in St. Lucie, Unit 2 by FMPA would create or maintain a situation inconsistent with the antitrust laws. Accordingly, it is the Department's view that no antitrust hearing is necessary with respect to the proposed amendment to the construction permit.

Any person whose interest may be affected by this proceeding may, pursuant to § 2.714 of the Commission's "rules of practice," 10 CFR Part 2, file a petition for leave to intervene and request a hearing on the antitrust aspects of the application. Petitions for leave to intervene and requests for hearing shall be filed on or before December 29, 1982 either (1) by delivery to the NRC Docketing and Service Branch at 1717 H Street, NW, Washington, D.C., or (2) by mail or telegram addressed to the Secretary, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attn.: Docketing and Service Branch.

For the Nuclear Regulatory Commission.

Argil L. Toalston,

*Chief, Antitrust & Economic Analysis Branch, Division of Engineering, Office of Nuclear Reactor Regulation.*

[FR Doc. 82-32530 Filed 11-26-82 8:45 am]  
BILLING CODE 7590-01-M

#### DEPARTMENT OF STATE

#### Shipping Coordinating Committee; Committee on Ocean Dumping; Meeting

The Committee on Ocean Dumping, a subcommittee of the Shipping Coordinating Committee, will conduct an open meeting on December 14, 1982, at 9:30 A.M. in room 3906 (Mali), Waterside Mall, Environmental Protection Agency, 401 M Street, SW., Washington, D.C.

The purpose of the meeting is to review the outcome of the Sixth Meeting of the Ad Hoc Scientific Group on Dumping, a technical advisory group of the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter. Preliminary discussions will also be held on the Provisional Agenda and related documents received to date from the Secretariat for the Seventh Consultative Meeting of Contracting Parties to the Convention, to convene February 14-18, 1983, in London, England.

Members of the public may attend up to the seating capacity of the room.

For further information contact Ms. Norma Hughes, Executive Secretary, Committee on Ocean Dumping (WH-585), Environmental Protection Agency, Washington, D.C. 20460. Telephone: (202) 755-2927.

The Chairman will entertain comments from the public as time permits.

Dated: November 16, 1982.

Gordon S. Brown,

*Chairman, Shipping Coordinating Committee.*

[FR Doc. 82-32530 Filed 11-26-82 8:45 am]  
BILLING CODE 4710-07-M

#### DEPARTMENT OF TRANSPORTATION

#### Federal Highway Administration

#### Environmental Impact Statement; Jefferson Parish, Louisiana

**AGENCY:** Federal Highway Administration (FHWA), DOT.

**ACTION:** Notice of intent.

**SUMMARY:** The FHWA is issuing this notice to advise the public that an environmental impact statement will be

capabilities, and use of floatable seat cushions on their aircraft. (FAA, January 23, 1980; NTSB, April 9, 1980, "acceptable action.")

A-79-47 re improved procedures to enhance the quality control function of the Civil Aeromedical Institute with respect to its capabilities for detecting physical disabilities in airmen and performance deficiencies of Aviation Medical Examiners. (FAA, August 29, 1979; NTSB, October 12, 1979, "acceptable action.")

A-79-48 re issuance of emergency Airworthiness Directive requiring inspection of all pylon attach points on all DC-10 aircraft by approved inspection methods. (FAA, August 23, 1979; NTSB, September 27, 1979, "acceptable action.")

A-79-45 and -46 re issuance of telegraphic Airworthiness Directive to require an immediate inspection of all DC-10 aircraft in which an engine pylon assembly has been removed and reinstalled for damage to the wing-mounted pylon aft bulkhead, including its forward flange and the attaching spar web and fasteners; issuance of Maintenance Alert Bulletin directing FAA Maintenance Inspector to contact their assigned carriers and advise them to immediately discontinue lowering and raising the pylon with the engine still attached. (FAA, July 16, 1979; NTSB, August 8, 1979, "acceptable action.")

A-79-47 re resource management and interpersonal communications training for air carrier flight crewmembers. (FAA, August 22, 1979; NTSB, March 21, 1980, "acceptable action.")

A-79-50 and -51 re notice directing inspectors to review operator's manuals and checklists for proper unfeathering procedures and for emphasis of these procedures in their training. (FAA, September 11, 1979; NTSB, March 27, 1980, "acceptable action.")

A-79-55 re change to Handbook 7110.65, paragraph 1284, to require terrain protection for aircraft flying under visual flight rules, receiving Stage III service, comparable to that given to aircraft flying under instrument flight rules. (FAA, October 2, 1979; NTSB, October 28, 1979, "acceptable action.")

A-79-56 and -57 re performance data of Grumman G-21A aircraft at current operating weights and procedures for proper development, testing, review and quality control for issuance of supplemental type certificates. (FAA, October 10, 1979; NTSB, January 4, 1980, "reconsidered.")

A-79-61 re physical and physiologic conditions of crewmembers involved in aircraft accidents in determining probable cause of accidents and developing possible preventive measures. (FAA, October 28, 1979; NTSB, November 29, 1979, "reconsidered.")

A-79-71 re power loss from an engine of a Grumman G-21A. (FAA, November 27, 1979; NTSB, January 4, 1980, "acceptable alternate action.")

A-79-88 re advisory to owners and operators of Cessna 200 series aircraft alerting them to the hazards associated with the aluminum hinge failure problem. (FAA, February 28, 1980; NTSB, March 21, 1980, "acceptable action.")

A-79-92 re issuance of Airworthiness Directive to require a special inspection of the propeller reversing interconnect linkage

of all aircraft equipped with Pratt & Whitney Aircraft of Canada Ltd., PT6-6A, 6B, -6C/20 and -20 series turboprop to assure that these installations conform to the aircraft manufacturer's propeller reversing linkage rigging specifications. (FAA, February 28, 1980; NTSB, March 21, 1980, "acceptable action.")

A-79-92 re immediate inspection of all Boeing 737 aircraft main landing gear upper drag strut attach bolts to ascertain that the correct bolts are installed in the proper locations. (FAA, February 28, 1980; NTSB, March 24, 1980, "acceptable alternate action.")

A-79-108 re issuance of a telegraphic Airworthiness Directive to require a one-time inspection of the engine pylon structure in the area of pylon station 128 for loose or missing fasteners and fatigue damage for B-747 aircraft equipped with P&W JT9D engines. (FAA, March 19, 1980; NTSB, April 9, 1980, "acceptable action.")

Note.—Copies of safety recommendation response letters and related correspondence are provided free of charge. All requests must be in writing, identified by recommendation number and date of correspondence. Address requests to: Public Inquiries Section, National Transportation Safety Board, Washington, D.C. 20594.

(49 U.S.C. 1803(a)(2), 1906)

Margaret L. Fisher,  
*Federal Register Liaison Officer.*

May 23, 1980.

[FR Doc. 80-16279 Filed 5-23-80; 8:45 am]

BILLING CODE 4910-58-M

published in the *Federal Register* by 5 U.S.C. 4314(c)(4).

The following persons have been appointed to, and will serve on Performance Review Boards for senior executives in the National Transportation Safety Board:

Elwood T. Driver

Michael C. Cushing

Robert W. Pyle

Lloyd P. Miller

Dennis W. Boyd

B. Michael Levins

Frank T. Taylor

S. Walter Sweet

John M. Stuhldreher

David A. Reyna

Robert W. Pyle,

*Chief, Personnel and Training Division.*

May 5, 1980.

[FR Doc. 80-16281 Filed 5-23-80; 8:45 am]

BILLING CODE 4910-58-M

#### Change of Address for Office of Administrative Law Judges

The Office of Administrative Law Judges and the Docket Section of the National Transportation Safety Board will be relocated on May 30, 1980, to the following address: Dodge Center, Suite 301, 1010 Wisconsin Avenue, NW., Washington, D.C. 20007.

An airman who wishes to appeal a Federal Aviation Administration Order or a seaman who wishes to appeal a decision of the Commandant, U.S. Coast Guard, should mail the notice of appeal to the above address.

Dated: May 23, 1980.

John M. Stuhldreher,  
*General Counsel.*

[FR Doc. 80-16282 Filed 5-23-80; 8:45 am]

BILLING CODE 4910-58-M

#### NUCLEAR REGULATORY COMMISSION

[Docket No. 80-458A]

Gulf States Utilities Co.; Receipt of Attorney General's Advice and Time for Filing of Petitions To Intervene on Antitrust Matters

The Commission has received, pursuant to section 105c of the Atomic Energy Act of 1954, as amended, the following additional advice from the Attorney General of the United States, dated May 5, 1980, with respect to River Bend Station, Unit No. 1:

"You have requested our advice pursuant to Section 105(c) of the Atomic Energy Act, as amended, regarding a proposed amendment to the construction permit of the above referenced nuclear unit to allow Cajun Electric Power Cooperative, Inc. ("Cajun")

Performance Review Board, Senior Executive Service; Appointment of Members

Appointments of Performance Review Board members are required to be

and Sam Rayburn CAT, Inc. ("Sam Rayburn") to become co-owners of that unit. Cajun will acquire a thirty percent interest in the 940 megawatt unit (approximately 282 megawatts) and Sam Rayburn will acquire a seven percent interest (approximately 66 megawatts). Our review of the information submitted for antitrust review purposes, as well as other information available to the Department, provides no basis at this time to conclude that the participation in the River Bend Station, Unit 1, by Cajun and Sam Rayburn would create or maintain a situation inconsistent with the antitrust laws. Accordingly, it is the Department's view that no antitrust hearing is necessary with respect to the proposed amendment to the construction permit."

Any person whose interest may be affected by this proceeding may, pursuant to § 2.714 of the Commission's "Rules of Practice," 10 CFR Part 2, file a petition for leave to intervene and request a hearing on the antitrust aspects of the application. Petitions for leave to intervene and requests for hearing shall be filed by June 30, 1980 either (1) by delivery to the NRC Docketing and Service Branch at 1717 H Street, NW., Washington, D.C., or (2) by mail or telegram addressed to the Secretary, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, ATTN: Docketing and Service Branch.

Dated at Bethesda, Md. this 18th day of May 1980.

For the Nuclear Regulatory Commission.  
Jerome Saltzman,  
Chief, Utility Finance Branch, Division of  
Engineering, Office of Nuclear Reactor  
Regulation.

[FR Doc. 80-1923 Filed 5-28-80 8:45 am]  
BILLING CODE 7580-01-M

[Docket No. 50-219]

**Jersey Central Power & Light Co.;  
Issuance of Amendment to Provisional  
Operating License**

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 47 to Provisional Operating License No. DPR-16, issued to Jersey Central Power & Light Company (the licensee), which revised the license for operation of the Oyster Creek Nuclear Generating Station (the facility) located in Ocean County, New Jersey. The amendment is effective as of its date of issuance.

The amendment adds a new license condition (Paragraph 3.G) which requires the replacement of core spray spargers during the 1981 refueling outage.

The application for amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the

Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter 1, which are set forth in the license amendment. Prior public notice of this action was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated March 31, 1980, (2) Amendment No. 47 to License No. DPR-16, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555, and at the Ocean County Library, Brick Township Branch, 401 Chambers Bridge Road, Brick Town, New Jersey 08723. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Md., this 15th day of May, 1980.

For the Nuclear Regulatory Commission.  
Dennis M. Crutchfield,  
Chief, Operating Reactors Branch #5,  
Division of Licensing.

[FR Doc. 80-1926 Filed 5-28-80 8:45 am]  
BILLING CODE 7580-01-M

[PSRP-3.9.6 (Rev. 2)]

**Proposed Revision to the Standard  
Review Plan; Availability**

As a part of the continual maintenance of the Standard Review Plan (SRP), the Nuclear Regulatory Commission's Division of Systems Safety, Office of Nuclear Reactor Regulation, proposes to revise SRP Section 3.9.6, "Inservice Testing of Pumps and Valves," and to add an Appendix A to SRP Section 3.9.6, "Leak Testing of Pressure Isolation Valves." A value-impact statement has also been prepared in support of these proposed changes.

The Standard Review Plan is prepared for the guidance of staff reviewers in the Office of Nuclear Reactor Regulation in performing safety reviews of applications to construct or operate nuclear power plants. The principal purpose of the SRP

is to assure the quality and uniformity of staff reviews, and to present a well-defined base from which to evaluate proposed changes in the scope and requirements of reviews. It is also a purpose of the SRP to make information about regulatory matters widely available and to improve communication and understanding of the staff review process by interested members of the public and the nuclear power industry.

This proposed revision of the Standard Review Plan and the supporting value/impact statement have not received a complete staff review and approval and do not represent an official NRC staff position. Public comments are being solicited on both the revision and the value/impact statement (including any implementation schedules) prior to a review and decision by the Office of Nuclear Reactor Regulation as to whether this revision should be approved. Comments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch. All comments received by August 1, 1980, will be considered.

All of the associated documents and comments considered will be made publicly available prior to a decision by the Director, Office of Nuclear Reactor Regulation, on whether to implement this revision.

Copies of this proposed revision and addition to the SRP and the supporting value-impact statement will be available for public inspection at the NRC Public Document Room at 1717 H Street, NW., Washington, D.C. 20555. Requests for single copies of future proposed revisions to the SRP should be made in writing to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Technical Information and Document Control. Telephone requests cannot be accommodated. Standard Review Plans are not copyrighted, and Commission approval is not required to reproduce them.

Dated at Bethesda, this 18th day of April 1980.

For the U.S. Nuclear Regulatory Commission.

Roger J. Mattson,  
Director, Division of Systems Safety, Office of  
Nuclear Reactor Regulation.

[FR Doc. 80-1925 Filed 5-28-80 8:45 am]  
BILLING CODE 7580-01-M

ments may be inspected at the above locations: (1) The safety evaluation report prepared by the Office of Nuclear Reactor Regulation; (2) the draft environmental statement; (3) the final environmental statement; (4) the report of the Advisory Committee on Reactor Safeguards (ACRS) on the application for facility operating licenses; (5) the proposed facility operating licenses; and (6) the technical specifications, which will be attached to the proposed facility operating licenses.

Dated at Bethesda, Md., this 27th day of February 1978.

For the Nuclear Regulatory Commission.

STEVEN A. VARGA,  
Chair, Light Water Reactors  
Branch 4, Division of Project  
Management

[FR Doc. 78-5645 Filed 3-2-78; 8:45 am]

[7590-01]

[Docket Nos. STN 50-510 and STN 50-511]

GULF STATES UTILITIES CO.

Blue Hills Stations, Units 1 and 2

Reconstitution of Board

Frederic J. Coufal, Esq., was Chairman of the Atomic Safety and Licensing Board for the above proceeding. Because of a schedule conflict, Mr. Coufal is unable to continue his service on this Board.

Accordingly, Marshall E. Miller, Esq., whose address is Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, is appointed Chairman of this Board. Reconstitution of the Board in this manner is in accordance with § 2.721 of the Commission's Rules of Practice, as amended.

Dated at Bethesda, Md., this 27th day of February 1978.

JAMES R. YORE,  
Chairman, Atomic Safety  
and Licensing Board Panel

[FR Doc. 78-5646 Filed 3-2-78; 8:45 am]

[7590-01]

[Docket Nos. 50-498A and 50-499A]

HOUSTON LIGHTING & POWER CO., ET AL.

Receipt of Attorney General's Advice

In the matter of Houston Lighting & Power Co., Public Service Board of San Antonio, City of Austin, and Central Power & Light Co.

The Commission has received, pursuant to section 105c of the Atomic Energy Act of 1954, as amended, a letter of advice from the Attorney General of the United States, dated February 21, 1978, a copy of which is attached as Appendix A.

A notice stating that any person whose interest may be affected by this

proceeding will have the opportunity to intervene on the antitrust aspects of this application pursuant to and in accordance with § 2.714 of the Commission's "Rules of Practice," 10 CFR Part 2, will be published at such time as the Commission deems appropriate.

For the Nuclear Regulatory Commission.

JEROME SALTZMAN,  
Chair, Antitrust and Indemnity  
Group, Nuclear Reactor Regu-  
lations.

#### APPENDIX A

HOUSTON LIGHTING & POW'R CO., PUBLIC SER-  
VICE BOARD OF SAN ANTONIO, CITY OF AUSTIN,  
CENTRAL POWER & LIGHT CO., SOUTH TEXAS  
PROJECT, UNITS NOS. 1 AND 2

[Docket Nos. 50-498A and 50-499A]

This responds to your letter of August 25, 1977, which seeks our advice on the competitive implications of issuing an operating license in the above captioned matter, pursuant to the Commission's determination under section 105(c)(2) of the Atomic Energy Act that changed circumstances in the licensee's activities make further antitrust review advisable.

#### A. Status of the Houston Lighting & Power Application

The South Texas Project (STP), located southwest of Houston, Tex. in Matagorda County, will consist of two 1,250 mw nuclear powered generating units. There are four participants in the STP, each of whom will own undivided interests as tenants in common: Houston Lighting & Power (HL&P) will own 30.8 percent and is the project manager; the City Public Service Board of San Antonio will own 28 percent; Central Power & Light (CP&L) will own 25.2 percent; and the City of Austin will own 16 percent. The addition of the STP will increase the combined generating capacity of the participants by approximately 15 percent and thus represents an important and substantial addition to the base-load capacity of the participants.

On October 22, 1974, the Department, after conducting an antitrust review of this nuclear plant in connection with HL&P's application for a construction permit, advised the NRC that an antitrust hearing would not be necessary. A construction permit was issued for the plant and, in early 1976 the construction permit proceeding was formally closed.

At the time of our prior letter of advice most of the electric systems in Texas interconnected and coordinated with one another to their satisfaction in the Texas Interconnected System (TIS). TIS was a group of nine electric systems interconnected through high voltage transmission facilities that operated throughout most of the state of Texas. TIS was comprised of six privately-owned and three publicly-owned systems. The privately-owned systems were Dallas Power & Light Co., Texas Electric Service Co., and Texas Power & Light Co.<sup>1</sup> Hous-

<sup>1</sup>Dallas Power & Light, Texas Electric Service and Texas Power & Light are the operating subsidiaries of Texas Utilities Co. When used herein, "TU" refers to Texas Utilities Co. and its various operating and service subsidiary companies.

ton Lighting & Power Co. (HL&P), Central Power & Light Co. (CP&L), and West Texas Utilities Co. (WTU). The three publicly-owned electric systems were Lower Colorado River Authority, City of Austin, and City Public Service Board of San Antonio.

As of October 22, 1974, TIS was exclusively an intrastate system; none of its members was interconnected with an electric utility outside Texas so as to be subject to the jurisdiction of the Federal Power Commission, and interconnection contracts among TIS members were conditioned specifically to preclude any interstate connections. In the absence of complaints from any source, the Department had expressed no view as to the legality or propriety of this "intrastate only" policy.

In May 1976, two principal members of TIS, CP&L and WTU, commenced to operate in interstate commerce. HL&P and TU, acting pursuant to the contractual conditions noted above, immediately opened their electrical connections with CP&L, WTU, and other Texas systems which were also interconnected with CP&L and WTU. CP&L then filed a petition at the NRC to intervene and to hold an antitrust hearing. In connection with that petition the NRC, by letter of August 3, 1976, requested the Department's advice as to whether there were compelling circumstances which warranted an antitrust review prior to the filing of an operating license application. The Department responded on January 25, 1977, and advised that, on the basis of the situation then existing

"—with restrictions on interutility coordination resulting from the division of the utilities in the state into two groups, premised on intrastate and interstate operation respectively, with TIS eliminated as a coordinating vehicle, and with questions raised as to the viability of planned participation in the nuclear units—"

an antitrust hearing was warranted.

After transmittal of our January 25, 1977 letter, the Commission, by Memorandum and Order dated June 15, 1977, ruled that it did not have jurisdiction to order a hearing prior to HL&P's filing an application for an operating license. The Commission did, however, make a determination that a further antitrust review would be advisable because of the significant changes in the licensee's activities that occurred after completion of the antitrust review at the construction permit stage. That determination, and HL&P's subsequent filing of an operating license application, provided the basis for you to once more seek the Department's antitrust advice with respect to the South Texas Project.

Your letter of August 25, 1977 requires the Department for the first time to render antitrust advice under the proviso of section 105(c)(2). That proviso states that the Attorney General's antitrust advice will not be sought at the operating license stage where a construction permit has issued, unless the Commission determines such review is "advisable on the ground that significant changes in the licensee's activities or pro-

<sup>2</sup>See condition 11 of the license conditions attached to the Comanche Peak Steam Electric Station license, AEC Docket Nos. 50-445 and 50-446.

## NOTICES

posed activities have occurred subsequent to the previous review . . . in connection with the construction permit for the facility." Once the Commission has made the requisite determination then the Attorney General must conduct his review as contemplated by section 105(c)(1). That section provides that the Attorney General shall "render such advice to the Commission as he determines to be appropriate in regard to the finding to be made by the Commission pursuant to paragraph (5) of this subsection. Such advice shall include an explanatory statement as to the reasons or basis therefor." Thus, the Department's antitrust review at the operating license stage is no different than the review it would conduct at the construction permit stage and would not require the application of a standard different from that contemplated in section 105(c)(5); that is whether there is a reasonable probability that the activities under the license would create or maintain a situation inconsistent with the antitrust laws.

It should be noted at the outset that since the Department's advice letter of January 25, 1977, the members of TIS have reestablished their interconnections and are operating in much the same manner as they were at the time of our 1974 advice letters. The present situation is not voluntary, however, but is the result of an order of the Texas Public Utility Commission (TPUC), a state regulatory agency established in 1976 pursuant to the Public Utility Regulatory Act. The TPUC, in May of 1977, ordered the members of TIS to reestablish the interconnections that existed prior to May 3, 1976. Since HL&P and TU were refusing to interconnect with any utility operating in interstate commerce, the TPUC ordered the utilities operating in interstate commerce to cease such operations and to reestablish interconnection with HL&P and TU. For the present, this has eliminated the severe operating problems that confronted the interstate utilities at the time of our January 25, 1977, advice letter.

#### B. The Competitive Situation

1. *The Department's Prior Antitrust Reviews.* Any analysis of present antitrust concerns must begin with the Department's prior antitrust review. The Department of Justice previously submitted to the Nuclear Regulatory Commission or its predecessor, the Atomic Energy Commission, antitrust advice with regard to three different construction permit applications that are relevant to the instant review. The Department first examined competitive relationships of electric utilities within Texas in connection with the application for Comanche Peak Steam Electric Station, AEC Docket Nos. 50-445 and 50-446. In the course of that inquiry, the Department determined that various electric systems in Texas had formed the Texas Interconnected System (TIS).

\*The licensee must have caused, or be reasonably responsible or answerable for the significant changes. Joint Committee on Atomic Energy, S. Rep. No. 91-1247, 91st Cong., 2d Sess. 29 (1970).

In addition to requesting our advice pursuant to section 105(c)(2), you have also asked the Department to respond to certain questions raised by the Commission in its June 16, 1977, Order.

\*Title 32, Art. 1446(c), V.A.C.S.

As noted above, TIS was composed of nine members. HL&P was the dominant member in the southern portion of TIS and TU was the dominant member in the northern portion. Together they owned approximately 75 percent of the generating capacity in TIS, accounted for approximately 75 percent of kwhr sales of electricity, and, more importantly, their service areas and transmission facilities were strategically located between the systems in south and central Texas with which they were interconnected and other systems that were not members of TIS to the north and east. Thus, HL&P and TU offered the only realistic opportunity for interconnection to these systems.

The members of TIS, up to that time, had not engaged in a great deal of coordinated development outside of that carried on between the integrated systems in TU. The principal reason for such relative independence was that the ready availability of inexpensive natural gas made extensive coordination unnecessary. A utility could produce a low cost reliable source of bulk power and thereby maintain its competitive position simply by installing gas-fired steam generating units. Thus, the Texas utilities enjoyed substantial independence, each installing capacity to meet its own load and reserve needs.

At that time the main function of TIS had been to provide emergency backup between the interconnected utilities and thus to increase the reliability of participants. Some cost savings were also realized. Members of TIS also conducted various studies relating to the need for, and the effects of, any future transmission and generation changes planned by the members. Thus, membership in TIS provided each member system the opportunity to obtain various benefits from coordination that were not available to non-members. For example, the 1982 power interchange agreement between HL&P and TU provided for a form of staggered generation additions to obtain "certain mutual advantages in investment, efficiency and operation."

In the past, membership in TIS had not been available to all of the electric utility systems within Texas. It was the Department's view that membership in TIS was essential if the smaller electric systems were to compete effectively with the larger systems that were members of TIS. Thus, the Department sought to obtain for the smaller systems greater interconnection and coordination opportunities with the larger systems. In the Department's letter of advice concerning the Comanche Peak nuclear units, dated January 17, 1974, we advised that no hearing would be necessary if the Commission would impose certain license conditions, agreed upon by the applicant, that were designed to afford other utilities the opportunity for ownership participation in the Comanche Peak nuclear units, coordination and sharing of reserves with TU, and transmission services over TU facilities. The construction permit was subsequently issued with those license conditions attached.

The Department submitted its second advice letter on May 17, 1974, in connection with the Allens Creek Nuclear Generating Station, AEC Docket Nos. 50-466A and 50-467A. The application to construct the Allens Creek Station was filed by HL&P. In its letter, the Department noted that the restrictions on membership within TIS had recently changed and that membership was being made available to other systems. The

Department also stated as follows: The Department has uncovered no evidence that would indicate that Applicant is attempting to prevent participation in the joint ownership of nuclear facilities by any system or is otherwise presently impairing the competitive opportunities of other systems.

The Department's advice letter in Allens Creek concluded that no antitrust hearing was necessary.

The Department rendered its third advice letter on October 22, 1974, with regard to the construction permit application for the instant South Texas Project. In that letter of advice, the Department again noted that the situation involving limitations on membership in TIS had recently changed and that membership in TIS was being made available to other systems, and concluded that no antitrust hearing was warranted.

As noted above, the members of TIS operated wholly within the state and were not interconnected with systems outside the state. Thus, TIS members were not subject to regulation by the Federal Power Commission, (nor at the time, were they subject to any state regulatory authority). In our antitrust reviews of the previous applications, the Department had encountered no claim by any electric system that the intrastate only operation of HL&P or TU was having an anticompetitive effect.

2. *Market Conditions After 1974.* In the past, utilities in Texas have used natural gas as their main and sometimes only source of fuel to generate their power needs. The fuel situation in Texas has changed drastically since our prior letters of advice. The price of natural gas in Texas has increased substantially over what it was in 1973, and the use of natural gas as a boiler fuel must be cut back by 1985 to 75 percent of the greater of a utility's 1974 or 1975 consumption level. This changing fuel situation has had a significant impact on the competitive posture of the various utilities in Texas. While every utility has been faced with rapid increases in its costs of power, the smaller utilities dependent on natural gas have been the hardest hit. These utilities must switch to alternatives, such as coal, lignite, and nuclear fueled generation, if they are to continue in existence, let alone be able to compete with their larger neighbors, such as HL&P and TU. The switch from natural gas to an alternative fuel will require joint participation arrangements in large base load generating resources, since economies of scale will play a much more important role than in the past. These resources must be tied together through transmission service arrangements or the construction of new transmission facilities.

In order to maintain their competitive viability these systems must engage in a degree of coordinated operation and development that has not heretofore existed in the State of Texas. This coordination cannot be done independently of the two dominant Texas utilities, HL&P and TU, without incurring substantially increased cost, decreased reliability and an erosion of the smaller utilities competitive capabilities.

Thus, in a very real sense the changing fuel situation in the State of Texas has increased the dominance of HL&P and TU by increasing the dependence of smaller systems on the generation and transmission facilities of HL&P and TU.

The monopoly power of HL&P and TU was clearly evidenced by the consequences of their disconnection. During the period from May, 1976, to May, 1977, two separate sys-

## NOTICES

tems operated in Texas: HL&P, TU and the smaller utilities within their service areas constituted a wholly intrastate interconnected system which operated effectively without significant electrical problems; the other system, which included three of the four participants in the South Texas Project (the cities of Austin and San Antonio, and CP&L) and a number of other utilities, operating in interstate commerce, encountered severe operating difficulties. Without the interconnections with HL&P and TU on the eastern end of the interstate system, reliability of the system suffered, spinning reserves had to be increased and the cost of power to these systems increased. In addition, as noted in our January 25, 1977, letter, utilities that were a part of the intrastate system, such as Brazos Electric Membership Cooperative, could not participate in planned joint generation with utilities that were a part of the interstate systems, such as South Texas Electric Cooperative and Medina Electric Cooperative. Thus, members of TIS, as well as any smaller utility in the service area of a member of TIS, were unable effectively to plan and develop large scale bulk power generation, and particularly nuclear generation, either alone or in combination with other utilities, and opportunities to coordinate reserves and to engage in purchases, sales and exchanges of bulk power were restricted.

*C. The Competitive Implication of the Intrastate Only Agreement Under Current Market Conditions\**

It is in the context of changed market conditions—the increased dominance of HL&P and TU, and the effects of their having exercised such power to refuse to deal with utilities operating in interstate commerce—that the intrastate only agreement of HL&P and TU must be analyzed. The clear intent of the agreement is to prevent the parties from entering into interstate commerce. The enforcement mechanism is the underlying right of the dominant utilities to refuse to deal with any utility that breaches the agreement. In short, it is this threat of boycott which reinforces the intrastate only agreement.

The competitive consequences of this agreement are the same as those that flow from any group boycott: Actual and potential competition are injured. Actual competition suffers when existing systems are disconnected from HL&P and TU, as occurred during May 1976 to May 1977. Potential competition is foreclosed by reason of adherence to the unconditional, across-the-board ban of all interstate connections regardless of their technological and economic feasibility.

Because the intrastate only agreement has effectively precluded serious attempts to establish interstate connections, sources of potential competition must be inferred from facts showing the geographic proximity of interstate utilities, and the possible need or incentive to establish connections with such systems.

In the areas in which HL&P and TU face competition or could reasonably compete, there are a number of privately owned and

publicly owned systems that generate and market electric power, and a number of distribution-only systems purchasing power at wholesale from one or more generation and transmission systems marketing firm bulk power. Some of these generating entities operate in interstate commerce, such as Southwestern Electric Power Co. (SWEPCO), Gulf States Utilities (GSU), Western Farmers Cooperative (in Oklahoma), and Southwestern Power Administration (an agency of the U.S. Government). These interstate systems are sources of potential competition for the patronage of the approximately 150 distribution systems in Texas that purchase power at wholesale.

In addition to the potential for increased competition at the wholesale level, there appear to exist substantial opportunities for exchanges of power between the interstate and intrastate utilities.

Utilities in the South West Power Pool are faced with declining reserve margins and will need to purchase generating capacity to maintain adequate reliability until additional generation can be constructed. For example, Western Farmers Cooperative sought to purchase 300 to 400 mw of surplus generating capacity from TU but was unable to do so because of the intrastate only restriction. A number of the utilities in Texas, including competitors of HL&P and TU, have a surplus of generating capacity. The intrastate only policy of HL&P and TU would prevent any utilities with which they are interconnected from marketing any surplus capacity to the interstate utilities. For example, the City of Bryan, Tex. has recently installed a new generating unit bringing its total generating capacity to approximately 225 mw. On the other hand, because of its higher power cost the city is losing College Station as a wholesale customer. College Station represents approximately 27 percent of Bryan's electric load. The city's remaining customers will have to absorb the cost of this excess capacity if it is not sold, thus further eroding Bryan's ability to compete. Although Gulf States Utilities will have high voltage transmission lines in the area and may constitute a ready market for the capacity, the city would not be able to sell its surplus capacity to Gulf States without violating the intrastate only restriction and risking disconnection from the other members of TIS.

The intrastate only restrictions could also prevent municipal and cooperative systems in Texas from being able to receive an increased share of low cost Southwestern Power Administration (SPA) power should additional amounts of capacity become available. The SPA may also constitute a market for the surplus capacity noted above since, when it is faced with low water levels on its system, it must purchase deficiency power in order to meet its contractual obligations to its preference customers.

Thus the intrastate only restriction, by preventing utilities within the Texas intrastate system from engaging in power exchange transactions with utilities outside the intrastate system, could foreclose access to a substantial part of the market for power exchange services.

Given current market conditions the intrastate only agreement may serve to unreasonably foreclose a significant degree of potential competition. The nature and extent of such foreclosure can only be established after a full evidentiary proceeding.

So long as HL&P intends that the operation of the jointly owned South Texas Pro-

ject be in accordance with the terms of the intrastate restrictions imposed by HL&P and the TU system, HL&P's activities under the nuclear license in furtherance of that restriction can maintain and enhance a situation inconsistent with the antitrust laws contrary to section 105 of the Atomic Energy Act.

*D. Additional Points Raised in Your Letter Requesting Advice*

In your letter of August 25, 1977, you requested that the Department provide "an evaluation of the legal significance of the various facts and contentions dealt with in the Attorney General's letter of January 25, 1977."

At the time of the Department's letter of January 25, 1977, HL&P and TU, the two dominant utilities in Texas, were refusing to interconnect with other utilities (utilities with which they had historically maintained interconnections); that refusal was having a direct and substantial adverse effect on those utilities' power supply costs, reliability and their ability to remain competitive.

HL&P's refusal to deal with any interstate system went beyond a mere unilateral announcement of its decision to that effect. See *United States v. Parke, Davis & Co.*, 362 U.S. 29 (1960); *Albrecht v. Herald Co.*, 390 U.S. 145, 149-150 (1968). Its action was part of a course of conduct whereby HL&P had joined with the other dominant system within Texas to use their combined power to require other electric utility systems to act in accordance with their direction. The concerted action by HL&P and TU deprived competitors of a valuable business service needed in order to compete effectively and thus raised serious antitrust issues which the Department viewed as warranting a hearing. *Silver v. New York Stock Exchange*, 373 U.S. 341 (1969); *Associated Press v. United States*, 382 U.S. 1 (1945); *Eastern States Retail Lumber Dealers' Ass'n v. United States*, 234 U.S. 600, 612 (1914).

Your letter of August 25, 1977, also asks that the Department "advise as to why enforcement of a contract right, known to all parties and the Assistant Attorney General at the time of the construction permit antitrust review, may constitute 'changed circumstances' such as may justify the imposition of antitrust conditions."

While the Department was aware of the existence of the intrastate only restrictions at the time of its prior advice, the Department was not aware of any anticompetitive effect or anticompetitive injury resulting from those restrictions. Nevertheless, the Department did recognize that possible antitrust consequences might flow from such restrictions and included in condition 11 of the Comanche Peak construction permit a statement that continuation of the policy [of intrastate only operation] was not to be interpreted to reflect any view as to the "legality or propriety of said policy."

In evaluating the competitive significance of any course of conduct, careful attention must be given to the commercial context within which that conduct occurs. Changed circumstances necessarily imply that, where a provision may be seen to have had a neutral impact in one set of circumstances, a change in those circumstances later on may reveal the anticompetitive nature of the same provision. The changed circumstances described above show very significant anticompetitive effects have arisen since the Department's original advice letter. While

\*This section analyzes the competitive implications of a private agreement which includes as parties the dominant utilities in the State of Texas. The significance of the TPUC order, noted *supra*, which to some extent appears to presently supersede this agreement, is discussed in section E, *infra*.

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HL&P did not cause, or cannot be held answerable for the increased costs of fuel to its competitors. HL&P is the cause and is answerable for the adverse effects of disconnecting from the smaller competitors that were operating in Interstate commerce. Moreover, the basis for such action derived from the intrastate only agreement. Thus, on the basis of events occurring after the Department's original advice letter it can now be clearly seen that, with the increased importance of economic coordination brought about by the fuel situation, and the corresponding increased need and opportunity for coordination between Interstate and intrastate utilities, HL&P, together with TU, by agreeing not to interconnect with utilities operating in Interstate commerce have the power to and may adversely affect the future competitive situation, in or contiguous to the state of Texas, both between the intrastate systems and between the Interstate and intrastate systems.

Certainly, as a matter of law, the Commission is not foreclosed from considering at this time the intrastate only restrictions. The mere fact that the Commission may conclude at any particular point in time that antitrust enforcement action is not advisable does not foreclose it from subsequently acting to confront a situation it then finds to be inconsistent with the antitrust laws if it otherwise has jurisdiction to act. *U.S. v. New Orleans Chapter, Associated General Contractors of America, Inc.*, 382 U.S. 17 (1965). Not even trade arrangements which have been long tolerated thereby require any vested immunity under the Sherman Act. *Times-Picayune Publishing Co. v. U.S.*, 345 U.S. 594 (1953). Even contemplated actions, such as mergers, once examined and not contested, can later be challenged if the dictates of the public interest so require. *U.S. v. Joe Schlitz Brewing Co.*, 253 F. Supp 129 (N.D. Cal. 1966) *Aff'd*, 385 U.S. 37 (1968).

In the Department's letter of January 17, 1974, pertaining to the Comanche Peak Generating Station, it was expressly indicated (in condition No. 11 of that license) that no view was then being taken as to the legality of the policy foreclosing transmission of power in Interstate commerce. As the court noted in *U.S. v. Grinnell Corp.*, 30 F.R.D. 358 (D. R.I. 1962), whenever the Government reserves its future right to take action, any such communication of policy is not a final disposition of the matter at issue. Put succinctly, the obligation to protect the public interest can never be estopped by inaction at an earlier point.

#### E. The Proceedings in Other Forums

Your letter of August 25 finally asks that the Department provide "an evaluation of the probable effects of proceedings in other forums, as they have then progressed. In developing his [our] recommendations concerning further antitrust hearings." There are four proceedings in other forums, i.e., the Securities and Exchange Commission (SEC), the Federal Power Commission (FPC), the U.S. District Court in Dallas, Tex., and the Texas Public Utility Commission (TPUC), whose impact must be analyzed.

The proceeding before the SEC commenced in 1974 after several Oklahoma cooperatives and municipalities complained that the operating subsidiaries of Central & South West Corp. (C&SW), which include CP&L and WTU, were not operationally integrated and, therefore, were in violation of the Public Utility Holding Company Act of

1935. The SEC instituted hearings which, under the statute, involve as the sole issue:

Whether the electric utility facilities of subsidiaries of Central & South West Corp. supplemented as planned or proposed are capable of being economically operated as a single integrated and coordinated system and whether the proposals presented by Central & South West Corp. and its subsidiaries, with any amendments or modifications which may be developed during the proceeding, represent a reasonable prospect of achieving such economical operation, and what contingencies, if any, may affect carrying out any of such proposals.

Although HL&P and TU are participating in the hearings, it is clear that the SEC has no statutory authority to require that HL&P implement any interconnection plan with CP&L or any other utility; and that it cannot affect the competitive situation in Texas. Moreover, the SEC could not interfere with the NRC's power to remedy anticompetitive situations. Thus, it is our view that the SEC proceeding has no bearing on the question of whether an antitrust hearing before the NRC is necessary.

A proceeding before the FPC (now FERC) was initiated when CP&L filed a petition in May 1976, requesting the FPC to find that CP&L, WTU, TU, and HL&P were operating in Interstate commerce and thus were all under the jurisdiction of the FPC. This contention was grounded on the fact that these systems had been interconnected for approximately 8 hours, during which time WTU transmitted power across the Texas border into Oklahoma. The FPC issued an order, finding that, *inter alia*, CP&L and WTU were jurisdictional but that TU and HL&P were not.<sup>1</sup> This decision is on appeal to the U.S. Court of Appeals, D.C. Circuit. Should the Court of Appeals reverse and hold that HL&P and TU are subject to the jurisdiction of the FERC then, as a practical matter, the intrastate only policy of these parties will have been ended. On the other hand, a more likely course for the Court, if it does not affirm, would be to remand to FERC for an evidentiary hearing. Neither affirmation nor remand would relieve the NRC of its statutory duty to remedy an anticompetitive situation nor preclude the Commission from doing so. The Department views the outcome of the FERC proceeding as too speculative to warrant much weight in our recommendation.

The third proceeding involves a civil complaint which has been filed by CP&L in the U.S. District Court in Dallas, Tex. CP&L alleges that HL&P and TU, by refusing to deal with utilities in Interstate commerce, have engaged in a conspiracy in violation of section 1 of the Sherman Act and an attempt to monopolize in violation of section 2 of the Sherman Act. The legality of the intrastate only agreement is squarely before the district court. It is conceivable, therefore, that the court could find such agreement unlawful and enter a permanent injunction against it. In that event, NRC action might become unnecessary. On the other hand, the proceeding involves two groups of large investor-owned systems each seeking to protect its own private corporate interests. They might settle their differences without resolving any of the antitrust concerns raised by the Department. More-

<sup>1</sup>The FPC, in a later order denying a petition for reconsideration, specifically declined to consider antitrust issues that CP&L sought to raise.

over, even if the defendants prevail in the district court the question of the legality of intrastate only agreements would not be settled since both the parties and legal standards are different in that case than they would be before the NRC.

While this is the only proceeding which may consider some of the same issues as would be raised before the NRC, we cannot be certain that a decision of the District Court will be dispositive. The Department believes it would be unwise and inappropriate for the NRC to defer to the district court proceeding. It must be remembered that this—the operating license stage—is the last opportunity that the NRC has to carry out its statutory mandate to use its licensing authority to prevent the creation or maintenance of a situation inconsistent with the antitrust laws. If the Commission fails to act now it runs the risk of facing an irretrievable anticompetitive situation in the future.

A fourth proceeding arose before the TPUC. Until the TPUC was formed in 1976, electric utilities in Texas were not subject of any statewide regulatory agency and, outside of retail rate regulation by the governing body of the municipalities within which it operated, an electric utility was essentially unregulated.

In January of 1977, HL&P and other utilities in the TIS area petitioned the TPUC, to require WTU and CP&L to cease Interstate operation and to reconnect with the intrastate utilities. The TPUC, on May 2, 1977, without any hearings and contrary to its findings of the year before,<sup>2</sup> found that the then existing situation, with WTU, CP&L, and the three public systems operating disconnected from TU and HL&P, was having an adverse impact on the power supply situation in Texas, both in terms of reliability and cost of power. An order was issued requiring WTU to cease transmission of power into the State of Oklahoma and for WTU and CP&L to reestablish interconnection with TU and HL&P. The TPUC thereafter held hearings and, by an amended final order dated July 11, 1977, confirmed its earlier order of May 2, 1977.

The final amended order prohibits all TIS members from disconnecting without TPUC authorization and further restrains any utility system connected with TIS from making connections with utility systems not so connected, unless authorized by Texas law or so ordered by the FPC or the TPUC. The order also provides that TPUC decisions on applications seeking relief from these prohibitions are to be governed by a public interest standard.

CP&L has appealed the TPUC order to the Federal District Court in the Western District of Texas and to a State court. It has not yet been decided which court will ultimately act on the appeal.

At the present time, it is clear that to some extent the TPUC order has superseded, but not validated, the intrastate only agreement of the private utilities. The agreement is superseded in the sense that it is no longer the sheer economic power of

<sup>2</sup>After a 1-day hearing in May of 1976, the TPUC made a finding that the situation, with HL&P and TU disconnected from the other TIS members, was not adversely affecting the reliability of any of the utilities. No determination was made as to any economic or competitive effects on any of the utilities.

the parties but rather the force of State law that restrains members of TIS from entering into interstate commerce. The agreement is not validated, however, since the TPUC expressly disclaimed any jurisdiction to determine whether the subject contracts were void or voidable. Therefore, while presently supplanted by a TPUC order, the private intrastate only agreements remain in existence and are capable of future implementation.

There are two reasons why the NRC ought to order an antitrust hearing in spite of the TPUC order. First, the Commission is confronted with a private agreement that raises serious competitive issues, that has not been abandoned by the parties and that has yet to be enjoined or declared unlawful. There is a real question as to whether the TPUC restraint on interstate connections is valid under the commerce clause of the United States Constitution. (Art. 1, section 8, clause 3). If on review, a court should abrogate that portion of the TPUC order, the TPUC might lift its injunction against disconnections from TIS. The point is simply that the private agreement may again become fully operative.

Given that the NRC has a nondelegable statutory responsibility to use its licensing authority to prevent the creation or maintenance of a situation inconsistent with the antitrust laws, it cannot ignore or look to others to prevent or correct an anticompetitive situation. Moreover, under its June 11, 1977, order in which it held itself to have only limited continuing antitrust authority the Commission will have no later opportunity to exercise its power since its jurisdiction to act is confined to the licensing stages.

Second, the TPUC may enforce its order in a manner which basically vindicates the operation of the intrastate only agreement. Arbitrary denials of applications for interstate connections can have the same anticompetitive effects as those that result from the threat of boycott. While we do not assert that the TPUC will act arbitrarily we also do not believe that the NRC can ignore its responsibility to protect interstate commerce from unreasonable competitive restraints—even those imposed by a State agency. The NRC can prevent the TPUC from improperly restricting competition by exercising its authority to condemn the intrastate only agreement and by reserving in license conditions the right to review and to countermand unreasonable refusals or failures to interconnect with utilities operating, or desiring to operate in interstate commerce, even where such actions are the result of TPUC decisions. This would not place the NRC in conflict with the TPUC since the Texas Public Utility Regulatory Act expressly provides that "No rule or order of the regulatory authority shall be in

conflict with the rulings of any federal regulatory body."

#### F. Conclusion

In view of the above legal and factual analysis, and the inability of the Department to conclude that the same issues raised herein will necessarily be resolved satisfactorily in another forum, the Department renews its advice that an antitrust hearing be held on the applicant's operating license. The purpose of the hearing would be to determine whether in order to remedy a situation inconsistent with the antitrust laws HL&P should be precluded from adhering to the intrastate only agreement or from unreasonably refusing to engage in interstate connections. At the time of the hearing, the Department of Justice may wish to participate to elaborate upon its views expressed in this letter, to offer evidence, to connect up legal theories and to evaluate and respond to submissions made by the parties.

[FR Doc. 78-5644 Filed 3-2-78; 8:45 am]

#### [7590-01]

#### INTERNATIONAL ATOMIC ENERGY AGENCY DRAFT SAFETY GUIDE .

##### Availability of Draft for Public Comment

The International Atomic Energy Agency (IAEA) is developing a limited number of internationally acceptable codes of practice and safety guides for nuclear power plants. These codes and guides will be developed in the following five areas: Government Organization, Siting, Design, Operation and Quality Assurance. The purpose of these codes and guides is to provide IAEA guidance to countries beginning nuclear power programs.

The IAEA codes of practice and safety guides are developed in the following way. The IAEA receives and collates relevant existing information used by Member Countries. Using this collation as a starting point, an IAEA Working Group of a few experts then develops a preliminary draft. This preliminary draft is reviewed and modified by the IAEA Technical Review Committee to the extent necessary to develop a draft acceptable to them. This draft code of practice or safety guide is then sent to the IAEA Senior Advisory Group which reviews and modifies the draft as necessary to reach agreement on the draft and then forwards it to the IAEA Secretariat to obtain comments from the member States. The Senior Advisory Group then considers the Member State comments, again modifies the draft as necessary to reach agreement and forwards it to the IAEA Director General with a recommendation that it be accepted.

As part of this program, Safety Guide SG-QA6, "Quality Assurance

\*Public Utility Regulatory Act, Title 32, Art. 1446(c), § 37 T.A.C.S.

for Design of Nuclear Power Plants," has been developed. An IAEA Working Group, consisting of Mr. S. K. Hellman (The Ralph M. Parsons Co.) of the United States of America, Mr. A. Kakodkar of India and Mr. L. Laurent of France developed this draft from an IAEA collation during a meeting on January 30-February 3, 1978, and we are soliciting public comment on it. Comments on this draft received by March 31, 1978 will be useful to the U.S. representatives to the Technical Review Committee and Senior Advisory Group in evaluating its adequacy prior to the next IAEA discussion.

Single copies of this draft may be obtained by a written request to the Director, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

(5 U.S.C. 522(a).)

Dated at Rockville, Maryland this 24th day of February 1978.

For the Nuclear Regulatory Commission.

RAY G. SMITH,  
Deputy Director

Office of Standards Development

[FR Doc. 78-5647 Filed 3-2-78; 8:45 am]

#### [7590-01]

#### REVISION TO THE STANDARD REVIEW PLAN (NUREG-75/087)

##### Issuance and Availability

As a continuation of the updating program for the Standard Review Plan (SRP) previously announced (FEDERAL REGISTER notice dated December 8, 1977), the Nuclear Regulatory Commission's (NRC's) Office of Nuclear Reactor Regulation has published Revision No. 1 to Section No. 9.2.4 of the SRP for the NRC staff's safety review of applications to build and operate light-water-cooled nuclear power reactors. The purpose of the plan, which is composed of 224 sections, is to improve both the quality and uniformity of the NRC staff's review of applications to build new nuclear power plants, and to make information about regulatory matters widely available, including the improvement of communication and understanding of the staff review process by interested members of the public and the nuclear power industry. The purpose of the updating program is to revise sections of the SRP for which changes in the review plan have been developed since the original issuance in September 1975 to reflect current practice.

Copies of the Standard Review Plan for the Review of Safety Analysis Reports for Nuclear Power Plants, which has been identified as NUREG-75/087, are available from the National Technical Information Service, Springfield,

\*See *Penn. v. West Virginia*, 282 U.S. 533 (1923); *FPC v. Corporation Commission of the State of Oklahoma*, 362 F. Supp. 522 (W.D. Okla. 1973) (three judge court), *Sum. aff'd*, 415 U.S. 981 (1974).

Generating Plant Unit Nos. 1 and 2 located in Codhue County, Minnesota.

Dated at Bethesda, Maryland, this 2nd of April 1980.

For the Nuclear Regulatory Commission.

A. Schweitzer,

Chief, Operating Reactors Branch No. 1, Division of Operating Reactors.

[FR Doc. 80-10288 Filed 4-8-80 8:45 am]

BILLING CODE 7580-01-02

[Docket No. 50-482A]

**Kansas Gas & Electric Co., Kansas City Power & Light Co.; Receipt of Attorney General's Advice and Time for Filing of Petitions To Intervene on Antitrust Matters**

The Commission has received, pursuant to section 105c of the Atomic Energy Act of 1954, as amended, the following additional advice from the Attorney General of the United States, dated March 28, 1980, with respect to the construction permit application for Wolf Creek Generating Station, Unit No. 1:

"You have requested our advice pursuant to Section 105c of the Atomic Energy Act of 1954, as amended, regarding the acquisition by Kansas Electric Power Cooperative, Inc. (KEPCO) of an ownership interest in the above referenced unit. KEPCO has been negotiating for a 17 percent interest in the unit, or approximately 195 megawatts. This power will be blended in with hydroelectric power from the Southwestern Power Administration and supplemental power purchased from neighboring utilities and used by KEPCO to supply its cooperative members.

"The Department rendered antitrust advice with regard to the Wolf Creek Generating Station, Unit No. 1, by letter of December 10, 1974. Kansas Gas and Electric Company and Kansas City Power and Light Company, the original owners of the unit, agreed to accept license conditions that, in the view of the Department, made an antitrust hearing unnecessary. The purchase of an ownership interest in the Wolf Creek Generating Station, Unit 1, by KEPCO is pursuant to the license conditions agreed to in 1974.

"Our review of the information submitted, as well as other relevant information available to us, has disclosed no basis upon which to conclude that an antitrust hearing is necessary regarding KEPCO's ownership of a 195 megawatt share in Wolf Creek Unit 1."

Any person whose interest may be affected by this proceeding may, pursuant to § 2.714 of the Commission's "Rules of Practice," 10 CFR Part 2, file a petition for leave to intervene and request a hearing on the antitrust aspects of the application. Petitions for leave to intervene and requests for hearing shall be filed by May 9, 1980 either (1) by delivery to the NRC Docketing and Service Branch at 1717 H Street NW, Washington, DC, or (2) by

mail or telegram addressed to the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attn: Docketing and Service Branch.

For the Nuclear Regulatory Commission.

Argil Tolston,

Acting Chief, Antitrust and Indemnity Group, Office of Nuclear Reactor Regulation.

[FR Doc. 80-10288 Filed 4-8-80 8:45 am]

BILLING CODE 7580-01-02

[Docket No. 50-301]

**Wisconsin Electric Power Co. (Point Beach Nuclear Plant, Unit 2), Request for Action**

Notice is hereby given that by petition dated March 12, 1980, Wisconsin's Environmental Decade, Inc. requested that an order to show cause and an order enjoining operation of Point Beach Nuclear Plant, Unit 2 be issued to Wisconsin Electric Power Company because of steam generator tube degradation. This petition is being treated as a request for action under 10 CFR 2.208 of the Commission's regulations, and accordingly, action will be taken on the petition within a reasonable time.

Copies of the petition are available for inspection in the Commission's Public Document Room at 1717 H Street NW, Washington, D.C. and in the local public document room at University of Wisconsin's Stevens Point Library, Stevens Point, Wisconsin 54481.

Dated at Bethesda, Maryland, this 2nd day of April, 1980.

For the Nuclear Regulatory Commission.

Harold R. Denton,

Director, Office of Nuclear Reactor Regulation.

[FR Doc. 80-10280 Filed 4-8-80 8:45 am]

BILLING CODE 7580-01-02

## OFFICE OF MANAGEMENT AND BUDGET

**Cost of Hospital and Medical Care and Treatment Furnished by the United States; Certain Rates Regarding Recovery From Tortiously Liable Third Persons**

By virtue of the authority vested in the President by section 2(a) of the Act of September 25, 1982 (76 Stat. 593; 42 U.S.C. 2852), and delegated to the Director of the Office of Management and Budget by Executive Order No. 11541 of July 1, 1970 (35 FR 10737), the following three sets of rates are established for use in connection with the recovery, as authorized by such Act, from tortiously liable third persons of the cost of hospital and medical care

and treatment furnished by the United States (Part 43 of Chapter I of Title 28 of the Code of Federal Regulations) through three separate Federal agencies. These rates have been determined to represent the reasonable cost of hospital, nursing home, medical, surgical or dental care and treatment (including prostheses and medical appliances) furnished or to be furnished:

(a) For such care and treatment furnished by the United States in Federal hospitals, nursing homes, and outpatient clinics, administered by any of the three Federal agencies—Department of Defense, Veterans Administration, or Department of Health, Education, and Welfare—with the exception of Canal Zone Government hospitals.

(b) For such care and treatment furnished at Government expense in a facility not operated by the United States, the rates shall be the amounts provided by the United States for such care and treatment.

(c) For such care and treatment at Canal Zone Government hospitals, the rates shall be those established, and in effect at the time the care and treatment is furnished, by the Canal Zone Government for such care and treatment furnished to beneficiaries of other United States Government agencies.

Effective Apr. 7, 1980, and thereafter

DOD      VA      HEW

Hospital care per inpatient day:			
General medical, surgical, and tubercular care	\$254	\$170	\$175
Psychiatric care	110	74	74
Nursing home care			
Burn Center, U.S. Army Institute of Surgical Research, Brooke Army Medical Center, Houston, Tex.	713		
Outpatient medical and dental treatment:			
Per outpatient visit.	26	51	43

For the period beginning April 1, 1980, the rates prescribed herein supersede those established by the Director of the Office of Management and Budget on June 1, 1979 (42 FR 54480).

Dated: March 28, 1980.

J. T. McIntyre, Jr.,

Director, Office of Management and Budget.

[FR Doc. 80-10721 Filed 4-8-80 8:45 am]

BILLING CODE 3110-01-02

## NOTICES

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend his petition, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, the petitioner shall file a supplement to his petition to intervene which must include a list of the contentions which he seeks to have litigated in the matter, and the bases for each contention set forth with reasonable specificity. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

A request for a hearing or a petition for leave to intervene shall be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, or may be delivered to the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., by the above date. A copy of the petition should also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to John W. Rowe, Isham, Lincoln & Beale, Counselors at Law, One First National Plaza, 42d Floor, Chicago, Ill. 60603.

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 Atomic Safety and Licensing Board designated to rule on the petition and/or request, that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)-(v) and 2.714(d).

For further details with respect to this action, see the application for amendment dated May 11, 1978, which is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Morris Public Library, 604 Liberty Street, Morris, Ill. 60450, for Dresden 2 and 3, and at the Moline Public Library, 504 17th Street, Moline, Ill. 61265, for Quad Cities 1 and 2.

Dated at Bethesda, Md., this 8th day of August 1978.

For the Nuclear Regulatory Commission.

DAVID M. VERRELLI,  
Acting Chief, Operating Reactors Branch No. 3, Division of Operating Reactors.

[FR Doc. 78-23318 Filed 8-21-78; 8:45 am]

[7590-01]

[Docket Nos. 50-413-A and 50-414-A]

DUKE POWER COMPANY; NORTH CAROLINA MUNICIPAL POWER AGENCY NO. 1; CATAWBA NUCLEAR STATION, UNITS 1 AND 2

Notice of Receipt of Additional Antitrust Information: Time for Submission of Views on Antitrust Matters

Duke Power Co., pursuant to section 103 of the Atomic Energy Act of 1954, as amended, filed on May 15, 1978, information requested by the Attorney General for antitrust review as required by 10 CFR Part 50, appendix L. This information adds North Carolina Municipal Power Agency No. 1 as co-owner of the Catawba Nuclear Station, units 1 and 2.

The information was filed by Duke Power Co. and North Carolina Municipal Power Agency No. 1 in connection with their application for construction permits and operating licenses for the Catawba Nuclear Station, units 1 and 2. The site for this plant is located in York County, South Carolina.

The original antitrust portion of the application was submitted on October 27, 1972, and notice of receipt of application for construction permits and facility licenses and availability of applicant's environmental report; time for submission of views on antitrust matters, was published in the FEDERAL REGISTER on December 28, 1972 (37 FR 28642). The notice of hearing was published in the FEDERAL REGISTER on December 1, 1972 (37 FR 25560).

Copies of the above stated documents are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20555, and at the York County Library, 325 South Oakland Avenue, Rock Hill, S.C. 29730.

Information in connection with the antitrust review of this application can be obtained by writing to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Antitrust and indemnity group, Office of Nuclear Reactor Regulation.

Any person who wishes to have his views on the antitrust matters with respect to the North Carolina Municipal Power Agency No. 1, presented to the Attorney General for consideration should submit such views to the U.S. Nuclear Regulatory Commission on or before October 16, 1978.

Dated at Bethesda, Md., this 28th day of July 1978.

For the Nuclear Regulatory Commission.

STEVEN A. VARGA,  
Chief Light Water Reactors Branch No. 4, Division of Project Management.

[FR Doc. 78-22958 Filed 8-21-78; 8:45 am]

[7590-01]

[Docket No. 50-461A]

ILLINOIS POWER CO., SOYLAND POWER CO-OPERATIVE, INC., AND WESTERN ILLINOIS POWER COOPERATIVE, INC.

Receipt of Attorney General's Advice and Time for Filing of Petitions To Intervene on Antitrust Matters

The Commission has received, pursuant to section 105c of the Atomic Energy Act of 1954, as amended, the following additional advice from the Attorney General of the United States, dated August 11, 1978, with respect to a construction permit application for Clinton Power Station, Unit No. 1:

"You have requested our advice pursuant to the provisions of section 105c of the Atomic Energy Act, as amended, in regard to the above-cited application amendment. Our advice concerns Soyland Power Cooperative, Inc. (Soyland) and Western Illinois Power Cooperative, Inc. (WIPCC) which have become joint applicants with Illinois Power Co. in the Clinton Power Station, Unit 1. Illinois Power's participation in this unit was the subject of an earlier antitrust review by the Department.

"On April 24, 1974, we advised the former Atomic Energy Commission that on the basis of the policy commitments made by Illinois Power which were to become conditions to the license, we did not believe an antitrust hearing was necessary. One of the conditions required, *inter alia*, Illinois Power to offer to cooperative and municipally-owned electric systems in its area the right to participate in the ownership or the output of the subject unit, to a reasonable extent and on reasonable terms and conditions. On the basis of this license condition,

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Soyland and WIPCO notified Illinois Power of their intentions to participate in the plant. After a period of negotiations, Soyland and WIPCO entered into an ownership participation agreement with Illinois Power dated August 19, 1978 which was subsequently amended on July 12, 1977. Under these agreements, Illinois Power will sell 10.5 percent of Clinton Unit 1 to Soyland, and 9.5 percent of the same unit to WIPCO. Illinois Power will retain ownership of the remaining 80 percent of the unit and the three utilities will become tenants in common with respect to this facility.

"Our review has not disclosed significant antitrust problems attending Soyland's and WIPCO's participation in the plant. We are aware, however, that a number of small municipal utilities operating in Illinois Power's general service area have made complaints of an antitrust nature against Illinois Power. These matters have not been the subject of this review, and the instant letter expresses no view regarding them. With respect to Soyland and WIPCO, it is our opinion that their participation in Clinton Unit 1, will not create or maintain a situation inconsistent with the antitrust laws. We do not, therefore, believe it necessary for the Commission to hold an antitrust hearing."

Any person whose interest may be affected by this proceeding may, pursuant to § 2.714 of the Commission's "rules of practice," 10 CFR Part 2, file a petition for leave to intervene and request a hearing on the antitrust aspects of the application. Petitions for leave to intervene and requests for hearing shall be filed by September 23, 1978, either (1) by delivery to the NRC Docketing and Service Branch at 1717 H Street NW, Washington, D.C. or (2) by mail or telegram addressed to the Secretary, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, ATTN: Docketing and Service Branch.

For the Nuclear Regulatory Commission.

JEROME SALTZMAN,  
Chief, Antitrust and Indemnity  
Group, Office of Nuclear Reac-  
tor Regulation.

[FR Doc. 78-23319 Filed 8-21-78; 8:45 am]

[7590-01]

INTERNATIONAL ATOMIC ENERGY AGENCY  
DRAFT SAFETY GUIDE

Availability of Draft for Public Comment

The International Atomic Energy Agency (IAEA) is developing a limited number of internationally acceptable codes of practice and safety guides for nuclear powerplants. These codes and guides will be developed in the following five areas: Government organization, siting, design, operation, and quality assurance. The purpose of these codes and guides is to provide IAEA guidance to countries beginning nuclear power programs.

The IAEA codes of practice and safety guides are developed in the following way. The IAEA receives and collates relevant existing information used by member countries. Using this collation as a starting point, an IAEA working group of a few experts then develops a preliminary draft. This preliminary draft is reviewed and modified by the IAEA Technical Review Committee to the extent necessary to develop a draft acceptable to them. This draft code of practice or safety guide is then sent to the IAEA senior advisory group which reviews and modifies the draft as necessary to reach agreement on the draft and then forwards it to the IAEA Secretariat to obtain comments from the member States. The senior advisory group then considers the member state comments, again modifies the draft as necessary to reach agreement and forwards it to the IAEA Director General with a recommendation that it be accepted.

As part of this program, Safety Guide SG-07, "Maintenance of Nuclear Power Plants," has been developed. An IAEA working group, consisting of Mr. V. Rangarajan of India, Mr. P. G. Smith of the United Kingdom, and Mr. R. H. Moore (Philadelphia Electric Co.) of the United States of America developed SG-07 from an IAEA collation during a meeting on July 3-14, 1978, and we are soliciting public comment on it. Comments on this draft received by October 20, 1978 will be useful to the U.S. representatives to the Technical Review Committee and senior advisory group in evaluating its adequacy prior to the next IAEA discussion.

Single copies of this draft may be obtained by a written request to the Director, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.  
(5 U.S.C. 522(a).)

Dated at Rockville, Md., this 10th day of August 1978.

For the Nuclear Regulatory Commission.

ROBERT B. MINOGUE,  
Director, Office of  
Standards Development

[FR Doc. 78-23453 Filed 8-21-78; 8:45 am]

[7590-01]

INTERNATIONAL ATOMIC ENERGY AGENCY  
DRAFT SAFETY GUIDE

Availability of Draft for Public Comment

The International Atomic Energy Agency (IAEA) is developing a limited number of internationally acceptable codes of practice and safety guides for nuclear powerplants. These codes and guides will be developed in the follow-

ing five areas: Government organization, siting, design, operation, and quality assurance. The purpose of these codes and guides is to provide IAEA guidance to countries beginning nuclear power programs.

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As part of this program, Safety Guide SG-S11B, "Safety Guide on Design Basis Hurricane-Wind and Pressure Field," has been developed. An IAEA working group, consisting of Mr. M. Malick of France, Mr. P. C. Chin of Hong Kong, and Mr. J. T. Riedl (National Weather Service) of the United States of America developed SG-S11B from an IAEA collation during a meeting on May 22-June 2, 1978, and we are soliciting public comment on it. Comments on this draft received by September 13, 1978, will be useful to the U.S. representatives to the Technical Review Committee and senior advisory group in evaluating its adequacy prior to the next IAEA discussion.

Single copies of this draft may be obtained by a written request to the Director, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.  
(5 U.S.C. 522(a).)

Dated at Rockville, Md., this 10th day of August 1978.

For the Nuclear Regulatory Commission.

ROBERT B. MINOGUE,  
Director, Office of  
Standards Development

[FR Doc. 23452 Filed 8-21-78; 8:45 am]

[7590-01]

**NUCLEAR REGULATORY  
COMMISSION**

[Docket Nos. 50-329-A and 50-330-A]

**CONSUMERS POWER CO. (MIDLAND PLANT,  
UNITS 1 AND 2)**

**Reconstitution of Board**

A vacancy has existed on this Board and it is necessary to appoint a third member for the further proceedings in this matter. Marshall E. Miller, Esq., is therefore designated as the third member of this Board.

Accordingly, the Board as reconstituted consists of the Chairman:

Hugh K. Clark, Esq., P.O. Box 127A, Kenne-  
dyville, Md. 21645.

and the following members:

Dr. J. Venn Leeds, 10807 Atwell, Houston,  
Tex. 77096.

Marshall E. Miller, Esq., Atomic Safety and  
Licensing Board Panel, U.S. Nuclear Reg-  
ulatory Commission, Washington, D.C.  
20555.

Reconstitution of the Board in this manner is in accordance with Section 2.721 of the Commission's Rules of Practice, as amended.

Dated at Bethesda, Md., this 3rd day of February 1978.

JAMES R. YORE,  
Chairman, Atomic Safety and  
Licensing Board Panel

[FR Doc. 78-3688 Filed 2-8-78; 8:45 am]

[7590-01]

[Docket Nos. 50-275 and 50-323]

**PACIFIC GAS AND ELECTRIC CO. (DIABLO  
CANYON NUCLEAR POWER STATION UNITS  
1 AND 2)**

**Request for Order To Require Pacific Gas and  
Electric To Cease Certain Work**

Notice is hereby given that by letter dated January 3, 1978, the Center for Law in the Public Interest, Los Angeles, Calif., requested that work involving modifications to the Diablo Canyon Nuclear Power Station Units 1 and 2 be halted pending seismic review of such modifications by the Staff and notice to the Advisory Committee on Reactor Safeguards. This request is being treated in accordance with 10 CFR 2.208 of the Commission's regulations. Action will be taken on this request within a reasonable time.

A copy of the request is available for inspection in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20555, and at the local public document room for the Diablo Canyon Nuclear Power Station located at the San Luis Obispo County Free Library, P.O. Box X, San Luis Obispo, Calif. 93408.

Dated at Bethesda, Md., this 31st day of January, 1978.

**NOTICES**

For the Nuclear Regulatory Com-  
mission.

EDSON G. CASE,

*Acting Director, Office of  
Nuclear Reactor Regulation.*

[FR Doc. 78-3687 Filed 2-8-78; 8:45 am]

[7590-01]

[Docket Nos. 50-516A and 50-517A]

**LONG ISLAND LIGHTING CO. AND NEW YORK  
STATE ELECTRIC & GAS CORP.**

**Receipt of Attorney General's Advice and Timo  
for Filing of Petitions To Intervene on Anti-  
trust Matters**

The Commission has received, pursuant to section 105c of the Atomic Energy Act of 1954, as amended, the following additional advice from the Attorney General of the United States, dated January 26, 1978:

You have requested antitrust advice pursuant to Section 105 of the Atomic Energy Act, as amended, in regard to the above-cited nuclear generating station.

Jamesport Nuclear Station, Units 1 and 2 were originally wholly owned by Long Island Lighting Co. (LILCO). On January 7, 1975, we rendered antitrust advice in which we concluded that no hearing would be necessary with regard to LILCO's application for a construction permit for those units.

Additionally, on December 27, 1974, we rendered antitrust advice concerning New York State Electric & Gas Corp. with respect to its application to construct the Somerset Nuclear Stations 1 and 2. At that time we advised of our conclusion that the activities under the license applied for would not create or maintain a situation inconsistent with the antitrust laws.

After examination of the current application and review of the relevant data, we have concluded that no intervening circumstances have appeared to warrant a reversal of the advice given with respect to the Somerset Nuclear Station.

We express no opinion, however, concerning the legality under the antitrust laws of the manner in which, or any arrangements pursuant to which, the plants will be operated, should they differ from or extend beyond those matters specifically disclosed in the company's application.

Accordingly, from the information available to us at the present time we conclude that no antitrust hearing by the Nuclear Regulatory Commission will be required with respect to this application.

Any person whose interest may be affected by this proceeding may, pursuant to section 2.714 of the Commission's "Rules of Practice," 10 CFR Part 2, file a petition for leave to intervene and request a hearing on the antitrust aspects of the application. Petitions for leave to intervene and requests for hearing shall be filed by March 13, 1978, either (1) by delivery to the NRC Docketing and Service Section at 1717 H Street NW., Washington, D.C., or (2) by mail or telegram addressed to the Secretary, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attn: Docketing and Service Section.

For the Nuclear Regulatory Commission.

JEROME SALTZMAN,  
*Chief, Antitrust and Indemnity  
Group Nuclear Reactor Regulation.*

[FR Doc. 78-3423 Filed 2-8-78; 8:45 am]

The Commission has determined that the issuance of the amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of the amendment.

For further details with respect to this action, see (1) the licensee's filings dated March 31, 1977, as revised July 18, December 14, and December 22, 1977, February 23, March 8, April 13, June 23, August 28 and September 29, 1978, January 28, April 3 and July 27, 1979, (2) Amendment No. 33 to License No. DPR-67 and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Indian River Junior College Library, 3209 Virginia Avenue, Ft. Pierce, Florida. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 17th day of August 1979.

For the Nuclear Regulatory Commission,  
Robert W. Reid,  
Chief, Operating Reactors Branch #4,  
Division of Operating Reactors.

[FR Doc. 79-27166 Filed 8-29-79; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-277 and 50-278]

**Philadelphia Electric Co. et al.; Notice of Issuance of Amendments to Facility Operating Licenses**

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment Nos. 58 and 58 to Facility Operating License Nos. DPR-44 and DPR-58, issued to Philadelphia Electric Company, Public Service Electric and Gas Company, Delmarva Power and Light Company, and Atlantic City Electric Company, which revised Technical Specifications for operation of the Peach Bottom Atomic Power Station, Unit Nos. 2 and 3 (the facility) located in York County, Pennsylvania. The amendments are effective as of the date of issuance.

The amendments delete the Appendix B Technical Specifications relating to heavy metal sampling.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The

Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the application for amendment dated July 18, 1978, (2) Amendment Nos. 58 and 58 to License Nos. DPR-44 and DPR-58, and (3) the Commission's letter dated \_\_\_\_\_. All of these items are available for public inspection at the Commission's Public Document Room 1717 H Street, N.W., Washington, D.C. and at the Government Publications Section, State Library of Pennsylvania, Education Building, Commonwealth and Walnut Streets, Harrisburg, Pennsylvania. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 22 day of August 1979.

For the Nuclear Regulatory Commission,  
Thomas A. Ippolito,  
Chief, Operating Reactors Branch No. 3,  
Division of Operating Reactors.

[FR Doc. 79-27167 Filed 8-29-79; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-568A and 50-569A]

**Massachusetts Municipal Wholesale Electric Co. et al.; Receipt of Attorney General's Advice and Time for Filing of Petitions To Intervene on Antitrust Matters**

The Commission has received, pursuant to section 105c of the Atomic Energy Act of 1954, as amended, the following additional advice from the Attorney General of the United States, dated August 20, 1979, with respect to the construction permit application for New England Power Units No. 1 and No. 2:

"You have requested our advice pursuant to Section 105(c) of the Atomic Energy Act of 1954, as amended, in connection with the purchase by Massachusetts Municipal Wholesale Electric Company (MMWEC) and

Maine Public Service Company of ownership interests in the above captioned nuclear units. In addition, you have informed us that Bangor Hydro-Electric Company (Bangor-Hydro) will increase its existing ownership share by 3.13%.

"Maine Public Service's proposed interest would be less than 20 MW per unit, and Bangor-Hydro was reviewed in my letter of April 11, 1977 in connection with its current ownership interest in these units. MMWEC, which will be purchasing a 6.008% ownership share, while not previously reviewed in connection with these units, was recently reviewed in my letter of December 19, 1978, pertaining to Seabrook Nuclear Power Station, Units 1 and 2, NRC Docket Nos. 50-443A and 50-444A.

"Our review of the information submitted in connection with the present application, as well as other relevant information, has disclosed no evidence that the proposed participation by Maine Public Service, Bangor-Hydro and MMWEC in the New England Power Units would either create or maintain a situation inconsistent with the antitrust laws under Section 105(c). We do not, therefore, believe it is necessary for the Commission to hold an antitrust hearing in this matter."

Any person whose interest may be affected by this proceeding may, pursuant to § 2.714 of the Commission's "Rules of Practice," 10 CFR Part 2, file a petition for leave to intervene and request a hearing on the antitrust aspects of the application. Petitions for leave to intervene and requests for hearing shall be filed by October 1, 1979, either (1) by delivery to the NRC Docketing and Service Branch at 1717 H Street, N.W., Washington, D.C. or (2) by mail or telegram addressed to the Secretary, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attn: Docketing and Service Branch.

For the Nuclear Regulatory Commission,  
Jerome Saltzman..

Chief, Antitrust and Indemnity Group, Office of Nuclear Reactor Regulation

[FR Doc. 79-27160 Filed 8-29-79; 8:45 am]

BILLING CODE 7590-01-M

[NUREG 75/087]

**Proposed Revision to the Standard Review Plan; Issuance and Availability**

As part of the continual maintenance of the standard Review Plan (SRP), the Nuclear Regulatory Commission has issued a proposed Revision 1 to SRP Section 9.3.1, "Compressed Air System." A value/impact statement has been prepared in support of the proposed changes.

Public comments on this revision to the SRP and the supporting value/impact statement are solicited. Comments should be sent to the Secretary of the Commission, U.S.

[Docket Nos. 50-306 and 50-361]

**Wisconsin Electric Power Co.; Issuance of Amendment to Facility Operating License**

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 50 to Facility Operating License No. DPR-24, and Amendment No. 45 to Facility Operating License No. DPR-27 issued to Wisconsin Electric Power Company (the licensee), which revised Technical Specifications for operation of Point Beach Nuclear Plant, Unit Nos. 1 and 2 (the facilities) located in the Town of Two Creeks, Manitowoc County, Wisconsin. The amendments are effective as of the date of issuance.

The amendments add limiting conditions for operation and surveillance requirements for the low temperature overpressure mitigating systems and correct some clerical inconsistencies.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the application for amendments dated November 2, 1978, (2) Amendment Nos. 45 and 50 to License Nos. DPR-24 and DPR-27, and (3) the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Document Department, University of Wisconsin, Stevens Point Library, Stevens Point, Wisconsin 54451. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Md., this 20th day of May 1980.

For the Nuclear Regulatory Commission.

Robert A. Clark,

Chief, Operating Reactors Branch No. 3,  
Division of Licensing.

[PR Doc. 50-1707 Filed 6-4-80 8:45 am]

BILLING CODE 7500-01-01

For the Nuclear Regulatory Commission.

Jerome Saltzman,

Chief, Utility Finance Branch, Division of  
Engineering, Office of Nuclear Reactor  
Regulation.

[PR Doc. 50-1707 Filed 6-4-80 8:45 am]

BILLING CODE 7500-01-01

[Docket Nos. 50-416A and 50-417A]

**Mississippi Power & Light Co., Middle South Energy, Inc., Mississippi Electric Power Association; Receipt of Attorney General's Advice and Time for Filing of Petitions to Intervene on Antitrust Matters**

The Commission has received, pursuant to section 105c of the Atomic Energy Act of 1954, as amended, the following additional advice from the Attorney General of the United States, dated May 23, 1980, with respect to Grand Gulf Nuclear Station, Units No. 1 and No. 2:

"You have requested our advice pursuant to Section 105(c) of the Atomic Energy Act, as amended, regarding a proposed amendment to the construction permit of the above referenced nuclear units to allow South Mississippi Electric Power Association ("SMEPA") to become a co-owner of those units. SMEPA will acquire a ten percent undivided ownership interest in Grand Gulf, which will be operated by Mississippi Power & Light Company on behalf of itself, Middle South Energy, Inc. and SMEPA.

"Our review of the information submitted for antitrust review purposes, as well as other information available to the Department, provides no basis at this time to conclude that the participation in the Grand Gulf Nuclear Station, Units 1 and 2 by SMEPA would create or maintain a situation inconsistent with the antitrust laws. Accordingly, it is the Department's view that no antitrust hearing is necessary with respect to the proposed amendment to the construction permit."

Any person whose interest may be affected by this proceeding may, pursuant to § 2.714 of the Commission's "Rules of Practice," 10 CFR Part 2, file a petition for leave to intervene and request a hearing on the antitrust aspects of the application. Petitions for leave to intervene and requests for hearing shall be filed by July 7, 1980 either (1) by delivery to the NRC Docketing and Service Branch at 1717 H Street, NW, Washington, DC, or (2) by mail or telegram addressed to the Secretary, US Nuclear Regulatory Commission, Washington, DC 20555, Attn: Docketing and Service Branch.

Dated at Bethesda, Md., this 30th day of May 1980.

## OFFICE OF MANAGEMENT AND BUDGET

### Agency Forms Under Review

#### Background

June 3, 1980.

When executive departments and agencies propose public use forms, reporting, or recordkeeping requirements, the Office of Management and Budget (OMB) reviews and acts on those requirements under the Federal Reports Act (44 U.S.C., Chapter 35). Departments and agencies use a number of techniques including public hearings to consult with the public on significant reporting requirements before seeking OMB approval. OMB in carrying out its responsibility under the Act also considers comments on the forms and recordkeeping requirements that will affect the public.

#### List of Forms Under Review

Every Monday and Thursday OMB publishes a list of the agency forms received for review since the last list was published. The list has all the entries for one agency together and grouped into new forms, revisions, extensions, or reinstatements. Some forms listed as revisions may only have a change in the number of respondents or a reestimate of the time needed to fill them out rather than any change to the content of the form. The agency clearance officer can tell you the nature of any particular revision you are interested in. Each entry contains the following information:

The name and telephone number of the agency clearance officer (from whom a copy of the form and supporting documents is available);

The office of the agency issuing this form;

The title of the form;

The agency form number, if applicable;

How often the form must be filled out;

Who will be required or asked to report;

An estimate of the number of forms that will be filled out;

An estimate of the total number of hours needed to fill out the form; and

The name and telephone number of the person or office responsible for OMB review.

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the facilities to determine whether they have been constructed in accordance with the application, as amended, the provisions of the construction permits. In addition, the licenses will not be issued until the Commission has made the findings reflecting its review of the application under the act, which will be set forth in the proposed licenses, and has concluded that the issuance of the licenses will not be inimical to the common defense and security or to the health and safety of the public. Upon issuance of the licenses, the applicants will be required to execute an indemnity agreement as required by section 170 of the act and 10 CFR Part 140 of the Commission's regulations.

By August 28, 1978, the applicants may file a request for a hearing with respect to issuance of the facility operating licenses and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed within the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary of the Commission, or designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR § 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceedings. The petitioner should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which the petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend his petition, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, the peti-

tioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, attention: Docketing and Service Section, or may be delivered to the Commission's Public Document Room, 1717 H Street NW, Washington, D.C., by August 28, 1978. A copy of the petition should also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to Mr. Robert B. McGehee, Wise, Carter, Child, Steen & Caraway, P.O. Box 651, Jackson, Miss. 39205; and Mr. Troy B. Conner, Jr., Conner, Moore & Corber, 1747 Pennsylvania Avenue NW, Washington, D.C. 20006, attorneys for the applicants. Any questions or requests for additional information regarding the content of this notice should be addressed to the Chief Hearing Counsel, Office of the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

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 Atomic Safety and Licensing Board designated to rule on the petition and/or request, that the petitioner has made a substantial showing of good cause for the granting of a late petition and/or request. That determination will be based upon a balancing of the factors specified in 10 CFR § 2.714(a)(1)-(v) and § 2.714(d).

For further details pertinent to the matters under consideration, see the application for the facility operating licenses dated June 30, 1978, and the applicants' environmental report dated June 30, 1978, which are available for public inspection at the commission's Public Document Room, 1717 H Street NW, Washington, D.C. 20555 and at Claiborne County Courthouse, Port Gibson, Miss. As they become available, the following documents may be inspected at the above locations: (1) The safety evaluation report prepared by the Commission's staff; (2) the draft environmental statement; (3) the final environmental statement; (4) the report of the Advisory Committee on Reactor Safeguards on the application for facility

operating licenses; (5) the proposed facility operating licenses; and (6) the Technical specifications, which will be attached to the proposed facility operating licenses.

Copies of the proposed operating license and the ACRS report, when available, may be obtained by request to the Director, Division of Project Management, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Copies of the Commission's staff safety evaluation report and final environmental statement, when available, may be purchased at current rates, from the National Technical Information Service, Department of Commerce, 5285 Port Royal Road, Springfield, Va. 22161.

For the Nuclear Regulatory Commission.

Dated at Bethesda, Md., this 28th day of July 1978.

JOHN F. STOLZ,  
Chief, Light Water Reactors  
Branch 1, Division of Project  
Management.

(FR Doc. 78-20752 Filed 7-27-78; 8:45 am)

[7590-01]

[Docket No. P-67A]

NEW YORK STATE ELECTRIC & GAS CORP.  
AND LONG ISLAND LIGHTING CO.

Receipt of Attorney General's Advice and Form  
for Filing of Petitions to Intervene on Antitrust Matters

The Commission has received, pursuant to section 105c of the Atomic Energy Act of 1954, as amended, the following advice from the Attorney General of the United States, dated July 14, 1978 with respect to a construction permit application for Nuclear Power Station/New Haven-Stuyvesant Sites, Units 1 and 2:

You have requested our advice pursuant to section 105 of the Atomic Energy Act, as amended, in regard to the above cited application by New York State Electric & Gas Corp. on behalf of itself and Long Island Lighting Co. (Lilco).

Both of the applicants have been the subject of prior antitrust advice letters written by the Department. On January 7, 1975, we rendered antitrust advice on an application by Lilco to construct the Jamesport Nuclear Power Station, Units 1 and 2. Most recently, on January 26, 1978, we rendered antitrust advice concerning New York State with respect to its application to participate in the Jamesport Nuclear Power Station, Units 1 and 2. We also rendered antitrust advice on December 27, 1974, regarding New York State's application to construct the Somers Nuclear Station, Units 1 and 2.

In each of the above-referenced letters we advised of our conclusion that the activities under the licenses applied for would not create or maintain a situation inconsistent with the antitrust laws.

Since the last antitrust advice letters were written Lilco has had a change in its operations that merits notation.

In April, 1978, the Greenport New York Municipal Electric System, which until that time had been isolated, interconnected with Lilco. The Greenport system has a peak of about 3 MW. In addition, Greenport, as well as Freeport and Rockville Centre, the only two other comparatively small municipal utilities in Lilco's service area, have obtained commitments from the Power Authority of the State of New York (PASNY) to supply their bulk power needs. Lilco, as well as other investor-owned utilities in the State of New York, have agreed to transmit that power from the PASNY transmission system to the three municipal systems.

After examination of the current application and review of the relevant data, we have concluded that no intervening circumstances have occurred to warrant a reversal of the advice given with respect to the applicants in the above-cited antitrust letters.

We express no opinion, however, concerning the legality under the antitrust laws of the manner in which, or any arrangements pursuant to which, the plants will be operated, should they differ from or extend beyond those matters specifically disclosed in the application.

Accordingly, from the information available to us at the present time we conclude that no antitrust hearing by the Nuclear Regulatory Commission will be required with respect to this application.

Any person whose interest may be affected by this proceeding may, pursuant to § 2.714 of the Commission's "Rules of Practice", 10 CFR Part 2, file a petition for leave to intervene and request a hearing on the antitrust aspects of the application. Petitions for leave to intervene and requests for hearing shall be filed by August 27, 1978, either (1) by delivery to the NRC Docketing and Service Section at 1717 H Street NW., Washington, D.C. or (2) by mail or telegram addressed to the Secretary, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attn: Docketing and Service Section.

For the Nuclear Regulatory Commission.

JEROME SALTZMAN,  
Chief, Antitrust and Indemnity  
Group Office of Nuclear Reactor Regulation.

(FR Doc. 78-20754 Filed 7-27-78; 8:45 am)

[7590-01]

(Docket No. 70-2823)

DUKE POWER CO.

Opportunity for Public Participation in Proposed NRC Licensing Action for Amendment to Materials License SNM-1773 for Oconee Nuclear Station Spent Fuel Transportation and Storage at McGuire Nuclear Station

The U.S. Nuclear Regulatory Commission (the Commission) is giving public notice that it is considering an application for amendment to Special Nuclear Material License No. SNM-

1773 issued pursuant to 10 CFR Part 70 to authorize the receipt and storage of Oconee Nuclear Station spent fuel at the McGuire Nuclear Station.

The proposed amendment would authorize the receipt and storage of Oconee Nuclear Station spent fuel at the McGuire facility in accordance with the licensee's application for amendment dated March 9, 1978. Activities for which additional authorization is sought involve receipt, possession, inspection and storage of spent nuclear fuel from the licensee's Oconee Nuclear Facility in Oconee County, S.C., at the licensee's McGuire facility located in Mecklenburg County, N.C., including transport of the Oconee spent fuel by truck between the two sites. The activities being reviewed also include storage of Oconee irradiated fuel with the spent fuel to be generated by the operation of the McGuire facility. In its license amendment Duke Power Co. also requested certain special arrangements with respect to Price-Anderson Act indemnification. This request is under consideration by the Commission as a separate matter, and it will be the subject of a separate action, including any public notice required. Issuance of an operating license for the McGuire Nuclear facility is presently under consideration in a separate proceeding pursuant to 10 CFR Part 50 in Docket Nos. 50-369 and 50-370.

The NRC will not issue the license amendment for storage of Oconee spent fuel at the McGuire Nuclear Station spent fuel pool (1) until the completion of a safety evaluation on the licensee's request and the completion of environmental evaluations made pursuant to 10 CFR Part 51; and (2) unless favorable findings required by the Atomic Energy Act of 1954, as amended (the act), and the NRC's rules and regulations have been made.

The NRC will complete an environmental evaluation in accordance with 10 CFR Part 51 to determine if the preparation of an environmental impact statement, or negative declaration and environmental appraisal is warranted. This action will be the subject of a separate notice in the FEDERAL REGISTER.

On or before August 28, 1978, the licensee may file a request for a hearing and any member of the public whose interest may be affected by the proceeding may file a request for a public hearing in the form of a petition for leave to intervene with respect to whether the proposed amendment to SNM-1773 should be issued.

Petitions for leave to intervene must set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and the specific aspect(s) of the subject matter of the proceed-

ing as to which petitioner wishes to intervene. Such petitions must be filed in accordance with the above-referenced FEDERAL REGISTER Notice and must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, by August 28, 1978. A copy of the petition and/or request for hearing should be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to Duke Power Co., c/o W. L. Porter, Esq., Associate General Counsel, Legal Department, 422 South Church Street, Charlotte, N.C. 28242, attorney for the applicant. Any questions or requests for additional information regarding the context of this notice should be addressed to the Chief Hearing Counsel, Office of the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

The Carolina Environmental Study Group was previously admitted as an Intervenor *In the Matter of Duke Power Company* (William B. McGuire Nuclear Station, Units 1 and 2) Docket Nos. 50-369, 50-370, a separate operating license application proceeding. On May 23, 1978, the Carolina Environmental Study Group filed a motion ("Motion to Reopen Environmental Hearing to Add Contentions (2)") in the McGuire operating license proceeding that seeks to raise a contention relating to the proposed transportation and storage of Oconee spent fuel at the McGuire facility pursuant to the application for amendment of the Special Nuclear Material License SNM-1773. The Carolina Environmental Study Group's motion is being treated as a request for hearing pursuant to 10 CFR § 2.105. This notice is being issued based on the determination that an opportunity for hearing should be afforded pursuant to the Carolina Environmental Study Group's request. Carolina Environmental Study Group's motion of May 23, 1978, is deemed to be filed pursuant to this notice of application for amendment to License No. SNM-1773 as of the first day of publication of this notice in the FEDERAL REGISTER, provided, however, that the Carolina Environmental Study Group may file a statement within the thirty- (30) day intervention period indicating that it does not wish to participate in the SNM-1773 license amendment proceedings, or it may elect to file any additional material with respect to the specific aspect or aspects of Duke Power Company's application to amend SNM-1773 on which it wishes to intervene.

Not later than fifteen (15) days prior to any prehearing conference scheduled in the proceeding, the petitioner

## NOTICES

Accordingly, Sheldon J. Wolfe, Esq., whose address is Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, is appointed Chairman of this Board. Reconstitution of the Board in this manner is in accordance with § 2.721 of the Commission's Rules of Practice, as amended.

JAMES R. YORE,  
Chairman, Atomic Safety and  
Licensing Board Panel

Dated at Bethesda, Md., this 31st day of July, 1978.

[FR Doc. 78-21646 Filed 8-3-78; 8:45 am]

[7590-01]

[NUREG-75/087]

**REVISION TO THE STANDARD REVIEW PLAN**  
Issuance and Availability

As a continuation of the updating program for the standard review plan (SRP) previously announced (FEDERAL REGISTER notice dated Dec. 8, 1977), the Nuclear Regulatory Commission's (NRC's) Office of Nuclear Reactor Regulation has published revision No. 1 to §§ 3.3.1 (wind loadings) and 3.3.2 (tornado loadings) of the SRP for the NRC staff's safety review of applications to build and operate light-water-cooled nuclear power reactors. The purpose of the plan, which is composed of 224 sections, is to improve both the quality and uniformity of the NRC staff's review of applications to build new nuclear power plants, and to make information about regulatory matters widely available, including the improvement of communication and understanding of the staff review process by interested members of the public and the nuclear power industry. The purpose of the updating program is to revise sections of the SRP for which changes in the review plan have been developed since the original issuance in September 1975 to reflect current practice.

Copies of the standard review plan for the review of safety analysis reports for nuclear power plants, which has been identified as NUREG-75/087, are available from the National Technical Information Service, Springfield, Va. 22161. The domestic price is \$70, including first-year supplements. Annual subscriptions for supplements alone are \$30. Individual sections are available at current prices. The domestic price for revision No. 1 to §§ 3.3.1 or 3.3.2 is \$4. Foreign price information is available from NTIS. A copy of the standard review plan including all revisions published to date is available for public inspection at the NRC's public document room at 1717 H Street NW, Washington, D.C. 20555 (5 U.S.C. 552(a)).

Dated at Bethesda, Md., this 27th day of July 1978.

For the U.S. Nuclear Regulatory Commission.

ROGER J. MATTSON,  
Director, Division of Systems  
Safety, Office of Nuclear Reac-  
tor Regulation.

[FR Doc. 78-21645 Filed 8-3-78; 8:45 am]

[7590-01]

[Docket No. 50-410A]

NIAGARA MOWHAWK POWER CORP., LONG ISLAND LIGHTING CO., NEW YORK STATE ELECTRIC & GAS CORP., ROCHESTER GAS & ELECTRIC CORP., CENTRAL HUDSON GAS & ELECTRIC CORP.

Receipt of Attorney General's Advice and Time for Filing of Petitions To Intervene on Antitrust Matters

The Commission has received, pursuant to section 105c of the Atomic Energy Act of 1954, as amended, the following additional advice from the Attorney General of the United States, dated July 26, 1978, with respect to a construction permit application for Nine Mile Point Nuclear Station, Unit No. 2:

You have requested our advice pursuant to section 105 of the Atomic Energy Act, as amended, in regard to the revised application by Niagara Mowhawk Power Corp., Long Island Lighting Co., New York State Electric & Gas Corp., Rochester Gas & Electric Corp., and Central Hudson Gas & Electric Corp. to construct the Nine Mile Point Nuclear Station, Unit No. 2.

In 1972 the Department of Justice reviewed the original application for the Nine Mile Point Nuclear Station, Unit No. 2, submitted by Niagara Mowhawk Power Corp. (Niagara Mowhawk). On December 19, 1972, we informed your predecessor Commission that the activities proposed under that application would not create or maintain a situation inconsistent with the antitrust laws. On September 22, 1975, Niagara Mowhawk entered into a basic agreement with Long Island Lighting Co. (LILCO), New York State Electric & Gas Corp. (New York State), Rochester Gas & Electric Corp. (R.G.&E.), and Central Hudson Gas & Electric Corp. (Central Hudson), to build, own and operate the Nine Mile Point Nuclear Station, Unit No. 2, on a joint basis. Each participant's share of the expenses and energy output is as follows:

	Percent
Niagara Mowhawk	41
LILCO	18
New York State	18
R.G. & E.	14
Central Hudson	9

Nine Mile Point Nuclear Station, Unit No. 2, is proposed to be built on a site on the southeast shore of Lake Ontario, in Oswego County, N.Y. This location is presently the site of Niagara Mowhawk's existing nuclear generating facility, Nine Mile Point Nuclear Station, Unit No. 1. The latest cost estimates (not including allowances for funds

used during construction) for the completion of the facility are as follows:

Total nuclear production	
plant costs .....	\$1,018,335,000
Transmission, distribution	
and general plant costs .....	7,559,000
Nuclear fuel inventory costs	
for first core .....	71,474,000
Total estimated costs .....	1,097,368,000

This facility will be capable of generating 1,100 MW of power and is scheduled to be in service in November 1982.

Each of the new applicants has been the subject of prior antitrust advice letters written by the Department. On April 22, 1976, we rendered antitrust advice on an application by Central Hudson to participate in the Sterling Power Project, Nuclear Unit No. 1. On January 7, 1978, we rendered antitrust advice on an application by LILCO to construct the Jamesport Nuclear Power Station, Units 1 and 2. R.G. & E. was the subject of antitrust advice letters of December 27, 1974, and April 22, 1976, on an application to construct the Sterling Power Project, Nuclear Unit No. 1. Most recently, on January 26, 1978, we rendered antitrust advice concerning New York State with respect to its applications to participate in the Jamesport Nuclear Power Station, Units 1 and 2. We also rendered antitrust advice on December 27, 1974, on New York State's application to construct the Somerset Nuclear Station, Units 1 and 2.

In each of the above-referenced antitrust advice letters we advised of our conclusion that the activities under the licenses applied for would not create or maintain a situation inconsistent with the antitrust laws.

Since the last antitrust advice letters were written for each of the new applicants only LILCO has had a change in its operations which merit notation.

In April 1978, the Greenport New York Municipal Electric System, which until that time had been isolated, interconnected with LILCO. The Greenport system has a peak of about 3 MW. In addition, Greenport, as well as Freeport and Rockville Centre, the only two other comparatively small municipal utilities in LILCO's service area, have obtained commitments from the Power Authority of the State of New York (PASNY) to supply their bulk power needs. LILCO, as well as other investor-owned utilities in the State of New York, have agreed to transmit that power from the PASNY transmission system to the three municipal systems.

After examination of the current applications and review of the relevant data, we have concluded that no intervening circumstances have appeared to warrant a reversal of the advice given with respect to each of the new applicants in the above-cited antitrust letters.

We express no opinion, however, concerning the legality under the antitrust laws of the manner in which, or any arrangements pursuant to which, the plants will be operated, should they differ from or extend beyond those matters specifically disclosed in the application.

Accordingly, from the information available to us at the present time we conclude that no antitrust hearing by the Nuclear Regulatory Commission will be required with respect to this application.

Any person whose interest may be affected by this proceeding may, pursuant to § 2.714 of the Commission's

"Rules of Practice," 10 CFR part 2, file a petition for leave to intervene and request a hearing on the antitrust aspects of the application. Petitions for leave to intervene and requests for hearing shall be filed by September 3, 1978, either (1) by delivery to the NRC Docketing and Service Section at 1717 H Street NW., Washington, D.C., or (2) by mail or telegram addressed to the Secretary, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, ATTN: Docketing and Service Section.

For the Nuclear Regulatory Commission.

ARGIL TOALSTON,  
Acting Chief, Antitrust and Indemnity Group, Office of Nuclear Reactor Regulation.

[FR Doc. 78-21781 Filed 8-3-78; 8:45 am]

[7590-01]

RISK ASSESSMENT REVIEW GROUP

Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of an open meeting of the Risk Assessment Review Group of the U.S. Nuclear Regulatory Commission (NRC), to be held at 8:30 a.m., August 29 through 31, 1978, in Room 1167 of the Matomic Building, 1717 H Street NW., Washington, D.C. The purposes of this meeting are to continue the review of the final report of the Reactor Safety Study (WASH-1400) and the peer comments thereon and to discuss subjects that might be included in the report of the Review Group.

The Risk Assessment Review Group is an independent group established by the NRC (42 FR 34955) for the purpose of providing advice and information to the Commission regarding the final report of the Reactor Safety Study, WASH-1400 (NUREG-75/014), and the peer comments on the Study, advice and recommendations on developments in the field of risk assessment methodology and courses of action which might be taken on future development and use of risk assessment methodology. This advice and information will assist the Commission in establishing policy regarding the use of risk assessment in the regulatory process. It will also clarify the achievements and limitations of the Reactor Safety Study. The Review Group will submit a report to the Commission on or before September 30, 1978.

With respect to public participation in the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda may do so by providing 10 readily reproducible copies to the Review Group at the beginning of the meeting. Com-

ments should be limited to areas within the Group's purview. Persons desiring to mail written comments may do so by sending a readily reproducible copy thereof in time for consideration at this meeting. Comments postmarked no later than August 22, 1978, to Dr. John H. Austin, Office of Policy Evaluation, NRC, Washington, D.C. 20555, will normally be received in time to be considered at this meeting. Of course, comments not received in time for this meeting will be circulated to the members of the Review Group for consideration at a future meeting. Comments should pertain to the field of risk assessment methodology or should be based on the final report of the Reactor Safety Study, copies of which are available for public inspection at:

1. The NRC Public Document Room, 1717 H Street NW., Washington, D.C. 20555.
2. The NRC's five Regional Offices of Inspection and Enforcement:

Region I

631 Park Avenue, King of Prussia, Pa. 19406

Region II

Suite 1217, 230 Peachtree Street, Atlanta, Ga. 30303

Region III

799 Roosevelt Road, Glen Ellyn, Ill. 60137

Region IV

Suite 1000, 611 Ryan Plaza Drive, Arlington, Tex. 76012

Region V

Suite 202, 1900 North California Boulevard, Walnut Creek, Calif. 94596.

Copies of the Final Report may be obtained from: U.S. Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Probabilistic Analysis Staff, Attention: Melea S. Jigle (telephone: 301-492-8377), 7735 Old Georgetown Road, Bethesda, Md. 20014.

(b) Persons desiring to make an oral statement at the meeting should make a request to do so prior to the meeting, identifying the topic and desired presentation time so that appropriate arrangements can be made. The time allotted for such statements will be at the discretion of the Chairman. The Review Group will receive oral statements on topics relevant to its purview at an appropriate time chosen by the Chairman.

(c) Further information regarding topics to be discussed, whether the meeting has been canceled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call on August 28, 1978, to the Office of Policy Evaluation (telephone 202-634-3209, Attention: John

Austin) between 8:15 a.m. and 5 p.m. e.d.t.

(d) Questions may be asked only by members of the Review Group.

(e) Statements of views or expressions of opinion made by members of the Review Group at open meetings are not intended to represent final determinations or beliefs.

(f) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(g) A copy of the minutes of the meeting will be available for inspection on or after September 30, 1978, at the NRC Public Document Room, 1717 H Street NW., Washington, D.C. Copies may be obtained upon payment of appropriate charges.

Dated at Washington, D.C., this 1st day of August, 1978.

[FR Doc. 78-21782 Filed 8-3-78; 8:45 am]

[7590-01]

[Docket Nos. 50-582A, 50-583A]

SAN DIEGO GAS & ELECTRIC CO., CALIFORNIA DEPARTMENT OF WATER RESOURCES, CITY OF ANAHEIM ET AL., CITIES OF LOS ANGELES AND BURBANK, CALIF.

Receipt of Attorney General's Advice and Time for Filing of Petitions to Intervene on Antitrust Matters

The Commission has received, pursuant to section 105c of the Atomic Energy Act of 1954, as amended, the following additional advice from the Attorney General of the United States, dated July 26, 1978, with respect to a construction permit application for Sundesert Nuclear Plant, Units 1 and 2:

You have requested our further advice pursuant to section 105c of the Atomic Energy Act of 1954, as amended, in regard to the above-captioned application. The Department previously rendered advice respecting this application on May 12, 1978, and September 2, 1977. We understand that the cities of Los Angeles and Burbank, Calif., propose to participate with the cities of San Diego, Anaheim, Glendale, Pasadena, and Riverside, Calif., in the Sundesert Nuclear Plant, Units 1 and 2. Our review of the information submitted for the proposed additional participants, as well as other relevant information, has disclosed no basis upon which to change our previous conclusion that no antitrust hearing will be required regarding this nuclear facility.

Any person whose interest may be affected by this proceeding may, pursuant to § 2.714 of the Commission's "Rules of Practice," 10 CFR Part 2, file a petition for leave to intervene

## NOTICES

Therefore, any public comments and recommendations concerning NRC's advisory committees should be provided to the NRC as soon as possible, and in any event no later than April 7, 1978. Interested persons should direct their comments in writing to the Office of the Secretary, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Attention: Advisory Committee Management Officer.

Dated at Washington, D.C. this 20th day of March, 1978.

JOHN C. HOYLE,  
Advisory Committee  
Management Officer.

[FR Doc. 78-7812 Filed 3-23-78; 8:45 am]

[7590-01]

[Docket No. P-512A]

OHIO EDISON CO. ET AL.

Receipt of Attorney General's Supplemental  
Letter Confirming Settlement

In the matter of Ohio Edison Co., Duquesne Light Co., The Cleveland Electric Illuminating Co. and the Toledo Edison Co., the Commission has received, pursuant to section 105c of the Atomic Energy Act of 1954, as amended, a supplemental letter from the Attorney General of the United States, dated March 16, 1978. A copy of which is attached.

For the Nuclear Regulatory Commission.

JEROME SALTZMAN,  
Chief, Antitrust and Indemnity  
Group Nuclear Reactor Regu-  
lation.

OHIO EDISON CO., DUQUESNE LIGHT CO., THE CLEVELAND ELECTRIC ILLUMINATING CO., THE TOLEDO EDISON CO., ERIE NUCLEAR PLANTS, UNITS 1 AND 2. NRC DOCKET NO. P-512A

On August 31, 1976 we rendered advice concerning the above-cited application. At that time we advised that the issuance of an unconditioned license would have adverse antitrust effects. We also advised that the need for an antitrust hearing could be mooted by the results of the then pending *Perry* antitrust proceeding involving the same Applicants (*The Toledo Edison Company*, (Davis-Besse Nuclear Power Station, Units 1, 2, and 3; Perry Nuclear Power Plant, Units 1 and 2) NRC Docket Nos. 50-346A, 50-500A, 50-501A, 50-440A, 50-441A)).

On January 6, 1977 the Atomic Safety and Licensing Board issued its Initial Decision in the *Perry* proceeding (*Toledo Edison Company* (Davis-Besse Nuclear Power Station, Units 1, 2, and 3), 5 NRC 133 (1977)). This decision is now on appeal.

With respect to the instant application, Applicants have expressed their willingness to be bound, with minor exceptions, by the results in the *Perry* proceeding. To this end Applicants have agreed to the inclusion in the instant license of the condition set out in the February 8, 1978 letter from applicants' counsel attached hereto. On the strength of this license condition, and with

the expectation that the Commission will include it as part of the instant license, we can now advise that an antitrust hearing will not be necessary with respect to the above-cited application.

FEBRUARY 8, 1978.

OHIO EDISON CO. ET AL., ERIE NUCLEAR PLANT, UNITS 1 AND 2, NRC DOCKET NO. P-512A

On August 31, 1976, the Attorney General of the United States Advised the Nuclear Regulatory Commission by letter that "a recommendation for an antitrust hearing is in order" in the above proceeding. Notice of this advice was published in the Federal Register on September 13, 1976, and all interested persons were invited to intervene on antitrust grounds and request a hearing within 30 days thereof. No petitions to intervene have been filed.

On January 6, 1977, the Atomic Safety and Licensing Board which had been convened to hear antitrust matters in connection with the application for a license to operate Davis-Besse Nuclear Power Station, Unit 1, and the applications for permits to construct the Perry Nuclear Power Plant, Units 1 and 2, and the Davis-Besse Nuclear Power Station, Units 2 and 3, issued its Initial Decision in the *Davis-Besse* and *Perry* antitrust proceeding. As an element thereof, the Licensing Board ordered that certain antitrust conditions be attached to the aforesaid license and permits at the time of issuance.

The Applicants involved in the *Davis-Besse* and *Perry* proceeding are the same electric utilities which are Applicants for the Erie permits involved in the above NRC Docket No. P-512A, namely: The Cleveland Electric Illuminating Co., The Toledo Edison Co., Ohio Edison Co., Pennsylvania Power Co., and Duquesne Light Co. They have appealed the aforesaid January 6, 1977 Initial Decision to the Atomic Safety and Licensing Appeal Board where that matter is now pending.

Following announcement of the aforesaid Initial Decision, the Applicants in NRC Docket No. P-512A, by and through their undersigned counsel, met with the Department of Justice and the Staff of the Nuclear Regulatory Commission to determine whether there remained any need for antitrust review in the above Erie proceeding. As a result of these discussions, a single license condition has been jointly prepared for attachment to the Erie construction permits which incorporates by reference the essential terms and provisions of the conditions framed in the *Davis-Besse* and *Perry* Initial Decision, subject to whatever modifications (if any) those conditions undergo during the administrative and judicial appeal process.

That single license condition reads as follows:

"Except as otherwise expressly provided herein, the antitrust license conditions contained in the Perry Nuclear Power Plant, Units 1 and 2 ("Perry") and Davis-Besse Nuclear Power Station, Units 1, 2 & 3, ("Davis-Besse") Construction Permits and/or Operating Licenses are hereby incorporated by reference in this Construction Permit (Operating License). Such incorporation shall be effective only during the original term of the Perry and/or Davis-Besse permits and licenses or until they are terminated, and any modifications which may hereinafter be made in the Perry and Davis-Besse antitrust license conditions shall be effective with respect to the instant permit (license)."

As to the Erie Nuclear Plant, Units 1 and 2 ("Erie"), conditions 9(a) and 9(b) of the Perry and Davis-Besse antitrust license conditions are replaced herein by the following condition:

"9. Applicants shall make available to entities in the CCCT access to the Erie units. Such access, at the option of the requesting entity, shall be on an ownership share, or unit participation or contractual pre-purchase of power basis. Each requesting entity (or collective group of entities) may obtain up to 15 percent of the capacity of the Erie units, except that once any entity or entities has contracted for allocations totaling 15 percent no further participation in any given unit need be offered. Commitments for the Erie units must be made by requesting entities within one year after February 17, 1978."

Any modification of conditions 9(a) or 9(b) of the Perry and Davis-Besse antitrust license conditions shall be equally effective with respect to condition 9 above of this Construction Permit (Operating License) to the extent covered herein, and condition 9 shall be modified accordingly to reflect such changes, except that no change shall be made to the 15 percent Erie allocation.

You both have advised me that, if Applicants are willing to have this license condition incorporated into the Nuclear Regulatory Commission permits for the Erie Nuclear Plant, Units 1 and 2, the Department of Justice and the Staff of the Nuclear Regulatory Commission no longer see any reason for antitrust review in NRC Docket No. P-512A, and the Department will advise the Nuclear Regulatory Commission that no antitrust hearing is considered necessary with respect to the Erie application. On these terms, Applicants are agreeable to such a resolution of the above referenced antitrust proceeding.

It is to be understood, however, that nothing in the aforesaid license condition or in this letter is intended by Applicants as a waiver of any of Applicants' rights (either jointly or severally) to pursue their appeal of the Initial Decision in *Davis-Besse* and *Perry*, both administratively and in the courts. Nor should anything contained herein be misconstrued as a waiver by any of the Applicants of their respective rights to contest the application of any license condition (whether set out above or incorporated therein by reference) to a particular factual situation. Furthermore, none of the Applicants waives any rights which it may have (either jointly or severally) to apply to an appropriate forum to seek such changes in the license conditions as may at the time be deemed appropriate in accordance with the then existing law and sound operating practice in the electric utility industry.

[FR Doc. 78-7814 Filed 3-23-78; 8:45 am]

[7590-01]

[Docket No. 50-344]

PORTLAND GENERAL ELECTRIC CO. ET AL.  
(TROJAN NUCLEAR PLANT)

Order Relating to the Evidentiary Hearing;  
Proposed Amendment for Fuel Storage Pool  
Modification

The evidentiary hearing will be resumed on April 17, 1978, at 9:30 a.m. and will proceed on week days through April 28th (except as hereinafter

Federal Register published Monday, April 12, 1982 (47 FR 15671).

Further information may be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Mr. Gary Quittschreiber or Mr. Stuart Beal, Staff Engineer (telephone 202/634-3267) between 8:15 a.m. and 5:00 p.m., EST.

Dated: April 13, 1982.

John C. Hoyle,  
Advisory Committee Management Officer.  
[FR Doc. 82-10557 Filed 4-18-82 8:45 am]  
BILLING CODE 7590-01-M

#### Draft Regulatory Guide; Issuance and Availability

The Nuclear Regulatory Commission has issued for public comment a draft of a new guide planned for its Regulatory Guide Series together with a draft of the associated value/impact statement. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

The draft guide, temporarily identified by its task number, TM 608-4 (which should be mentioned in all correspondence concerning this draft guide), is entitled "Guide for the Preparation of Applications for Licenses in Medical Teletherapy Programs" and is intended for Division 10, "General." It is being developed to describe the information the NRC staff needs to evaluate an application for a specific license for the possession of byproduct material to be used for the treatment of humans in a teletherapy unit.

This draft guide and the associated value/impact statement are being issued to involve the public in the early stages of the development of a regulatory position in this area. They have not received complete staff review and do not represent an official NRC staff position.

Public comments are being solicited on both drafts, the guide (including any implementation schedule) and the draft value/impact statement. Comments on the draft value/impact statement should be accompanied by supporting data. Comments on both drafts should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention:

Docketing and Service Branch, by June 15, 1982.

Although a time limit is given for comments on these drafts, comments and suggestions in connection with (1) items for inclusion in guides currently being developed or (2) improvements in all published guides are encouraged at any time.

Regulatory guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW, Washington, D.C. Requests for single copies of draft guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future draft guides in specific divisions should be made in writing to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Technical Information and Document Control. Telephone requests cannot be accommodated. Regulatory guides are not copyrighted, and Commission approval is not required to reproduce them.

(5 U.S.C. 552(a))

Dated at Rockville, Maryland this 12th day of April 1982.

For the Nuclear Regulatory Commission.  
Robert M. Berners.

Director, Division of Risk Analysis, Office of Nuclear Regulatory Research.

[FR Doc. 82-10556 Filed 4-18-82 8:45 am]

BILLING CODE 7590-01-M

#### [Docket Nos. 50-443A AND 50-444A]

#### Public Service Co. of New Hampshire, et al.; Receipt of Attorney General's Advice and Time for Filing of Petitions To Intervene on Antitrust Matters

The Commission has received the following additional advice, pursuant to Section 105(c) of the amended Atomic Energy Act of 1954, from the Attorney General of the United States, dated March 26, 1982, with respect to the construction permit application for the Seabrook Nuclear Station, Units 1 and 2.

You have requested our advice pursuant to section 105(c) of the Atomic Energy Act, as amended, 42 U.S.C. 2135(c), in regard to a transfer of ownership interest in the above-referenced units from the New Bedford Gas and Edison Light Company ("New Bedford") to the Canal Electric Company. Under the proposed transfer, Canal Electric Company would receive New Bedford's 1.34927 percent interest in the Seabrook units, representing approximately 31 megawatts, as well as its executory rights to an additional 2.1739 percent interest in the Seabrook units, representing approximately 50

megawatts. Both New Bedford and Canal Electric Company are wholly-owned subsidiaries of the New England Gas and Electric Association.

The Department advised the Nuclear Regulatory Commission on December 4, 1973, that New Bedford's participation in the Seabrook units, along with that of a number of other small utilities in the New England area, would not create or maintain a situation inconsistent with the antitrust laws. Our review of the information submitted in connection with the current request, as well as other relevant information, has disclosed that the proposed transfer of ownership interest from New Bedford to its sister company does not appear to present any antitrust problems that would warrant a change in our prior advice. Accordingly, it is the Department's view that no antitrust hearing is necessary with respect to the proposed transfer of ownership.

Any person whose interest may be affected by this proceeding may, pursuant to § 2.714 of the Commission's "rules of practice," 10 CFR Part 2, file a petition for leave to intervene and request a hearing on the antitrust aspects of the application. Petitions for leave to intervene and requests for hearing shall be filed on or before May 19, 1982 either (1) by delivery to the NRC Docketing and Service Branch at 1717 H Street, NW, Washington, D.C., or (2) by mail or telegram addressed to the Secretary, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attn.: Docketing and Service Branch.

For the Nuclear Regulatory Commission.  
Argil Tualston.

Acting Chief, Antitrust and Economic Analysis Branch, Division of Engineering, Office of Nuclear Reactor Regulation.

[FR Doc. 82-10555 Filed 4-18-82 8:45 am]

BILLING CODE 7590-01-M

#### [License No. 45-09963-01 (EA 81-51)]

#### Met Lab, Inc.; Reconstitution of Board

Pursuant to the authority contained in 10 CFR 2.704(d) (1981), the Atomic Safety and Licensing Board for Met Lab, Inc. (Met Lab, Inc.), License No. 45-09963-01 (EA 81-51) is hereby reconstituted by appointing Administrative Law Judge Morton B. Margulies to serve in place of Judge Ivan W. Smith. Judge Smith, because of schedule conflicts, is unavailable to continue to serve.

All correspondence, documents and other materials shall be filed with Judge Margulies in accordance with 10 CFR 2.701 (1980). His address is: Administrative Law Judge Morton B.

**NUCLEAR REGULATORY  
COMMISSION**  
[Docket No. 50-400]

**Carolina Power and Light Co.; Shearon  
Harris Nuclear Power Plant; Receipt of  
Petition for Director's Decision**

Notice is hereby given that by petition dated July 2, 1986, the Coalition for Alternatives to Shearon Harris requested that the Director for Nuclear Reactor Regulation issue a show cause order to require Carolina Power and Light Co. (CP&L) to address a number of issues before issuance of the operating license for the Shearon Harris facility. The basis for the requested action is the May 27, 1986 resolution by Chatham County, North Carolina withdrawing its approval of the emergency response plan, the recent events in the Soviet Union, questions concerning implementation of the emergency response plan and allegations concerning CP&L's radiation protection program and inadequate welds at the Shearon Harris facility.

The petition is being considered pursuant to 10 CFR 2.206 of the Commission's regulations and, accordingly, appropriate action will be taken on the request within a reasonable time. A copy of the petition is available for inspection in the Commission's Public Document Room, 1717 H Street, NW, Washington, DC 20555 and at the local Public Document Room of the Shearon Harris facility located at the Wake County Public Library, 104 Fayetteville Street, Raleigh, North Carolina 27601.

Dated at Bethesda, Maryland this 10th day of July, 1986.

For the Nuclear Regulatory Commission.

Harold R. Denton,

*Director, Office of Nuclear Reactor Regulation.*

[FR Doc. 86-16133 Filed 7-16-86; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-443A, 50-444A]

**Public Service Company of New Hampshire, et al.; Receipt of Attorney General's Advice and Time for Filing of Petitions to Intervene on Antitrust Matters**

The Commission has received,

pursuant to Section 105c of the Atomic Energy Act of 1954, as amended, additional advice from the Attorney General of the United States, dated July 1, 1986, with respect to the proposed purchase by EUA Power Company of an ownership interest in the captioned nuclear plant and subsequent partial transfer of construction permit Nos. CPPR-135 and CPPR-136. The Attorney General's advice letter reads as follows:

You have requested our advice pursuant to section 105(c) of the Atomic Energy Act of 1954, as amended, in connection with the purchase by EUA Power Company of an ownership interest in the above-captioned nuclear facility.

EUA Power Company, a wholly-owned subsidiary of Eastern Utilities Associates will purchase an interest totalling approximately 12% of two Seabrook units from Central Vermont Public Service Corporation, Central Maine Power Company, Bangor Hydro-Electric Company, Maine Public Service Company and Fitchburg Gas and Electric Light Co.

Our review of the information submitted in connection with the present application, as well as other relevant information, has disclosed no evidence that the proposed participation by EUA Power Company in the Seabrook Units would either create or maintain a situation inconsistent with the antitrust laws under section 105(c). We do not, therefore, believe it is necessary for the Commission to hold an antitrust hearing in this matter.

Any person whose interest may be affected by this proceeding may, pursuant to § 2.714 of the Commission's "Rules of Practice", 10 CFR Part 2, file a petition for leave to intervene and request a hearing on the antitrust aspects of the application. Petitions for leave to intervene and requests for hearing shall be filed not later than 30 days after initial publication of this notice in the Federal Register with the U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Director, Planning and Program Analysis Staff, Office of Nuclear Reactor Regulation.

Dated in Bethesda, Maryland, this 11th day of July 1986.

For the Nuclear Regulatory Commission.

Jesse L. Funches,

*Director Planning and Program Analysis Staff, Office of Nuclear Reactor Regulation.*

[FR Doc. 86-16134 Filed 7-16-86; 8:45 am]

BILLING CODE 7590-01-M

**OCCUPATIONAL SAFETY AND  
HEALTH REVIEW COMMISSION**

**Delegation of Authority to the General  
Counsel and the Deputy General  
Counsel**

**AGENCY:** Occupational Safety and Health Review Commission.

**ACTION:** Notice of delegated authority.

**SUMMARY:** This document revises a previous delegation of authority from the Commission to its General Counsel. The authority delegated relates to the filing of briefs by the parties in review proceedings before the Commission. Since that previous delegation of authority, the Commission has made clear that it may rule on issues that have not been stated in the directions for review but may have been added by the Commission in a later order. To facilitate the briefing of such additional issues, the Commissioners authorize the General Counsel to have stated in the briefing notice issued by the Executive Secretary of the Commission issues that were not stated in the direction for review but which a Commission member wishes to be briefed. The revised delegation of authority embodies this authorization.

**EFFECTIVE DATE:** July 17, 1986.

**FOR FURTHER INFORMATION CONTACT:**  
Earl R. Ohman, Jr. (General Counsel),  
202-634-4015.

**SUPPLEMENTARY INFORMATION:** On February 19, 1981, the Commission published notice in the Federal Register of a delegation of authority to its General Counsel. 46 FR 13054-055. The General Counsel was thereby empowered to instruct the Executive Secretary to issue requests for briefs in cases reviewed by the Commission but was not authorized to add issues. The Commission has since determined that certain revisions in that delegation of authority are necessary.

The new delegation of authority formalizes a procedure for requesting parties to brief issues in addition to those that are stated in a direction for review. The Commission has recently made clear that it has jurisdiction, under section 12(j) of the Occupational Safety and Health Act of 1970, 29 U.S.C. 661(j), to consider all issues raised by a Judge's report that has been directed for review;

## NOTICES

"Rules of Practice," 10 CFR part 2, file a petition for leave to intervene and request a hearing on the antitrust aspects of the application. Petitions for leave to intervene and requests for hearing shall be filed by September 3, 1978, either (1) by delivery to the NRC Docketing and Service Section at 1717 H Street NW., Washington, D.C., or (2) by mail or telegram addressed to the Secretary, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, ATTN: Docketing and Service Section.

For the Nuclear Regulatory Commission.

AGRIC TOALSTON,  
Acting Chief, Antitrust and Indemnity Group, Office of Nuclear Reactor Regulation.

[FR Doc. 78-21781 Filed 8-3-78; 8:45 am]

[7590-01]

## RISK ASSESSMENT REVIEW GROUP

## Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of an open meeting of the Risk Assessment Review Group of the U.S. Nuclear Regulatory Commission (NRC), to be held at 8:30 a.m., August 29 through 31, 1978, in Room 1167 of the Matomac Building, 1717 H Street NW., Washington, D.C. The purposes of this meeting are to continue the review of the final report of the Reactor Safety Study (WASH-1400) and the peer comments thereon and to discuss subjects that might be included in the report of the Review Group.

The Risk Assessment Review Group is an independent group established by the NRC (42 FR 34955) for the purpose of providing advice and information to the Commission regarding the final report of the Reactor Safety Study, WASH-1400 (NUREG-75/014), and the peer comments on the Study, advice and recommendations on developments in the field of risk assessment methodology and courses of action which might be taken on future development and use of risk assessment methodology. This advice and information will assist the Commission in establishing policy regarding the use of risk assessment in the regulatory process. It will also clarify the achievements and limitations of the Reactor Safety Study. The Review Group will submit a report to the Commission on or before September 30, 1978.

With respect to public participation in the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda may do so by providing 10 readily reproducible copies to the Review Group at the beginning of the meeting. Com-

ments should be limited to areas within the Group's purview. Persons desiring to mail written comments may do so by sending a readily reproducible copy thereof in time for consideration at this meeting. Comments postmarked no later than August 22, 1978, to Dr. John H. Austin, Office of Policy Evaluation, NRC, Washington, D.C. 20555, will normally be received in time to be considered at this meeting. Of course, comments not received in time for this meeting will be circulated to the members of the Review Group for consideration at a future meeting. Comments should pertain to the field of risk assessment methodology or should be based on the final report of the Reactor Safety Study, copies of which are available for public inspection at:

1. The NRC Public Document Room, 1717 H Street NW., Washington, D.C. 20555.
2. The NRC's five Regional Offices of Inspection and Enforcement:

## Region I

331 Park Avenue, King of Prussia, Pa. 19406

## Region II

Suite 1217, 230 Peachtree Street, Atlanta, Ga. 30303

## Region III

799 Roosevelt Road, Glen Ellyn, Ill. 60137

## Region IV

Suite 1000, 611 Ryan Plaza Drive, Arlington, Tex. 76012

## Region V

Suite 202, 1990 North California Boulevard, Walnut Creek, Calif. 94598.

Copies of the Final Report may be obtained from: U.S. Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Probabilistic Analysis Staff, Attention: Melea S. Fogle (telephone: 201-492-8377), 7735 Old Georgetown Road, Bethesda, Md. 20014.

(b) Persons desiring to make an oral statement at the meeting should make a request to do so prior to the meeting, identifying the topics and desired presentation time so that appropriate arrangements can be made. The time allotted for such statements will be at the discretion of the Chairman. The Review Group will receive oral statements on topics relevant to its purview at an appropriate time chosen by the Chairman.

(c) Further information regarding topics to be discussed, whether the meeting has been canceled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call on August 28, 1978, to the Office of Policy Evaluation (telephone 202-634-3209, Attention: John

Austin) between 8:15 a.m. and 5 p.m. e.d.t.

(d) Questions may be asked only by members of the Review Group.

(e) Statements of views or expressions of opinion made by members of the Review Group at open meetings are not intended to represent final determinations or beliefs.

(f) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(g) A copy of the minutes of the meeting will be available for inspection on or after September 30, 1978, at the NRC Public Document Room, 1717 H Street NW., Washington, D.C. Copies may be obtained upon payment of appropriate charges.

Dated at Washington, D.C., this 1st day of August, 1978.

[FR Doc. 78-21782 Filed 8-3-78; 8:45 am]

[7590-01]

[Docket Nos. 50-582A, 50-583A]

SAN DIEGO GAS & ELECTRIC CO., CALIFORNIA  
DEPARTMENT OF WATER RESOURCES, CITY  
OF ANAHEIM ET AL, CITIES OF LOS ANGLES  
AND BURBANK, CALIF.

Excerpt of Attorney General's Advice and Time  
for Filing of Petitions to Intervene on Anti-  
trust Matters

The Commission has received, pursuant to section 105c of the Atomic Energy Act of 1954, as amended, the following additional advice from the Attorney General of the United States, dated July 26, 1978, with respect to a construction permit application for Sundesert Nuclear Plant, Units 1 and 2:

You have requested our further advice pursuant to section 105c of the Atomic Energy Act of 1954, as amended, in regard to the above-captioned application. The Department previously rendered advice respecting this application on May 12, 1978, and September 2, 1977. We understand that the cities of Los Angeles and Burbank, Calif., propose to participate with the cities of San Diego, Anaheim, Glendale, Pasadena, and Riverside, Calif., in the Sundesert Nuclear Plant, Units 1 and 2. Our review of the information submitted for the proposed additional participants, as well as other relevant information, has disclosed no basis upon which to change our previous conclusion that no antitrust hearing will be required regarding this nuclear facility.

Any person whose interest may be affected by this proceeding may, pursuant to § 2.714 of the Commission's "Rules of Practice," 10 CFR Part 2, file a petition for leave to intervene

## NOTICES

and request a hearing on the antitrust aspects of the application. Petitions for leave to intervene and requests for hearing shall be filed by September 3, 1978, either: (1) By delivery to the NRC Docketing and Service Section at 1717 H Street NW, Washington, D.C., or (2) by mail or telegram addressed to the Secretary, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, attention, Docketing and Service Section.

For the Nuclear Regulatory Commission.

ARGIL TOALSTON,  
Acting Chief, Antitrust and Indemnity Group Office of Nuclear Reactor Regulation.

[FR Doc. 78-21783 Filed 8-3-78; 8:45 am]

[3110-01]

**OFFICE OF MANAGEMENT AND BUDGET**

**CLEARANCE OF REPORTS**

**List of Requests**

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on August 1, 1978 (44 U.S.C. 3509). The purpose of publishing this list in the **FEDERAL REGISTER** is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; an indication of who will be the respondents to the proposed collection; the estimated number of responses; the estimated burden in reporting hours; and the name of the reviewer or reviewing division or office.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503, 202-395-4529, or from the reviewer listed.

**NEW FORMS**

**EQUAL OPPORTUNITY COMMISSION**

FEPA Contract Proposal, EEOC 344, annually, 70 State and local fair employment practices agencies, Laverne V. Collins, 395-3214.

**NATIONAL AERONAUTICS AND SPACE ADMINISTRATION**

NASA Tech Briefs-Subscription Notice, annually, 40,000 R. & D. firms, Caywood, D. P., 395-3433.

**DEPARTMENT OF ENERGY**

Solar Collector Manufacturing Survey, EIA-63, single time, 900 manufacturers/importers of solar collectors, Clearance Office, 395-3772.

**U.S. CIVIL SERVICE COMMISSION**

Relevant Labor Market Studies, single time, 561 license agents, Caywood, D. P., 395-3443.

**REVISIONS**

**DEPARTMENT OF AGRICULTURE**

Economics, Statistics, and Cooperatives Service, cost of production survey, annually, 7,800 selected crop producers, 900 responses, 900 hours, Office of Federal Statistical Policy and Standard, 673-7956.

**EXTENSIONS**

**VETERANS' ADMINISTRATION**

Traffic Survey Questionnaire 08-9872 on occasion, employees, visitors and others entering VA grounds, 3,000 responses, 150 hours, Office of Federal Statistical Policy and Standard, 673-7956.

**DEPARTMENT OF AGRICULTURE**

Food and Nutrition Service, Claim for Reimbursement—Child Care Food Program, FNS-82 monthly inst. administered by FNS, 28,800 responses, 21,600 hours, Ellett, C. A., 395-6132.

**DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

Neighborhood Voluntary Association Consumer Protection, certification page for settlement statement, HUD-1, on occasion, mortgage lenders, 4,200,000 responses, 4,200,000 hours, Caywood, D. P., 395-3443.

**DEPARTMENT OF TRANSPORTATION**

Federal Aviation Administration, Notice of Proposed Construction or Alteration, FAA 7460-1 on occasion, private enterprises, 28,000 responses, 28,000 hours, Strasser, A., 395-6132.

DAVID R. LEUTHOLD,  
Budget and Management Officer.

[FR Doc. 78-21796 Filed 8-3-78; 8:45 am]

[3110-01]

**CLEARANCE OF REPORTS**

**List of Requests**

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on July 31, 1978 (44 U.S.C. 3509). The purpose of publishing this list in the **FEDERAL REGISTER** is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; an indication of who will be the respondents to the proposed collection; the estimated number of responses; the estimated burden in reporting hours; and the

name of the reviewer or reviewing division or office.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503, 202-395-4529, or from the reviewer listed.

**NEW FORMS**

**EQUAL OPPORTUNITY COMMISSION**

Equal Employment Opportunity Employer Information Report EEO-1, SF-100, annually, 200,000 firms with 100 plus and government contractors with 50 plus employees, Laverne V. Collins, 395-3214.

**ENVIRONMENTAL PROTECTION AGENCY**

Grantee Information Form, with Cover Letter and Industrial User Survey with Cover Letter, (attachment II), single time, 450 EPA's grantees and industrial users of POTW's, Ellett, C. A., 395-6132.

**U.S. CIVIL SERVICE COMMISSION**

Air Traffic Controller Recruitment Survey, CSC-1350, single time, 10,000 air traffic controller applicants, Strasser, A., 395-6132.

**DEPARTMENT OF TRANSPORTATION**

Federal Railroad Administration Opinion Questionnaire, single time, 150 persons involved in rail planning, Strasser, A., 395-6132.

**REVISIONS**

**ENVIRONMENTAL PROTECTION AGENCY**

Application for Federal Assistance Part IV Narrative Statement (State Pesticide Enforcement and Applicator Certification and Training Program Grants), EPA 5700-33, on occasion, State agencies, 550 responses, 5,500 hours, Ellett, C. A., 395-6132.

**DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

Housing Production and Mortgage Credit Lender's Application for Commitment on One-to-Four Family Insured Home Improvement Loan, FHA-2004-1, on occasion, 500 lending institutions, 500 responses, 500 hours, Caywood, D. P., 395-3443.

**EXTENSIONS**

**DEPARTMENT OF AGRICULTURE**

Food and Nutrition Service Regulations—Special Milk Program for Children, 7 CFR 215, on occasion, 36,124 State agencies, school food authorizations child care institutes, 36,124 responses, 55,124 hours, Ellett, C. A., 395-6132.

**DEPARTMENT OF DEFENSE**

Department and Other Industrial Facility Survey—Mobilization Production Planning Program, DOD 1519-2, on occasion, The Defense Production Act of 1950, 10,000 responses, 10,000 hours, Office of

C.F.R. § 2.714. A number of petitions to intervene were received by that date.

An Atomic Safety and Licensing Board (Board) was designated to rule upon intervention petitions and requests for hearing, and to preside over the proceeding in the event that a hearing is ordered. The members of the Board are Mr. Glenn O. Bright, Dr. Richard F. Cole and Mr. Herbert Grossman, who will serve as Chairman of the Board. 44 Fed. Reg. 1711 (January 8, 1980).

Pursuant to the provisions of 10 C.F.R. § 2.751a the Board will conduct a special prehearing conference beginning at 9:30 a.m. on March 12, 1980 and continuing through March 13, 1980, if necessary, at the Public Hearing Room, Porter County Courthouse Annex, 1401 North Calumet Street, Valparaiso, Indiana 46383. All prospective parties to this proceeding, or their respective counsel, are directed to attend. At the special prehearing conference, in addition to discussing all of the issues raised with regard to the intervention petitions and the request for waiver of or exception to C.F.R. § 50.55(b), the parties should be prepared to discuss specific issues that might be considered at an evidentiary hearing and possible further scheduling in the proceeding. The petitioners shall file supplements to their petitions not later than 15 days prior to the special prehearing conference which shall include a list of specific contentions sought to be litigated in this proceeding.

The public is invited to attend the special prehearing conference. No oral limited appearance statements will be permitted at this conference. If a hearing is granted, opportunity for limited appearance statements will be afforded at subsequent evidentiary hearings near the site of the facility. Written limited appearance statements may be mailed to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 or submitted at any subsequent conferences or sessions of the evidentiary hearing.

Board members Glenn O. Bright and Richard F. Cole concur in this order.

By Order of the Board.

Dated at Bethesda, Maryland this 7th of February, 1980.

For the Atomic Safety and Licensing Board.

Herbert Grossman,  
Chairman,

[FPR Doc. 80-4710 Filed 2-13-80 8:45 am]  
BILLING CODE 7590-01-8

[Docket No. 110-00495; Application No. XR-120; Application No. XCOM-0013; Order CLI-80-2]

**Westinghouse Electric Corp.**

The Commission has reviewed the public comments submitted in response to its October 19, 1979 order requesting comment on the Commission's jurisdiction to consider the health, safety and environmental impacts occurring outside the United States of proposed nuclear reactor exports. Further public comment specifically relating to the Philippine applications before the Commission would be in the public interest and would assist the Commission in making the statutory findings required by the Atomic Energy Act.

The Commission invites comment upon: (a) the health, safety or environmental effects the proposed exports would have upon the global commons or the territory of the United States, and (b) the relationship of these effects to the common defense and security of the United States. For purposes of these comments, the term "global commons" means geographical areas such as the high seas, Antarctica, and the portions of the atmosphere that are not within the territorial jurisdiction of a single nation state. The term "United States" means territory of the 50 States, as well as U.S. trust territories and possessions.

Comments should be sent to the Secretary, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Chief, Docketing and Service Branch by February 29, 1980. Comments should also be served upon other participants in this proceeding pursuant to 10 CFR 110.89(b).

In the near future the Commission will issue an opinion setting forth its jurisdiction to consider health, safety, and environmental effects that may occur as a result of proposed nuclear reactor exports.

This public proceeding on pending license applications for nuclear export licenses to the Philippines will be completed on February 29, 1980.

Commissioner Bradford notes that the Commission's request for comments suggests that it may structure its export licensing reviews to assess the impact on the fish in international waters while declining to look into the impacts on the health and safety of concentrations of U.S. citizens located near exported reactors. The law clearly does not require this outcome, and as a policy decision, he finds it extraordinary. He would examine the potential health, safety and environmental effects of the proposed exports on U.S. citizens at

Subic Bay Naval Base and Clark Air Force Base.

It is so ordered.

Dated at Washington, D.C. on 4th day of February 1980.

For the Commission

Samuel J. Chilk,

*Secretary of the Commission*

[FPR Doc. 80-4710 Filed 2-13-80 8:45 am]

BILLING CODE 7590-01-8

[Docket Nos. 50-361A and 50-362A]

**Southern California Edison Co. and San Diego Gas & Electric Co., Receipt of Attorney General's Advice and Time for Filing of Petitions To Intervene on Antitrust Matters**

The Commission has received, pursuant to section 105c of the Atomic Energy Act of 1954, as amended, the following additional advice from the Attorney General of the United States, dated January 31, 1980, with respect to the construction permit application for San Onofre Nuclear Generating Station, Units No. 2 and No. 3:

You have requested our advice pursuant to Section 105(c) of the Atomic Energy Act, as amended, in regard to a transfer of ownership interest in the above referenced units to the cities of Anaheim and Riverside, California ("the Cities"). Under the proposed transfer, the City of Anaheim would acquire a 1.66% interest in each of the two 1100 MW units, for a total of 30.52 MW, and the City of Riverside would acquire a 1.79% interest in each of the two units, for a total of 39.38 MW.

The Cities filed applications to participate in both the San Joaquin and Sanderson nuclear plants, and the Nuclear Regulatory Commission was advised by letters of November 24, 1975, and September 2, 1977, that no antitrust hearings were necessary in connection with the participation of the Cities in those plants. We also advised the Commission, by letter of February 22, 1978, that it was not necessary to conduct a hearing with respect to the Cities' participation in units 4 and 5 of the San Joaquin Nuclear Generating Station.

Our review of the information submitted for antitrust review purposes, as well as other information available to the Department, provides no basis at this time to conclude that the participation in San Onofre units 2 and 3 by the Cities would warrant any change in our prior advice. Accordingly, it is the Department's view that no antitrust hearing is necessary with respect to the subject transfer of ownership interest.

Any person whose interest may be affected by this proceeding may, pursuant to section 2.714 of the Commission's "Rules of Practice," 10 CFR Part 2, file a petition for leave to intervene and request a hearing on the antitrust aspects of the application. Petitions for leave to intervene and requests for hearing shall be filed by

March 17, 1980 either (1) by delivery to the NRC Docketing and Service Branch at 1717 H Street, NW, Washington, DC, or (2) by mail or telegram addressed to the Secretary, US Nuclear Regulatory Commission, Washington, DC 20555, ATTN: Docketing and Service Branch.

For the Nuclear Regulatory Commission.  
**Jerome Saltzman,**  
*Chief, Antitrust and Indemnity Group, Office of Nuclear Reactor Regulation.*  
 IFR Doc. 80-4637 Filed 2-13-80 9:45 am  
 BILLING CODE 7590-01-46

## OFFICE OF MANAGEMENT AND BUDGET

### Agency Forms Under Review

February 11, 1980.

#### Background

When executive departments and agencies propose public use forms, reporting, or recordkeeping requirements, the Office of Management and Budget (OMB) reviews and acts on those requirements under the Federal Reports Act (44 USC, Chapter 35). Departments and agencies use a number of techniques including public hearings to consult with the public on significant reporting requirements before seeking OMB approval. OMB in carrying out its responsibility under the Act also considers comments on the forms and recordkeeping requirements that will affect the public.

#### List of Forms Under Review

Every Monday and Thursday OMB publishes a list of the agency forms received for review since the last list was published. The list has all the entries for one agency together and grouped into new forms, revisions, extensions, or reinstatements. Some forms listed as revisions may only have a change in the number of respondents or a reestimate of the time needed to fill them out rather than any change to the content of the form. The agency clearance officer can tell you the nature of any particular revision you are interested in. Each entry contains the following information:

The name and telephone number of the agency clearance officer (from whom a copy of the form and supporting documents is available);

The office of the agency issuing this form; The title of the form;

The agency form number, if applicable; How often the form must be filled out;

Who will be required or asked to report;

An estimate of the number of forms that will be filled out;

An estimate of the total number of hours needed to fill out the form; and

The name and telephone number of the person or office responsible for OMB review.

Reporting or recordkeeping requirements that appear to raise no significant issues are approved promptly. Our usual practice is not to take any action on proposed reporting requirements until at least ten working days after notice in the Federal Register but occasionally the public interest requires more rapid action.

#### Comments and Questions

Copies of the proposed forms and supporting documents may be obtained from the agency clearance officer whose name and telephone number appear under the agency name. The agency clearance officer will send you a copy of the proposed form, the request for clearance (SF83), supporting statement, instructions, transmittal letters, and other documents that are submitted to OMB for review. If you experience difficulty in obtaining the information you need in reasonable time, please advise the OMB reviewer to whom the report is assigned. Comments and questions about the items on this list should be directed to the OMB reviewer or office listed at the end of each entry.

If you anticipate commenting on a form but find that time to prepare will prevent you from submitting comments promptly, you should advise the reviewer of your intent as early as possible.

The timing and format of this notice have been changed to make the publication of the notice predictable and to give a clearer explanation of this process to the public. If you have comments and suggestions for further improvements to this notice, please send them to Jim J. Tozzi, Assistant Director for Regulatory and Information Policy, Office of Management and Budget, 726 Jackson Place, Northwest, Washington, D.C. 20503.

## DEPARTMENT OF AGRICULTURE

Agency Clearance Officer—Richard J. Schrimper—417-6201

#### Revisions

Animal and Plant Health Inspection Service

Insect Survey and Detection

PPO 391

On Occasion

State Agri. Extension Service Personnel, 5,209 Responses, 5,880 Hours

Charles A. Ellett, 395-5080

Economics, Statistics, and Cooperatives Service

June Enumerative Survey

Annually

Land operators in sample segments, 125,000 responses, 44,060 hours

Office of Federal Statistical Policy & Standard, 673-7974

Food Safety and Quality Service  
 Subchapter C Mandatory Poultry Products Inspection

9 CFR 381

Other (see SF-83)

Poultry packers, processors, etc., 558,205 responses, 28,011 hours

Charles A. Ellett, 395-5080

Food Safety and Quality Service  
 Subchapter B Voluntary Inspection and Certification Service

9 CFR 350-362

Other (see SF-83)

Meat packers, processors, etc., 28 responses, 7 hours

Charles A. Ellett, 395-5080

Food Safety and Quality Service  
 Mandatory Meat Inspection, Subchapter A

9 CFR 301-335

Other (see SF-83)

Meat packers, processors, etc., 426,600 responses, 181,835 hours

Charles A. Ellett, 395-5080

## DEPARTMENT OF COMMERCE

Agency Clearance Officer—Edward Michals—377-3627

#### New Forms

National Oceanic and Atmospheric Administration

Report of transmitting antenna construction alteration and/or removal

NOAA, 78-10

On occasion

Owner of transmitting towers license by FCC 3,200 responses, 800 hours

John A. Caron, 395-3785

#### Revisions

Economic Development Administration Local public works payroll reporting form

ED-746

Weekly

Const. (Sub)—Contr. on Fed.-funded pub. works proj. 14,825 responses, 7,412 hours

John A. Caron, 395-3785

Economic Development Administration Identification of LPW grantee, evaluation representative, contractors and subcontractors

ED-747

On occasion

State & local government agencies 165 responses, 50 hours

John A. Caron, 395-3785

## NOTICES

a.m., local time, on August 17, 1978 at the Carlton Inn Ballroom, 1515-A Memorial Drive, Two Rivers, Wis. 54241, to consider pertinent matters in accordance with 10 CFR 2.751a.

The date and place of the subsequent evidentiary hearing will be set by the Board, and notice thereof will be published in the **FEDERAL REGISTER**. The specific issues to be considered at the hearing will be determined by the Board.

For further details with respect to the matters under consideration, see the application for amendments dated March 21, 1978, which is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Manitowoc Public Library, 808 Hamilton Street, Manitowoc, Wis. 54220, and at the University of Wisconsin, Stevens Point Library, Stevens Point, Wis. 54481.

Any person who wishes to make an oral or written statement in this proceeding but who has not filed a petition for leave to intervene as noted above may request permission to make a limited appearance pursuant to the provisions of 10 CFR 2.715 of the Commission's rules of practice. Limited appearances will be permitted in this proceeding at the discretion of the Board, within such limits and on such conditions as may be determined by the Board. Persons, desiring to make a limited appearance are requested to inform the Secretary of the Commission, United States Nuclear Regulatory Commission, Washington, D.C. 20555, not later than September 6, 1978.

A person permitted to make a limited appearance does not become a party, but may state his or her position and raise questions which he or she would like to have answered to the extent that the questions are within the scope of the hearing as specified above. A member of the public does not have the right to participate unless granted the right to intervene as a party or the right of limited appearance.

An answer to this notice, pursuant to the provisions of 10 CFR 2.705 of the Commission's rules of practice, must be filed by the parties to this proceeding (other than the regulatory staff) not later than August 28, 1978.

Papers required to be filed in this proceeding may be filed by mail or telegram addressed to the Secretary of the Commission, United States Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch, or may be filed by delivery to the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Pending further order of the Hearing Board designated for this proceed-

ing, parties are required to file, pursuant to the provisions of 10 CFR 2.708 of the Commission's rules of practice, an original and twenty (20) conformed copies of each such paper with the Commission.

*It is so ordered.*

Dated at Bethesda, Md. this 31st day of July 1978.

For the Atomic Safety and Licensing Board designated to rule on petitions for leave to intervene.

MARSHALL E. MILLER,  
Chairman

[FR Doc. 78-21784 Filed 8-4-78: 8:45 am]

[7590-01]

[Docket Nos. 50-445A and 50-446A]

TEXAS UTILITIES GENERATING CO., ET AL

Notice of Receipt of Attorney General's Advice and Time for Filing of Petitions To Intervene on Antitrust Matters

The Commission has received, pursuant to section 105c of the Atomic Energy Act of 1954, as amended, the following advice from the Attorney General of the United States, dated August 1, 1978, with respect to an operating license application for Comanche Peak Steam Electric Station, units No. 1 and No. 2:

This letter responds to your communication of June 26, 1978, which seeks our advice on the competitive implications of issuing an operating license in the above-captioned matter. By order of June 21, 1978, the Commission found that changed circumstances in the licensee's activities had occurred such as to require that further antitrust review be undertaken. Under the Atomic Energy Act<sup>1</sup> this threshold "significant changes" determination by the Commission requires that the Attorney General be consulted concerning the advisability of holding an antitrust proceeding at the operating license stage.

Prior<sup>2</sup> this determination of changed circumstances, the Department rendered antitrust advice on the subject nuclear plant as well as on other nuclear units planned within the State of Texas. In our letter of January 17, 1974, we had advised that an antitrust hearing on the Comanche Peak application would not be necessary providing the applicant would agree to certain conditions that would attach to the construction permit. Those conditions basically provided for: (1) Access to the Comanche Peak and future nuclear units; (2) supporting requests for membership in the Texas Interconnected System (TIS); (3) reserve sharing; (4) transmission services; and (5) emergency and maintenance support. In our view, based on an analysis of the competitive

<sup>1</sup>The licensee or Applicant means Texas Utilities Co. (TU) and its various operating and service subsidiary companies including Dallas Power & Light Co., Texas Electric Service Co., and Texas Power & Light Co., each of which is a joint owner of the Texas Utilities Generating Co.

<sup>2</sup>Section 105(c)(2).

situation at that time, the implementation of these conditions would have prevented the maintenance or creation of a situation inconsistent with the antitrust laws, as specified in section 105 (c)(5), 15 U.S.C. § 2523, which we judged would otherwise occur.

By letter dated February 21, 1978, the Department presented a detailed analysis of the considerations which led it to conclude that in reference to the South Texas Project, units 1 and 2, the competitive situation in the Texas electric power markets had changed significantly subsequent to our earlier advice letter to you.<sup>3</sup> In our view, the use by HL&P and TU of their dominance to enforce an "intrastate only" policy through the threat of disconnection, could injure other electric systems in the area and foreclose competition from utilities now operating in interstate commerce, and, thus, constituted a situation inconsistent with the antitrust laws warranting an antitrust hearing.<sup>4</sup> In the Department's judgment, those considerations are equally applicable to developments that pertain to the subject nuclear plant and have transpired since our January 17, 1974, advice letter.

As noted in our letter of February 21, 1978, the situation in Texas has changed significantly since the prior letters of advice. The licensee of the above-captioned application, on or about May 4, 1978, [sic] along with HL&P, opened the electrical interconnections that had historically been maintained with other Texas electric utilities. For an approximate one year period, applicant refused to reestablish those interconnections except on the condition that those other systems would refrain from buying, selling or exchanging power with systems operating in interstate commerce. During this period, other smaller utilities in the area experienced significant increases in the costs of power and decreased ability to compete with applicant and with one another as a direct result of the refusal of applicant and HL&P to interconnect.

Applicant and HL&P insist that any coordination arrangements into which either enters will be conditioned specifically on the "intrastate only" operation of the utilities participating in those arrangements. This policy has been employed by TU specifically in reference to the Comanche Peak facility and in its more recent offers to sell capacity and economy energy with other utilities.

As noted in our letter of February 21, 1978, the present situation in Texas renders participation in nuclear generation and increased coordination among utilities both within and outside the state of critical importance to the competitive ability of the other systems with which TU now competes or could compete. It was concern about the potentially adverse effects upon competition of the intrastate only policy that led to the reservation (in condition 11 of the con-

<sup>3</sup>The Department had advised by letter dated May 17, 1974, that an antitrust hearing on the Allen's Creek Nuclear Generating Station would not be necessary and by letter dated October 22, 1974 that an antitrust hearing on the South Texas Project would not be necessary.

<sup>4</sup>The Commission subsequently ordered an antitrust hearing on the operating license application for the South Texas Project. TU's petition to intervene as a full party in that proceeding was granted by the Atomic Safety and Licensing Board on June 21, 1978.

struction permit) of the freedom to reassess the effects of this policy should subsequent events render a reexamination necessary.

It is the Department's view that, because of applicant's and HL&P's adherence to a policy of intrastate only operations in light of the present market situation, and considering the unprecedented disruptive action of disconnection undertaken by applicant and HL&P to enforce this policy and agreement, an antitrust hearing is necessary to determine whether additional conditions should be attached to the operating license of the Comanche Peak units in order to eliminate a situation inconsistent with the antitrust laws.

Any person whose interest may be affected by this proceeding may, pursuant to section 2.714 of the Commission's "rules of practice," 10 CFR Part 2, file a petition for leave to intervene and request a hearing on the antitrust aspects of the application. Petitions for leave to intervene and requests for hearing shall be filed by September 8, 1978, either (1) by delivery to the NRC Docketing and Service Branch at 1717 H Street NW, Washington, D.C. or (2) by mail or telegram addressed to the Secretary, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. ATTN: Docketing and Service Branch.

For the Nuclear Regulatory Commission.

ARGIL TOALSTON,  
Acting Chief, Antitrust and Indemnity Group, Office of Nuclear Reactor Regulation.

[FR Doc. 78-27129 Filed 8-4-78; 9:47 am]

[4910-58]

**NATIONAL TRANSPORTATION SAFETY BOARD**

[Docket No. SA-463]

AIRCRAFT INCIDENT—LA GUARDIA AIRPORT, N.Y.

Public Hearing

Notice is hereby given that the National Transportation Safety Board will convene a public hearing at 9 a.m. (local time) on August 29, 1978, in the Starlight Garden Room 1 and 2 of the International Hotel, John F. Kennedy International Airport, Jamaica, N.Y.

The public hearing will be held in connection with the Safety Board's investigation of an incident involving a North Central Airlines, Inc., DC-9, N957N, and a Cessna Citation, N51MW, at La Guardia Airport, N.Y., June 21, 1978.

MARTIN SPEISER,  
Senior Hearing Officer.

AUGUST 2, 1978.

[FR Doc. 78-21859 Filed 8-4-78; 8:45 am]

[7555-02]

**OFFICE OF SCIENCE AND TECHNOLOGY POLICY**

**SCIENCE, TECHNOLOGY AND DEVELOPMENT ADVISORY COMMITTEE**

**Notice of Establishment**

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), it is hereby determined that the establishment of the Science, Technology, and Development Advisory Committee is necessary, appropriate, and in the public interest in connection with performance of the duties imposed upon the Director, Office of Science and Technology Policy (OSTP) by the National Science and Technology Policy, Organization and Priorities Act of 1976. This determination follows consultation with the Office of Management and Budget (OMB), pursuant to section 9(a)(2) of the Federal Advisory Committee Act and OMB Circular A-63, Revised.

1. Name of group: Science, Technology, and Development Advisory Committee.

2. Purpose and function: In March 1978, the President decided to create a Foundation for International Technological Cooperation in the reorganized foreign aid structure. To develop detailed plans for the Foundation, a planning office has been established reporting to Governor Gilligan, Chairman of the Development Coordination Committee. OSTP has been instrumental in developing the concept of the Foundation and the Planning Office; the Advisory Committee being established will advise me on the concept and early planning of the Foundation, as well as on related policy issues and programs of the U.S. Government. The specific functions of this Committee will be:

To provide general guidance for the OSTP and the FITC Planning Office;

To make suggestions and review proposals for priorities among program areas and projects in the initial phase of FITC activities;

To review proposals for relationships of the FITC and AID and other current agencies and departments and to universities. Federal laboratories, foundations, corporations, and other private institutions that are significant participants in the U.S. development efforts;

To assist in the identification of individuals and Government programs in developing countries who can work with the FITC in collaborative efforts to develop programs and projects; and

To advise on related programs and policies concerned with applying science and technology to developing country needs.

In order to provide a source of advice and expertise on the issues in-

volved, the Advisory Committee will be established to draw together experts from academia, labor, foundations, and industry.

3. Effective date of establishment and duration: The Advisory Committee is established to provide advice to the Director of the Office of Science and Technology Policy and to the Special Assistant to the President for Budget and Organization, and is established for 18 months from the date the charter is filed with the standing committees of Congress having legislative jurisdiction for the Office of Science and Technology Policy.

4. Membership: The Advisory Committee will be comprised of approximately 20 individuals from industry, academia, labor, and foundations having qualifications for providing expert knowledge in the fields of agriculture, health, forestry, engineering, energy, economics, sociology, and other scientific and technological fields pertinent to development.

5. Advisory Committee operation: The Advisory Committee will operate in accordance with provisions of the Federal Advisory Committee Act (Pub. L. 92-463), OSTP policy and procedures, OMB Circular No. A-63, Revised, and other directives and instructions issued in implementation of the act.

FRANK PRESS,  
Director.

[FR Doc. 78-21833 Filed 8-4-78; 8:45 am]

[8010-01]

**SECURITIES AND EXCHANGE COMMISSION**

[Release No. 15009, File No. 4-281]

American Stock Exchange, Inc., and New York Stock Exchange, Inc.

**Temporary Order**

Notice is hereby given that the Securities and Exchange Commission has issued an order, pursuant to section 11A(a)(3)(B) of the Securities Exchange Act of 1934 (the "Act"), authorizing certain self-regulatory organizations to act jointly, in accordance with a plan (the "plan") filed with the Commission, with respect to matters as to which they share authority under the Act in planning, developing, operating, and regulating a national market facility consisting of a consolidated quotation system (the "quotation system"). The order authorizes those self-regulatory organizations to implement that facility on a temporary basis as a means of facilitating a national market system in accordance with the requirements of section 11A of the Act.<sup>1</sup>

<sup>1</sup>The temporary authorization granted herein includes not only the specific self-  
Footnotes continued on next page

Evaluation, and (4) Amendment No. 31 and its related Fire Protection Safety Evaluation dated February 28, 1978. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Hartsville Memorial Library, Home and Fifth Avenues, Hartsville, South Carolina 29550. A copy of items (2), (3) and (4) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 4th day of September, 1979.

For the Nuclear Regulatory Commission.

A. Schwerner,  
Chief, Operating Reactors Branch #1,  
Division of Operating Reactors.

[FR Doc. 79-28608 Filed 8-13-79, 8:45 am]  
BILLING CODE 7500-01-04

not represent an official NRC staff position.

Public comments are being solicited on both drafts, the guide (including any implementation schedule) and the draft value/impact statement. Comments on the draft value/impact statement should be accompanied by supporting data. Comments on both drafts should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch, by October 28, 1979.

Although a time limit is given for comments on these drafts, comments and suggestions in connection with (1) items for inclusion in guides currently being developed or (2) improvements in all published guides are encouraged at any time.

Regulatory guides are available for inspection at the Commission's Public Document room, 1717 H Street NW., Washington, D.C. Requests for single copies of draft guides or the latest revision of published guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future guides or draft guides in specific divisions should be made in writing to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Technical Information and Document Control. Telephone requests cannot be accommodated. Regulatory guides are not copyrighted, and Commission approval is not required to reproduce them.

[5 U.S.C. 552(a)]

Dated at Rockville, Maryland this 5th day of September 1979.

For the Nuclear Regulatory Commission.

Karl R. Goller,

Director, Division of Siting, Health and Safeguards Standards, Office of Standards Development.

[FR Doc. 79-28608 Filed 8-13-79, 8:45 am]  
BILLING CODE 7500-01-04

[Docket Nos. 50-445A and 50-446A]

**Texas Utilities Generating Co.; Receipt of Attorney General's Advice and Time for Filing of Petitions To Intervene on Antitrust Matters**

The Commission has received, pursuant to section 105c of the Atomic Energy Act of 1954, as amended, the following additional advice from the Attorney General of the United States, dated September 5, 1979, with respect to an operating license application for Comanche Peak Steam Electric Station, Units No. 1 and 2:

You have requested our further advice pursuant to Section 105c of the Atomic Energy Act of 1954, as amended, with regard to the participation by the Texas Municipal Power Agency (TMPA) in the Comanche Peak Steam Electric Station, Units 1 and 2, NRC Docket Nos. 50-445A and 50-446A.

The Comanche Peak Steam Electric Station will consist of two units, each rated at 1150 megawatts. The station is being built and will be operated by Texas Utilities Generating Company (TUGCO), a subsidiary of Texas Utilities Company (TU).<sup>1</sup> By the terms of the agreement between TUGCO and TMPA, TMPA will secure a 6.2 percent ownership interest, or 72 MW in each unit.

TMPA is an agency established in 1975 pursuant to Texas law, and it consists of four Texas municipalities engaged in the generation, transmission, and distribution of electric power. TMPA was formed so that municipal systems with electric generation in Texas could join together to build new generation and to use their existing generation more effectively. The present members of TMPA are the Cities of Bryan, Denton, Garland and Greenville.

By letter to you dated August 1, 1978, the Department advised the Nuclear Regulatory Commission (NRC) that an antitrust hearing would be necessary in reference to the operating license application of TUGCO. That antitrust hearing, currently in the final stages of discovery, is scheduled to begin in February of 1980. The basis for the Department's recommendation that an antitrust hearing be conducted on the Comanche Peak operating license was that TU had combined with other utilities in Texas and agreed to disconnect from any other electrical utility that commenced operation in interstate commerce. In light of TU's dominant position in Texas, the fact that it had disconnected from other electric utilities in 1978 when those utilities went into interstate commerce, and in view of changed circumstances in the electric utility markets in Texas, as set forth in my letter to you dated February 21, 1978, regarding the South Texas Project, NRC Docket Nos. 50-498A and 50-499A, the Department concluded that an antitrust hearing was necessary.

Between 1978 and 1979 TMPA entered into two agreements with Texas Power and Light Company (TP&L), a TU subsidiary. Thereby TP&L agreed to supply ready electric energy interruptible off-peak economy energy to TMPA. On January 2, 1979, TMPA entered into two additional contracts with TU subsidiaries: the Comanche Peak Ownership Agreement and a transmission agreement. All of the foregoing contractual agreements contain restrictions which, in effect, foreclose TMPA from interconnecting with and engaging in the buying and selling of power or energy with electric utilities that operate in interstate commerce. It is TU's "intrastate only" policy and practice which is the subject of the present Comanche Peak antitrust

<sup>1</sup>The designation "TU" comprises the Texas Utilities Company and its various operating and service subsidiary companies including Dallas Power and Light Company, Texas Electric Service Company, and Texas Power and Light Company, each of which is a joint owner of the Texas Utilities Generating Company (TUGCO).

This draft guide and the associated value/impact statement are being issued to involve the public in the early stages of the development of a regulatory position in this area. They have not received complete staff review and do

hearing. Resolution of the antitrust issues in that hearing will necessarily resolve any antitrust questions raised by these restrictions in the contractual agreements between TMPA and TU subsidiaries. TMPA has agreed to be bound by the outcome of the present Comanche Peak antitrust hearing, including the resolution of the intrastate only restrictions in its contracts with TU subsidiaries (See attached letter).

Our investigation of TMPA's application to participate in the Comanche Peak Steam Electric Station did, however, uncover the existence of an agreement entered into in 1973 between the City of Garland (Garland) and TP&L. This agreement effected a territorial division of retail marketing areas within Garland, a market jointly served by Garland and TP&L. In 1978 the Texas Public Utilities Commission jointly certified this market area to Garland and TP&L. This agreement continues to operate at the present time, and, in fact, an exchange of some of the allocated marketing areas between Garland and TP&L occurred in 1977.

The Department believes that a purely local agreement between a municipality and an investor-owned electrical utility operating under a franchise granted by the municipality to divide retail marketing areas within the municipality's limits and which does not bear a significant relationship to competition in the generation or transmission of electric power at the wholesale level ordinarily does not form the basis for initiating an antitrust hearing under Section 105c. This is not to say, however, that such agreements should not be scrutinized by the NRC where relevant to other antitrust concerns. It is the Department's belief that the antitrust consequences, if any, stemming from such purely local agreements on the retail level would be more appropriately dealt with by state utility commissions or under state or federal antitrust legislation than by the NRC. Indeed, the Department is examining this agreement to determine whether further action is appropriate under the federal antitrust laws.

In light of the attached letter referenced above, whereby the members of TMPA have agreed to be bound by the outcome of the present Comanche Peak antitrust hearing, the Department believes that an antitrust hearing on the application of TMPA to participate in the Comanche Peak units is not necessary.

#### Attachment

August 29, 1979.

#### Texas Municipal Power Agency Application for Amendment of Comanche Peak Steam Electric Station Construction Permits

The Texas Municipal Power Agency (TMPA) is a signatory to contracts with subsidiaries of the Texas Utilities Company that contain language which the Department of Justice has construed as preventing or limiting TMPA from operating in, or interconnecting with other electric utilities that are operating in, interstate commerce. In order to avoid the necessity of an antitrust hearing on TMPA's participation in the Comanche Peak Steam Electric Station, NRC docket numbers 80-446A and 80-446A, TMPA makes the following representations:

(1) While TMPA is a party to contracts that contain intrastate only provisions, TMPA did not request that such provisions be included in the contracts and would not object to such provisions being deleted from the contracts or enjoined, should such deletion be ordered or an injunction be issued in an administrative or judicial proceeding or be agreed to by the other signatories to the contracts.

(2) TMPA agrees to be bound by the outcome of the present operating license antitrust proceedings involving the Comanche Peak Steam Electric Station including any conditions that are attached to the operating license as a result of that proceeding.

#### Texas Municipal Power Agency

Any person whose interest may be affected by this proceeding may, pursuant to § 2.714 of the Commission's "Rules of Practice," 10 CFR Part 2, file a petition for leave to intervene and request a hearing on the antitrust aspects of the application. Petitions for leave to intervene and requests for hearing shall be filed by October 15, 1979 either (1) by delivery to the NRC Docketing and Service Branch at 1717 H Street, NW, Washington, DC, or (2) by mail or telegram addressed to the Secretary, US Nuclear Regulatory Commission, Washington, DC 20555. ATTN: Docketing and Service Branch.

For the Nuclear Regulatory Commission.  
Jerome Saltzman.

*Chief, Antitrust and Indemnity Group, Office of Nuclear Reactor Regulation.*

[FR Doc. 79-28005 Filed 9-13-79 8:45 am]  
BILLING CODE 7590-01-00

#### [Docket No. 50-261]

#### Carolina Power & Light Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 41 to Facility Operating License No. DPR-23, issued to the Carolina Power and Light Company, (the licensee), which revised Technical Specifications for operation of the H. B. Robinson Steam Electric Plant Unit No. 2 (the facility) located in Darlington County, Hartsville, South Carolina. The amendment is effective as of September 1, 1979.

The amendment revises the Technical Specifications to reflect corporate organization changes and a change to the audit frequency for the Security Plan.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate

findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with the issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated July 2, 1979; (2) Amendment No. 41 to License No. DPR-23; (3) the Commission's letter dated September 5, 1979. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Hartsville Memorial Library, Home and Fifth Avenues, Hartsville, South Carolina. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 5th day of September, 1979.

For the Nuclear Regulatory Commission.  
A. Schwender.

*Chief, Operating Reactors Branch =1, Division of Operating Reactors.*

[FR Doc. 79-28028 Filed 9-13-79 8:45 am]  
BILLING CODE 7590-01-00

#### NATIONAL TRANSPORTATION SAFETY BOARD

#### Relocation of Dulles Highway Field Office

The Dulles Highway Field Office function will be relocated to the New York Field Office of the National Transportation Safety Board on October 1, 1979. The area responsibility for the highway function will remain the same, i.e.—Maine, Vermont, New Hampshire, New York, Delaware, Massachusetts, Rhode Island, Connecticut, New Jersey, Maryland, Virginia, West Virginia, Pennsylvania, Ohio, and Michigan.

All agencies and individuals having business with the Dulles—Highway Field Office will contact the New York Field Office after October 1, 1979. The office is located in the Federal Building, Room 202, John F. Kennedy International Airport, Jamaica, New York 11430.

inservice inspection requirements with an inservice inspection program that meets the requirements of 10 CFR 50.55a(g).

By letter dated September 26, 1979, as supported by the related safety evaluation, the Commission has also granted relief from certain requirements of the ASME Code, Section XI, "Rules for Inservice Inspection of Nuclear Power Plant Components" to the licensees. The relief relates to the inservice inspection program for the facility. The ASME Code requirements are incorporated by reference into the Commission's rules and regulations in 10 CFR Part 50. The relief is effective as of its date of issuance.

The application for the amendment and request for relief comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment and letter and safety evaluation granting relief. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment and the granting of the relief will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these actions.

For further details with respect to these actions, see (1) the application for amendment dated June 24, 1977 (Proposed Change No. 60), and supporting information submitted by letters dated September 28, 1977, May 28, 1978, and September 4, 1979, (2) Amendment No. 46 to License No. DPR-13, (3) the Commission's related Safety Evaluation, and (4) the Commission's letter to the licensee dated September 28, 1979. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW, Washington, D.C. and at the Mission Viejo Branch Library, 24851 Chrisanta Drive, Mission Viejo, California 92678. A single copy of items (2), (3) and (4) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 28th day of September, 1979.

For the Nuclear Regulatory Commission.

Thomas V. Wambach.

Acting Chief, Operating Reactors Branch #2,  
Division of Operating Reactors.

[FR Doc. 79-31228 Filed 10-9-79 8:45 am]

BILLING CODE 7300-01-01

[Docket Nos. 50-445A and 50-446A]

**Texas Utilities Generating Co.; Notice of Receipt of Attorney General's Advice and Time for Filing of Petitions To Intervene on Antitrust Matters**

The Commission has received, pursuant to section 105c of the Atomic Energy Act of 1954, as amended, the following additional advice from the Attorney General of the United States, dated September 25, 1979, with respect to an operating license application for Comanche Peak Steam Electric Station, Units No. 1 and No. 2:

You have requested our further advice pursuant to Section 105c of the Atomic Energy Act of 1954, as amended, with regard to the participation by the Brazos Electric Power Cooperative, Inc. (Brazos) in the Comanche Peak Steam Electric Station, Units 1 and 2, NRC Docket Nos. 50-445A and 50-446A.

The Comanche Peak Steam Electric Station will consist of two units, each rated at 1150 megawatts. The station is being built and will be operated by Texas Utilities Generating Company (TUGCO), a subsidiary of Texas Utilities Company (TU).<sup>1</sup> By the terms of the agreement between TUGCO and Brazos, Brazos will secure a 3.8 percent ownership interest, or 44 MW in each unit. Brazos is a generation and transmission cooperative providing power to a number of member distribution cooperatives in central Texas.

By letter to you dated August 1, 1978, the Department advised the Nuclear Regulatory Commission (NRC) that an antitrust hearing would be necessary in reference to the operating license application of TUGCO. That antitrust hearing, currently in the final stages of discovery, is scheduled to begin in February of 1980. The basis for the Department's recommendation that an antitrust hearing be conducted on the Comanche Peak operating license was that TU had combined with other utilities in Texas and agreed to disconnect from any other electrical utility that commenced operation in interstate commerce. In light of TU's dominant position in Texas, the fact that it had disconnected from other electric utilities in 1976 when those utilities went into interstate commerce, and in view of changed circumstances in the electric utility markets in Texas, as set forth in my letter to you

<sup>1</sup> The designation "TU" comprises the Texas Utilities Company and its various operating and service subsidiary companies including Dallas Power and Light Company, Texas Electric Service Company, and Texas Power and Light Company, each of [sic] which is a joint owner of the Texas Utilities Generating Company (TUGCO).

dated February 21, 1978, regarding the South Texas Project, NRC Docket Nos. 50-498A and 50-499A, the Department concluded that an antitrust hearing was necessary.

The contractual agreements between Brazos and the TU subsidiaries, including the Comanche Peak Ownership Agreement and Transmission Agreement, contained restrictions which, in effect, foreclose Brazos from interconnecting with and engaging in the buying and selling of power or energy with electric utilities that operate in interstate commerce. It is TU's "intrastate only" policy and practice which is the subject of the present Comanche Peak antitrust hearing. Resolution of the antitrust issues in that hearing will necessarily resolve any antitrust questions raised by these restrictions in the contractual agreements between Brazos and TU subsidiaries.

Brazos has agreed to be bound by the outcome of the present Comanche Peak antitrust hearing, including the resolution of the intrastate only restrictions in its contracts with TU subsidiaries (See attached letter). In light of this agreement, and the absence of other evidence that Brazos' participation in the Comanche Peak units would create or maintain a situation [sic] inconsistent with the antitrust laws, the Department believes that an antitrust hearing on this application is not necessary.

**Attachment**

September 14, 1979.

Brazos Electric Power Cooperative, Inc., Comanche Peak Electric Station, NRC Docket Nos. 50-445A and 50-446A, USDOJ File No. DAK:FHP 60-57-0.

This letter is in response to the letter of Mr. Fred Parmenter to me dated September 19, 1979, concerning the anti-trust review of the above license applications by the Department of Justice and is furnished to you for the Department's use in rendering its anti-trust advice to the Nuclear Regulatory Commission for the applications in the above dockets.

The Brazos Electric Power Cooperative, Inc. (Brazos) is a signatory to contracts with subsidiaries of the Texas Utilities Company that contain language which the Justice Department has construed as preventing or limiting Brazos from operating or interconnecting with other electric utilities that are operating in interstate commerce. In order to avoid the necessity of an anti-trust hearing on Brazos' participation in the Comanche Peak Steam Electric Station, NRC Docket No. 50-445A and 50-446A, Brazos makes the following representations:

(1) While Brazos is a party to contracts that contain intrastate only provisions, Brazos did not request that such provisions be included in the contracts and would not object to such provisions being deleted from the contracts or enjoined, should such deletion be ordered or an injunction be issued in an administrative or judicial proceeding or be agreed to by the other signatories to the contracts.

(2) Brazos agrees to be bound by the outcome of the present operating license anti-trust proceeding involving the Comanche Peak Steam Electric Station, including any conditions that are attached to the operating license as a result of that proceeding.

If you find that you need further information concerning this matter, please let me know.

Brazos Electric Power Cooperative, Inc.

Any person whose interest may be affected by this proceeding may, pursuant to § 2.214 of the Commission's "Rules of Practice," 10 CFR Part 2, file a petition for leave to intervene and request a hearing on the antitrust aspects of the application. Petitions for leave to intervene and requests for hearing shall be filed by November 9, 1979 either (1) by delivery to the NRC Docketing and Service Branch at 1717 H Street NW, Washington, DC, or (2) by mail or telegram addressed to the Secretary, US Nuclear Regulatory Commission, Washington, DC 20555, Attn: Docketing and Service Branch.

For the Nuclear Regulatory Commission,  
Jerome Saltzman.

*Chief, Antitrust and Indemnity Group, Office of Nuclear Reactor Regulation.*

[FIR Doc 79-31220 Filed 10-9-79 2:45 am]  
BILLING CODE 7390-01-48

#### Interim Statement of Policy and Procedure

**AGENCY:** U.S. Nuclear Regulatory Commission.

**ACTION:** Statement of Policy.

**SUMMARY:** The March 28, 1979, accident at Unit No. 2 of the Three Mile Island nuclear plant is being investigated by the Nuclear Regulatory Commission and a number of other bodies. These investigations may result in significant changes in the Commission's regulatory policy and in the procedures it employs to license nuclear power facilities. The Commission is currently considering a range of options dealing with the extent to which its regulatory structure should be modified during the pendency of the investigations. This statement is being issued to clarify the Commission's previously announced policy decisions on how licensing proceedings should be conducted while the Commission considers changes in the procedures by which it exercises supervision over adjudicatory licensing decisions.

The Commission has determined that new construction permits, limited work authorizations, or operating licenses for any nuclear power reactors shall be issued only after action of the Commission itself. The Commission will shortly decide the procedures by which its further action will be taken. In these circumstances no full adjudicatory decision which authorizes issuance of such a permit, authorization or license shall be issued by an Atomic Safety and Licensing Board except after further

order of the Commission itself. However, all other adjudicatory proceedings including enforcement and license amendment proceedings may continue. Further, the issuance of appellate decisions and partial initial decisions may also continue. The Commission's staff should continue its present policy of informing the Commission, NRC licensees, and NRC applicants of staff's views on the implications of the Three Mile Island accident in general and on what corrective or preventive actions are called for in specific cases as a result of its analysis of the accident. In particular, this means the staff is authorized to proceed with licensing reviews and present evidence on the implications of the accident for resolution of proceedings now before Atomic Safety and Licensing Boards. Of course, staff is free to conclude on a case-by-case basis that further consideration is required before it is prepared to speak to a particular issue or in a particular proceeding, and it may appropriately communicate any such conclusion to the Commission's adjudicatory boards. The Commission views these measures as necessary to preserve the status quo without under disruption to licensing proceedings now underway.

The Commission has received petitions from applicants in the Black Fox and Skagit proceedings requesting issuance of directives on the future conduct of those proceedings. This statement is intended to serve as the Commission's interim response to those requests. Final responses must await the Commission's generic policy decision on licensing.

Dated at Washington, D.C., this 4th day of October 1979.

For the Commission.

Samuel J. Chilk.

*Secretary of the Commission.*

[FIR Doc 79-31330 Filed 10-9-79 2:45 am]  
BILLING CODE 7390-01-48

#### SECURITIES AND EXCHANGE COMMISSION

[File No. 81-571]

#### American International Pictures, Inc., Application and Opportunity for Hearing

September 27, 1979.

Notice is hereby given that American International Pictures, Inc. ("AIP") ("Applicant"), has filed an application pursuant to Section 12(b) of the Securities Exchange Act of 1934, as amended (the "1934 Act"), seeking an exemption from the requirement to file

reports pursuant to Sections 13 and 15(d) of the 1934 Act.

The Applicant states in part:

(1) Applicant, as a result of the merger into a subsidiary of Filmways, Inc. ("Filmways"), has become a wholly-owned subsidiary of that company, and no longer has shares of its stock in the hands of the public.

(2) The former AIP stockholders, as a result of the merger will receive all communications of Filmways, including year-end financial and narrative information in the Filmways 10-K and annual report to stockholders, and other periodic reports and notices.

(3) Applicant's common stock is no longer quoted on NASDAQ.

In the absence of an exemption Applicant will be required to file certain periodic reports with the Commission. The Applicant contends that no useful purpose would be served in filing the required periodic reports because there are no longer public investors or trading interest in its securities.

For a more detailed statement of the information presented, all persons are referred to said application which is on file in the Office of the Commission at 1100 L Street, NW, Washington, D.C. 20549.

Notice is further given that any interested person not later than October 22, 1979, may submit to the Commission in writing his views or any substantial facts bearing on the application or the desirability of a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 500 North Capitol Street, NW, Washington, D.C. 20549, and should state briefly the nature of the interest of the person submitting such information or requesting the hearing, the reason for such request, and the issue of fact and law raised by the application which he desires to controvert.

Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof. At any time after said date, an order granting the application may be issued upon request or upon the Commission's own motion.

For the Commission, by the Division of Corporation Finance pursuant to delegated authority.

George A. Fitzsimmons,  
Secretary.

[FIR Doc 79-31220 Filed 10-9-79 2:45 am]  
BILLING CODE 8010-01-48

The hearings will be concerned with (a) What are the causes of the high levels of youth unemployment? What factors cause young people, particularly minority youth, problems in the labor market? (b) Among the young population, who is in need of services and how should the services be targeted? (c) What works best for whom? Which educational, employment and training initiatives have been successful? Which have failed? (d) What kind of delivery system is necessary in order to provide the services and accomplish the youth employment policy goals and objectives? Are the present intergovernmental and institutional arrangements adequate, in need of redefinition, or will new institutions and delivery systems be necessary to respond to the educational and employment needs of youth? (e) How should program performance be measured? What are the best short-run measures? What are the long-term performance standards that can be applied to youth employment programs?

Members of the general public or other interested individuals may attend these hearings. Because of the widespread interest in the subject of youth unemployment and the limited time available for the hearings, the Youth Task Force has scheduled a number of witnesses for each hearing. An attempt will be made, however, to hear from a limited number of additional persons who wish to be heard. Persons wishing to appear before the Task Force should apply in writing to the "Hearings Coordinator," National Commission for Employment Policy, 1522 K Street, N.W., Suite 300, Washington, D.C. 20005 not later than 30 days before the hearing at which they would like to appear. Interested parties may submit written statements on any or all of the agenda items; such written statements should be sent to the "Hearings Coordinator," at the address above, not later than July 10, 1979.

Minutes of the meeting, working papers, and other documents prepared for the meeting will be available for public inspection twenty working days after the hearing at the Commission's headquarters located at 1522 K Street, N.W. Suite 300, Washington, D.C.

Signed at Washington, D.C. this twenty-seventh day of March 1979.

Isabel V. Sewell,

Director National Commission for Employment Policy  
[FR Doc. 79-10204 Filed 4-2-79 8:45 am]

BILLING CODE 4510-30-M

## NUCLEAR REGULATORY COMMISSION

### Advisory Committee on Reactor Safeguards, Subcommittee on Waste Management; Meeting

The ACRS Subcommittee on Waste Management will hold an open meeting on April 18-19, 1979 at the Hanford House Thunderbird Hotel, 802 George Washington Way, Richland, WA 99352. Notice of this meeting was published in the Federal Register on March 23, 1979 (44 FR 17837).

In accordance with the procedures outlined in the Federal Register on October 4, 1978 (43 FR 45926), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The agenda for the subject meeting shall be as follows: Wednesday, April 18, 1979: 1:00 p.m. until the conclusion of business. Thursday, April 19, 1979: 8:30 a.m. until the conclusion of business.

The Subcommittee will hear presentations by and hold discussions with representatives of the NRC Staff, the Department of Energy, the State of New Mexico, and their consultants, pertinent to the following:

(1) Recent developments in solidification and vitrification of high level wastes.

(2) Department of Energy studies of disposal of high level wastes in both bedded salt and non-salt media (basalt, granite, sandbed).

(3) Recent changes in the NRC Waste Management Program.

(4) State of New Mexico activities in connection with the proposed Waste Isolation Pilot Plant (WIPP) site.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the Designated Federal Employee for this meeting, Mr. Ragnwald Muller, telephone 202/034-1413 between 8:15 a.m. and 5:00 p.m., EST.

Dated March 27, 1979.

Samuel J. Childs,

Secretary of the Commission

[FR Doc. 79-10204 Filed 4-2-79 8:45 am]

BILLING CODE 7590-01-M

## Atomic Safety and Licensing Board; Conference

In the matter of Puget Sound Power and Light Company, et al. (Skagit Nuclear Power Project, Units 1 and 2); Docket Nos. 50-522 and 50-523 Order for Conference.

The board is hereby calling a conference of counsel for all of the parties for Tuesday, Wednesday and Thursday, April 24, 25 and 26, 1979, beginning each day at 9:30 a.m. The conference will be held at Room 3088, New Federal Building, 915 Second Avenue, Seattle, Washington 98174.

The purpose of the conference is to schedule evidentiary hearings and to take further steps in moving along the proceeding.

Between now and the scheduled conference, the board is planning to issue an order setting forth the agenda for the conference, including comments of its own on much of the subject matter of the agenda as guidelines for the parties, and also to issue its order on the question of intervention by the Upper Skagit Indian Tribe, the S'auk S'ulalit Indian Tribe and the Swinomish Tribal Community as remanded by the Appeal Board and as noted recently by the Commission.

Done on this 27th day of March 1979 at Washington, D.C.

Atomic Safety and Licensing Board.

Valentina R. Dmala,

Chairman

[Docket Nos. 50-522 and 50-523]

[FR Doc. 79-10204 Filed 4-2-79 8:45 am]

BILLING CODE 7590-01-M

## Virginia Electric & Power Co., North Carolina Electric Membership Corp. and Old Dominion Electric Cooperative; Receipt of Attorney General's Advice and Time for Filing of Petitions to Intervene on Antitrust Matters

The Commission has received, pursuant to section 106c of the Atomic Energy Act of 1954, as amended, the following additional advice from the Attorney General of the United States, dated March 22, 1979, with respect to the construction permit application for Surry Power Station, Units No. 1 and No. 2 and North Anna Power Station, Units No. 1, No. 2, No. 3, and No. 4:

"You have requested our advice pursuant to Section 105(c) of the Atomic Energy Act of 1954, as amended, in connection with the purchase by North Carolina Electric Membership Corporation and Old Dominion Electric Cooperative of an ownership interest in the above captioned nuclear units.

"North Carolina Electric's proposed interest would be less than 20 MW per unit, and Old Dominion's proposed interest would be between 20 MW and 80 MW per unit. The participation of these two entities in the nuclear units is the culmination of discussions beginning in 1972. Our earlier recommendation that it was not necessary for the Commission to conduct a hearing on the application by Virginia Electric and Power Company to construct certain units at the two plants was based, in part, on these discussions."

"Our review of the information submitted in connection with the present application, as well as other relevant information, has disclosed no evidence that the proposed participation by Old Dominion and North Carolina Electric in the North Anna and Surry Units would either create or maintain a situation inconsistent with the antitrust laws under section 105(c). We do not, therefore, believe it is necessary for the Commission to hold an antitrust hearing on this matter."

Any person whose interest may be affected by this proceeding may, pursuant to § 2.714 of the Commission's "Rules of Practice," 10 CFR Part 2, file a petition for leave to intervene and request a hearing on the antitrust aspects of the application. Petitions for leave to intervene and requests for hearing shall be filed by May 3, 1979 either (1) by delivery to the NRC Docketing and Service Branch at 1717 H Street, NW, Washington, DC, or (2) by mail or telegram addressed to the Secretary, US Nuclear Regulatory Commission, Washington, DC 20555, ATTN: Docketing and Service Branch.

For the Nuclear Regulatory Commission,

Jerome Balzner,

Chief, Antitrust and Litigation Group, Office of Nuclear Reactor Regulation

(Docket Nos. 50-290A, 50-301A, 50-174A, 50-326A, 50-404A and 50-405A)

IFR Doc. 78-3259 Filed 4-3-79 845 am

BILLING CODE 7500-01-04

## NUCLEAR REGULATORY COMMISSION

### Advisory Committee on reactor Safeguards; Revised Notice of Meeting

Regarding the previous Federal Register Notice (published on March 21, 1979, Volume 44, p. 17237-8, as revised) for the meeting of the Advisory

<sup>1</sup>This recommendation was contained in a letter of August 1, 1972, with regard to units 3 and 4 at the North Anna Power Station and in a letter of November 14, 1973, with regard to units 3 and 4 at the Surry Power Station.

Committee on Reactor Safeguards to be held on April 5-7, 1979, in Washington, D.C., changes in schedule have been made as reflected below.

The agenda for the subject meeting will be as follows:

Thursday, April 5, 1979

8:30 a.m.-9:00 a.m.: *Executive Session (Open)*—The Committee will hear and discuss the report of the ACRS Chairman regarding miscellaneous matters relating to ACRS activities.

The Committee will discuss candidates proposed for appointment to the Committee, as appropriate. Portions of this session will be closed as necessary to protect information the release of which would represent a clearly unwarranted invasion of personal privacy.

9:00 a.m.-12:00 Noon: *Meeting with NRC Staff (Open)*—The Committee will hear and discuss reports by the Staff regarding the basis for shutting down five nuclear plants to resolve piping questions and a recent incident at the Three Mile Island Nuclear Station Unit 2 which released primary coolant into the containment.

12:00 a.m.-1:00 p.m.: *Executive Session (Open)*—The Committee will discuss matters proposed for discussion with the Commissioners including the timing and scope of the ACRS annual report on the NRC Safety Research Program; combination of dynamic loads, including those generated by seismic events, as a design basis for nuclear facilities; and a recent incident at the Three Mile Island Nuclear Station Unit 2 which released primary coolant into the containment.

1:30 p.m.-3:00 p.m.: *Meeting with NRC Commissioners (Open)*—The Committee will meet with the Commissioners to discuss items noted above.

3:00 p.m.-4:30 p.m.: *Meeting with Department of Energy (Open)*—The Committee will hear a report and hold discussions regarding the safety related aspects of the Tokamak Fusion Test Reactor.

4:30 p.m.-6:30 p.m.: *Anticipated Transients Without Scram (Open)*—The Committee will hear reports from and hold discussions with members of the NRC Staff and representatives of the nuclear industry as appropriate regarding alternative nuclear plant modifications to resolve this issue. Portions of this session will be closed as necessary to discuss Proprietary Information related to this matter.

Friday, April 6, 1979

8:30 a.m.-9:30 a.m.: *Executive Session (Open)*—The Committee will hear and discuss the report of its Subcommittee and consultants who may be present regarding the request for a permit to construct the Palo Verde Nuclear Generating Station Units 4 and 5.

Portions of this session will be closed as necessary to discuss Proprietary Information applicable to this facility and provisions for the physical protection of this station.

9:00 a.m.-10:30 a.m.: *Palo Verde Nuclear Generating Station Units 4 and 5 (Open)*—

The Committee will hear presentations by and hold discussions with representatives of the NRC Staff and the applicant regarding the request for a permit to construct this facility.

Portions of this session will be closed as necessary to discuss Proprietary Information applicable to this facility and provisions for the physical protection of this station.

10:30 a.m.-12:00 Noon: *Executive Session (Open)*—The ACRS will discuss its proposed reports to NRC regarding the Palo Verde Nuclear Generating Station, and Anticipated Transients Without Scram. The Committee will hear the report of its subcommittee and consultants who may be present regarding proposed operation of the Sequoyah Nuclear Plant.

Portions of this session will be closed as necessary to discuss Proprietary Information applicable to these facilities, provisions for physical protection of the Palo Verde plant and matters involved in adjudicatory proceedings.

1:00 p.m.-4:30 p.m.: *Sequoyah Nuclear Plant (Open)*—The Committee will hear presentations by and hold discussions with representatives of the NRC Staff and the applicant regarding the request to operate this plant.

Portions of this session will be closed as necessary to discuss Proprietary Information applicable to this facility and provisions for the physical protection of this station.

4:30 p.m.-6:30 p.m.: *Executive Session (Open)*—The Committee will hear and discuss the reports of ACRS Subcommittees and members on items related to nuclear power plant safety, including evaluation of systems interactions, design of integrated protection systems, the ODYN Code, regulatory activities, and degradation of engineered safety features at a nuclear power plant.

The Committee will discuss its proposed reports to the Nuclear Regulation Commission regarding the Palo Verde Nuclear Generating Station, the Sequoyah Nuclear Plant, and Anticipated Transients Without Scram.

Portions of this session will be closed as necessary to discuss Proprietary Information, provisions for physical protection of these stations and matters involved in adjudicatory proceedings.

Saturday, April 7, 1979

8:30 a.m.-10:30 a.m.: *Executive Session (Open)*—The Committee will discuss its proposed reports to the NRC on the Palo Verde Nuclear Generating Station, the Sequoyah Nuclear Plant, and the proposed resolution of Anticipated Transients Without Scram. Portions of this session will be closed as necessary to discuss Proprietary Information, provisions for physical protection of these stations, and matters involved in adjudicatory proceedings.

10:30 a.m.-12:00 Noon: *Meeting with NRC Staff (Open)*—The Committee will hold discussions with members of the NRC Office of Inspection and Enforcement regarding policies and practices related to the imposition of civil penalties, and consideration of a proposed rule to reduce

BIBLIOGRAPHIC DATA SHEET

*(See instructions on the reverse)*

i. TITLE AND SUBTITLE

NRC Antitrust Licensing Actions, 1978-1996

1. REPORT NUMBER  
(Assigned by NRC, Add Vol., Supp., Rev.,  
and Addendum Numbers, if any.)

NUREG/CR-6558  
ORNL/TM-13452

3. DATE REPORT PUBLISHED

MONTH : YEAR

September 1997

4. FIN OR GRANT NUMBER

J2436

6. TYPE OF REPORT

7. PERIOD COVERED (Inclusive Dates)

S. J. Mayer and J. J. Simpson

3. PERFORMING ORGANIZATION - NAME AND ADDRESS (If NRC, provide Division, Office or Region, U.S. Nuclear Regulatory Commission, and mailing address; if contractor, provide name and mailing address.)

Oak Ridge National Laboratory  
Oak Ridge, TN 37831-8063

9. SPONSORING ORGANIZATION - NAME AND ADDRESS (If NRC, type "Same as above"; if contractor, provide NRC Division, Office or Region, U.S. Nuclear Regulatory Commission, and mailing address.)

Division of Reactor Program Management  
Office of Nuclear Reactor Regulation  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555-0001

10. SUPPLEMENTARY NOTES

M. J. Davis, NRC Technical Monitor

11. ABSTRACT (200 words or less)

NUREG-0447, *Antitrust Review of Nuclear Power Plants*, was published in May 1978 and includes a compilation and discussion of U.S. Nuclear Regulatory Commission (NRC) proceedings and activity involving the NRC's competitive review program through February 1978. NUREG-0447 is an update of an earlier discussion of the NRC's antitrust review of nuclear power plants, NR-AIG-001, *The U.S. Nuclear Regulatory Commission's Antitrust Review of Nuclear Power Plants: The Conditioning of Licenses*, which reviewed the Commission's antitrust review function from its inception in December 1970 through April 1976. This report summarizes the support provided to NRC staff in updating the compilation of the NRC's antitrust licensing review activities for commercial nuclear power plants that have occurred since February 1978.

12. KEY WORDS/DESCRIPTORS (List words or phrases that will assist researchers in locating the report.)

antitrust  
license condition  
operating license  
construction permit  
Attorney General Advice letter  
Director's decision  
Notice of Violation  
Amendment  
No significant change finding  
Amendment Review

13. AVAILABILITY STATEMENT

Unlimited

14. SECURITY CLASSIFICATION

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15. NUMBER OF PAGES

16. PRICE