NRC Antitrust Licensing Actions, 1978-1996

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

Oak Ridge National Laboratory

Prepared for
U.S. Nuclear Regulatory Commission
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NRC Antitrust Licensing
Actions, 1978-1996

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U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
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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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<td>---------</td>
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<td></td>
</tr>
<tr>
<td>AEC</td>
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<td></td>
</tr>
<tr>
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<td></td>
</tr>
<tr>
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<td>Arkansas Nuclear One</td>
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</tr>
<tr>
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<td>Alabama Power Company</td>
<td></td>
</tr>
<tr>
<td>AP&amp;L</td>
<td>Arkansas Power &amp; Light</td>
<td></td>
</tr>
<tr>
<td>AR</td>
<td>Amendment Review</td>
<td></td>
</tr>
<tr>
<td>BRS</td>
<td>Bibliographic Retrieval System</td>
<td></td>
</tr>
<tr>
<td>CAPCO</td>
<td>Central Area Power Coordination Group</td>
<td></td>
</tr>
<tr>
<td>CCCT</td>
<td>Combined CAPCO Company Territories</td>
<td></td>
</tr>
<tr>
<td>CEI</td>
<td>Cleveland Electric Illuminating</td>
<td></td>
</tr>
<tr>
<td>CEICO</td>
<td>Cleveland Electric Illuminating Company</td>
<td></td>
</tr>
<tr>
<td>CP</td>
<td>Construction Permit</td>
<td></td>
</tr>
<tr>
<td>CPL</td>
<td>Central Power &amp; Light</td>
<td></td>
</tr>
<tr>
<td>CSC</td>
<td>Central Service Company</td>
<td></td>
</tr>
<tr>
<td>DD</td>
<td>Director's Decision</td>
<td></td>
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<tr>
<td>EOI</td>
<td>Entergy Operations, Incorporated</td>
<td></td>
</tr>
<tr>
<td>ERCOT</td>
<td>Electric Reliability Council of Texas</td>
<td></td>
</tr>
<tr>
<td>FERC</td>
<td>Federal Energy Regulatory Commission</td>
<td></td>
</tr>
<tr>
<td>FP&amp;L</td>
<td>Florida Power &amp; Light</td>
<td></td>
</tr>
<tr>
<td>FR</td>
<td>Federal Register</td>
<td></td>
</tr>
<tr>
<td>GSU</td>
<td>Gulf States Utilities Company</td>
<td></td>
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<td>KG&amp;E</td>
<td>Kansas Gas &amp; Electric</td>
<td></td>
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<td>Kansas Power &amp; Light Company</td>
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<td>Mississippi Power &amp; Light</td>
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<tr>
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<td>North Atlantic Energy Service Company</td>
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<tr>
<td>NOV</td>
<td>Notice of Violation</td>
<td></td>
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<tr>
<td>NRC</td>
<td>U.S. Nuclear Regulatory Commission</td>
<td></td>
</tr>
<tr>
<td>NSC</td>
<td>No Significant Change</td>
<td></td>
</tr>
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<td>NUDOCs</td>
<td>NRC Nuclear Documents System</td>
<td></td>
</tr>
<tr>
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<td></td>
</tr>
<tr>
<td>OL</td>
<td>Operating License</td>
<td></td>
</tr>
<tr>
<td>ORNL</td>
<td>Oak Ridge National Laboratory</td>
<td></td>
</tr>
<tr>
<td>PDR</td>
<td>NRC Public Document Room</td>
<td></td>
</tr>
<tr>
<td>PG&amp;E</td>
<td>Pacific Gas &amp; Electric Company</td>
<td></td>
</tr>
<tr>
<td>PNPP</td>
<td>Perry Nuclear Power Plant</td>
<td></td>
</tr>
<tr>
<td>SERI</td>
<td>System Energy Resources, Incorporated</td>
<td></td>
</tr>
<tr>
<td>TE</td>
<td>Toledo Edison Company</td>
<td></td>
</tr>
<tr>
<td>TIS</td>
<td>Texas Interconnected System</td>
<td></td>
</tr>
<tr>
<td>TM</td>
<td>NRC Technical Monitor</td>
<td></td>
</tr>
</tbody>
</table>
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 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. 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. 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.

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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.4

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

<table>
<thead>
<tr>
<th>Unit Name</th>
<th>Agreement Date</th>
<th>CP Issued</th>
<th>OL Issued</th>
<th>Compliance/Enforcement Proceedings</th>
</tr>
</thead>
<tbody>
<tr>
<td>Joseph M. Farley Nuclear Plant, Units 1 &amp; 2</td>
<td>OL Amendment 08/10/81&lt;sup&gt;a&lt;/sup&gt; Agreement 11/18/88 Amendment review 09/19/91&lt;sup&gt;b&lt;/sup&gt;</td>
<td>08/16/72</td>
<td>06/16/72</td>
<td>06/25/77</td>
</tr>
</tbody>
</table>

License Conditions

<table>
<thead>
<tr>
<th>Unit Access</th>
<th>Transmission Services</th>
<th>Coordination</th>
<th>Contractual Provisions</th>
</tr>
</thead>
<tbody>
<tr>
<td>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.</td>
<td>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.</td>
<td>Furnish other bulk power supply services as are reasonably available from its system.</td>
<td>Recognize and accord to AEC the status of a competing electric utility in central and southern Alabama.</td>
</tr>
<tr>
<td>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.</td>
<td>Make reasonable provisions for disclosed transmission requirements of any distribution system(s) in planning future transmission.</td>
<td>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.</td>
<td></td>
</tr>
</tbody>
</table>
Table 3.1 (Continued)

Alabama Power Company

<table>
<thead>
<tr>
<th>Unit Access</th>
<th>Transmission Services</th>
<th>Coordination</th>
<th>Contractual Provisions</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Operations:</td>
<td>APCo shall continue to</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>be responsible for the</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>actions of its agent,</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Southern Nuclear, to the</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>extent said agent’s</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>actions may, in any way,</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>contravene the antitrust</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>conditions of this</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>license.</td>
</tr>
</tbody>
</table>

- General obligation to wheel power for or at the request of any municipally owned distribution system.
- APCo shall continue to be responsible for compliance with the obligations imposed on it by the antitrust conditions contained in this license.
- 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.

a All antitrust license conditions are listed as amended.
b 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)

<table>
<thead>
<tr>
<th>Unit Name</th>
<th>Agreement Date</th>
<th>CP Issued</th>
<th>OL Issued</th>
<th>Compliance/Enforcement Proceedings</th>
</tr>
</thead>
<tbody>
<tr>
<td>Palo Verde Nuclear Generating Station, Units 1(^a) &amp; 2(^b)</td>
<td>OL Amendment 06/02/86(^a)</td>
<td>05/25/76</td>
<td>06/01/85</td>
<td></td>
</tr>
<tr>
<td></td>
<td>OL Amendment 08/15/86(^b)</td>
<td>05/25/76</td>
<td>04/24/86</td>
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License Conditions

<table>
<thead>
<tr>
<th>Unit Access</th>
<th>Transmission Services</th>
<th>Coordination</th>
<th>Contractual Provisions</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td><strong>Operations</strong></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td><strong>Planning</strong></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td><strong>(^a)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.</strong></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td><strong>(^b)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.</strong></td>
<td></td>
</tr>
</tbody>
</table>

\(^a\)Applicants were Arizona Public Service Company and Public Service Company of New Mexico.

\(^b\)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.
Arkansas Nuclear One, Unit 2

<table>
<thead>
<tr>
<th>Unit Name</th>
<th>Agreement Date</th>
<th>CP Issued</th>
<th>OL Issued</th>
<th>Compliance/Enforcement Proceedings</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arkansas Nuclear One, Unit 2</td>
<td>OL Amendment 12/14/89&lt;sup&gt;a&lt;/sup&gt; OL Amendment 10/23/96&lt;sup&gt;a&lt;/sup&gt;</td>
<td>12/06/72</td>
<td>09/01/78</td>
<td></td>
</tr>
</tbody>
</table>

License Conditions

<table>
<thead>
<tr>
<th>Unit Access</th>
<th>Transmission Services</th>
<th>Coordination</th>
<th>Contractual Provisions</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Operations</td>
<td>Planning</td>
</tr>
</tbody>
</table>

<sup>a</sup>Arkansas Power & Light Co. (AP&L) is responsible and accountable for the actions of its agents, including Entergy Operations, Inc. (EOI), to the extent that its agents' actions affect the marketing or brokering of power from Arkansas Nuclear One (ANO), Unit 2.

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

<sup>b</sup>Amendment 177 to NPP-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)

<table>
<thead>
<tr>
<th>Unit Name</th>
<th>Agreement Date</th>
<th>CP Issued</th>
<th>OL Issued</th>
<th>Compliance/Enforcement Proceedings</th>
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</thead>
<tbody>
<tr>
<td>Davis-Besse Nuclear Power Station</td>
<td>OL Amendment 12/31/90&lt;sup&gt;a&lt;/sup&gt;</td>
<td>03/24/71</td>
<td>04/22/77</td>
<td></td>
</tr>
<tr>
<td>Perry Nuclear Power Plant, Unit 1</td>
<td>OL Amendment 12/31/90&lt;sup&gt;b&lt;/sup&gt;</td>
<td>05/03/77</td>
<td>11/13/86</td>
<td></td>
</tr>
</tbody>
</table>

License Conditions

<table>
<thead>
<tr>
<th>Unit Access</th>
<th>Transmission Services</th>
<th>Coordination</th>
<th>Contractual Provisions</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Operations</td>
<td>Planning</td>
</tr>
</tbody>
</table>

<sup>a</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.

<sup>b</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.

<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.
### Table 3.1 (Continued)

<table>
<thead>
<tr>
<th>Unit Name</th>
<th>Agreement Date</th>
<th>CP Issued</th>
<th>OL Issued</th>
<th>Compliance/Enforcement Proceedings</th>
</tr>
</thead>
<tbody>
<tr>
<td>South Texas Project, Units 1 &amp; 2</td>
<td>CP Amendment 9/80 (proposed conditions)</td>
<td>12/22/75</td>
<td>3/22/88</td>
<td>September 1980 CP amendment settled the antitrust licensing proceeding arising from AG 03/03/78 advice letter indicating &quot;significant changes.&quot;</td>
</tr>
</tbody>
</table>

#### License Conditions

<table>
<thead>
<tr>
<th>Unit Access</th>
<th>Transmission Services</th>
<th>Coordination</th>
<th>Contractual Provisions</th>
</tr>
</thead>
<tbody>
<tr>
<td>aCentral Power &amp; 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 &amp; 2, up to a 50 MW interest, and provide related transmission arrangements for delivery of power therefrom.</td>
<td>aParticipate 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.</td>
<td>aCPL shall sell full and partial requirements bulk power to requesting entities in and adjacent to the applicable service area.</td>
<td>aSupport 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.</td>
</tr>
</tbody>
</table>
Table 3.1 (Continued)

Central Power & Light (Continued)

<table>
<thead>
<tr>
<th>License Conditions</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Unit Access</strong></td>
</tr>
<tr>
<td>——</td>
</tr>
<tr>
<td>&quot;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.&quot;</td>
</tr>
<tr>
<td>&quot;Provide transmission services to, from, and over the proposed DC interconnections at a reasonable, single rate consistent with the Transmission Services Settlement Agreement.&quot;</td>
</tr>
</tbody>
</table>

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*Applicants were Central Power & Light and Houston Lighting & Power Company.*
### Table 3.1 (Continued)

<table>
<thead>
<tr>
<th>Unit Name</th>
<th>Agreement Date</th>
<th>CP Issued</th>
<th>OL Issued</th>
<th>Compliance/Enforcement Proceedings</th>
</tr>
</thead>
<tbody>
<tr>
<td>Erie Nuclear Plant, Units 1 &amp; 2</td>
<td>Pre-CP Agreement 02/08/78&lt;sup&gt;a&lt;/sup&gt; OL Amendment 06/25/79&lt;sup&gt;b&lt;/sup&gt; OL Amendment 12/22/79&lt;sup&gt;c&lt;/sup&gt; OL Amendment 12/31/90&lt;sup&gt;d&lt;/sup&gt;</td>
<td>Both canceled 1980 under review 03/24/71</td>
<td>N/A</td>
<td>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)&lt;sup&gt;e&lt;/sup&gt;</td>
</tr>
<tr>
<td>Davis-Besse Nuclear Power Station</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Perry Nuclear Power Plant, Unit 1</td>
<td>CP Amendment 06/25/79&lt;sup&gt;b&lt;/sup&gt; OL Amendment 03/16/87&lt;sup&gt;f&lt;/sup&gt; OL Amendment 12/31/90&lt;sup&gt;g&lt;/sup&gt;</td>
<td>05/03/77</td>
<td>11/13/86</td>
<td>NOV 06/28/78. (See description for Davis-Besse.)</td>
</tr>
</tbody>
</table>

### License Conditions

**Unit Access**

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.

**Transmission Services**

- Operations
- Planning
- Contractual Provisions

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.
### Table 3.1 (Continued)

#### Cleveland Electric Illuminating Company (Continued)

<table>
<thead>
<tr>
<th>License Conditions</th>
<th>Unit Access</th>
<th>Transmission Services</th>
<th>Coordination Operations</th>
<th>Contractual Provisions</th>
</tr>
</thead>
<tbody>
<tr>
<td>~ Cleveland Electric Illuminating (CEI) required to file a specific transmission tariff with the Federal Energy Regulatory Commission (FERC).</td>
<td>~ 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.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>~ 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.</td>
<td></td>
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<td></td>
</tr>
<tr>
<td>~ A lessee 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.</td>
<td></td>
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</tr>
</tbody>
</table>
Table 3.1 (Continued)

Cleveland Electric Illuminating Company (Continued)

<table>
<thead>
<tr>
<th>Unit Access</th>
<th>Transmission Services</th>
<th>Coordination</th>
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</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Operations</td>
<td>Planning</td>
</tr>
</tbody>
</table>

License Conditions

\(^1\) 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.

\(^2\) 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.

\(^3\) 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.

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\(^4\) Applicants were Ohio Edison Company, Duquesne Light Company, Cleveland Electric Illuminating Company, and Toledo Edison Company.

\(^5\) Applicants were Toledo Edison Company and Cleveland Electric Illuminating Company.

\(^6\) Applicants were Toledo Edison Company, Cleveland Electric Illuminating Company, Duquesne Light Company, Ohio Edison Company, and Pennsylvania Power Company.

\(^7\) Applicants were Toledo Edison Company and Centerior Service Company who act as agents for Cleveland Electric Illuminating Company.

\(^8\) 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.

\(^9\) Applicants were Cleveland Electric Illuminating Company, Duquesne Light Company, Ohio Edison Company, Pennsylvania Power Company, and Toledo Edison Company.

\(^10\) 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

<table>
<thead>
<tr>
<th>Unit Name</th>
<th>Agreement Date</th>
<th>CP Issued</th>
<th>OL Issued</th>
<th>Compliance/Enforcement Proceedings</th>
</tr>
</thead>
<tbody>
<tr>
<td>Midland Nuclear Generating Station, Units 1 &amp; 2</td>
<td>CP Amendments 10/20/80(^a)</td>
<td>Both canceled 1986</td>
<td>N/A</td>
<td></td>
</tr>
</tbody>
</table>

### License Conditions

<table>
<thead>
<tr>
<th>Unit Access</th>
<th>Transmission Services</th>
<th>Coordination</th>
<th>Contractual Provisions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Afford any neighboring entity an opportunity to participate in Midland Plant, Units 1 &amp; 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.</td>
<td>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.</td>
<td>Interconnect with, enter coordination agreements with, and operate normally in parallel with reciprocating neighboring entities which so request.</td>
<td>No limitations upon the use or resale of capacity and energy after delivery to a neighboring entity (other than to protect system reliability).</td>
</tr>
<tr>
<td></td>
<td></td>
<td>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.</td>
<td></td>
</tr>
</tbody>
</table>

\(^a\) The table includes a footnote or superscript number, typically used to refer to additional information or notes related to the content of the table. This is a common practice in documents to provide additional context or clarification without cluttering the main table's content.
**Table 3.1 (Continued)**

**Consumers Power Company (Continued)**

<table>
<thead>
<tr>
<th></th>
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</thead>
<tbody>
<tr>
<td><strong>Unit Access</strong></td>
<td><strong>Transmission Services</strong></td>
<td><strong>Coordination</strong></td>
<td><strong>Contractual Provisions</strong></td>
</tr>
<tr>
<td>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.</td>
<td>Keep requesting neighboring entities informed of its transmission planning and construction programs and include therein sufficient transmission capacity as required by such entities.</td>
<td>No restrictive interconnection agreement provisions prohibiting neighboring coordinating entities from entering into other interconnection agreements.</td>
<td></td>
</tr>
<tr>
<td>Exchange emergency power with neighboring coordinating entities which so request and when possible.</td>
<td></td>
<td>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.</td>
<td></td>
</tr>
<tr>
<td>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.</td>
<td></td>
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</tr>
<tr>
<td>Sell to, purchase from, or exchange economy energy when appropriate with requesting neighboring coordination entities, and provide cost and availability data thereon.</td>
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</tbody>
</table>
Table 3.1 (Continued)

Consumers Power Company (Continued)

<table>
<thead>
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<tbody>
<tr>
<td></td>
<td></td>
<td>Sell to, purchase from, or exchange with any neighboring coordinating entity other non-firm bulk power which the supplying system deems to be surplus.</td>
<td></td>
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<tr>
<td></td>
<td></td>
<td>Interconnect with, execute appropriate agreements with, and sell firm bulk power to any non-coordinating, neighboring wholesale customer-entity and to neighboring coordinating entities.</td>
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</tbody>
</table>

*All listed antitrust conditions were added by Amendment 2 to CPPR-81 and CPPR-82.*
Table 3.1 (Continued)

<table>
<thead>
<tr>
<th>Unit Name</th>
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<th>Compliance/Enforcement Proceedings</th>
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</thead>
<tbody>
<tr>
<td>Erie Nuclear Plant, Units 1 &amp; 2</td>
<td>Pre-CP Agreement 02/08/78&lt;sup&gt;a&lt;/sup&gt;</td>
<td>Both canceled 1980 under CP review</td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td>Davis-Besse Nuclear Power Station</td>
<td>OL Amendment 12/22/79&lt;sup&gt;b&lt;/sup&gt;</td>
<td>03/24/71</td>
<td>04/22/77</td>
<td></td>
</tr>
<tr>
<td>Perry Nuclear Power Plant, Unit 1</td>
<td>OL Amendment 03/16/87&lt;sup&gt;c&lt;/sup&gt;</td>
<td>05/03/77</td>
<td>11/13/86</td>
<td></td>
</tr>
<tr>
<td></td>
<td>OL Amendment 12/31/90&lt;sup&gt;d&lt;/sup&gt;</td>
<td></td>
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</tr>
</tbody>
</table>

License Conditions

- **Unit Access**: 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.

- **Transmission Services**

- **Coordination Operations**

  - 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.

- **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.
<table>
<thead>
<tr>
<th>Unit Access</th>
<th>Transmission Services</th>
<th>Coordination</th>
<th>Contractual Provisions</th>
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<td><strong>Operations</strong></td>
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<td></td>
<td></td>
<td><strong>Planning</strong></td>
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<tr>
<td></td>
<td></td>
<td><strong>Duquesne Light Company (Continued)</strong></td>
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<tr>
<td></td>
<td></td>
<td><strong>License Conditions</strong></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td><strong>b</strong>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.</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td><strong>c</strong>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.</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td><strong>c</strong>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.</td>
<td></td>
</tr>
</tbody>
</table>
Table 3.1 (Continued)

Duquesne Light Company (Continued)

<table>
<thead>
<tr>
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</tr>
</thead>
<tbody>
<tr>
<td>Unit Access</td>
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<tr>
<td></td>
</tr>
<tr>
<td>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.</td>
</tr>
</tbody>
</table>

\[^a\] Applicants were Ohio Edison Company, Duquesne Light Company, Cleveland Electric Illuminating Company, and Toledo Edison Company.

\[^b\] Applicants were Toledo Edison Company, Cleveland Electric Illuminating Company, Duquesne Light Company, Ohio Edison Company, and Pennsylvania Power Company.

\[^c\] Applicants were Cleveland Electric Illuminating Company, Duquesne Light Company, Ohio Edison Company, Pennsylvania Power Company, and Toledo Edison Company.

\[^d\] 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.

\[^e\] Applicants were Cleveland Electric Illuminating Company, Duquesne Light Company, Ohio Edison Company, and Pennsylvania Power Company.
Table 3.1 (Continued)

Entergy Arkansas, Inc.\textsuperscript{a}

<table>
<thead>
<tr>
<th>Unit Name</th>
<th>Agreement Date</th>
<th>CP Issued</th>
<th>OL Issued</th>
<th>Compliance/Enforcement Proceedings</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arkansas Nuclear One, Unit 2</td>
<td>OL Amendment 10/23/96</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

\textsuperscript{a}Amendment 177 to NPF-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.
<table>
<thead>
<tr>
<th>Unit Name</th>
<th>Agreement Date</th>
<th>CP Issued</th>
<th>OL Issued</th>
<th>Compliance/Enforcement Proceedings</th>
</tr>
</thead>
<tbody>
<tr>
<td>River Bend Station, Unit 1</td>
<td>OL Amendment 07/30/96</td>
<td></td>
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</tr>
</tbody>
</table>

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)

<table>
<thead>
<tr>
<th>Unit Name</th>
<th>Agreement Date</th>
<th>CP Issued</th>
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</tr>
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<tbody>
<tr>
<td>Grand Gulf Nuclear Station, Unit 1</td>
<td>OL Amendment</td>
<td></td>
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<tr>
<td></td>
<td>97/16/96</td>
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</tbody>
</table>

*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.*
<table>
<thead>
<tr>
<th>Unit Name</th>
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<tr>
<td>Arkansas Nuclear One, Unit 2</td>
<td>OL Amendment 12/14/89&lt;sup&gt;a&lt;/sup&gt; OL Amendment 10/23/96&lt;sup&gt;b&lt;/sup&gt;</td>
<td>12/06/72</td>
<td>09/01/78</td>
<td></td>
</tr>
<tr>
<td>Grand Gulf Nuclear Station, Units 1 &amp; 2</td>
<td>OL Amendment 12/14/89&lt;sup&gt;c&lt;/sup&gt; CP Amendment 12/22/89&lt;sup&gt;d&lt;/sup&gt; OL Amendment 07/16/96&lt;sup&gt;e&lt;/sup&gt;</td>
<td>09/04/74 Unit 2 canceled 1990</td>
<td>11/01/84 Unit 2 N/A</td>
<td></td>
</tr>
<tr>
<td>River Bend Station, Unit 1</td>
<td>OL Amendment 12/23/93&lt;sup&gt;f&lt;/sup&gt; OL Amendment 07/14/95&lt;sup&gt;g&lt;/sup&gt; OL Amendment 07/30/96&lt;sup&gt;h&lt;/sup&gt;</td>
<td>03/25/77</td>
<td>11/20/85</td>
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</tr>
<tr>
<td>Waterford Steam Electric Station, Unit 3</td>
<td>OL Amendment 12/14/89&lt;sup&gt;i&lt;/sup&gt;</td>
<td>11/14/74</td>
<td>03/16/85</td>
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**License Conditions**

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<tr>
<th>Unit Access</th>
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<td></td>
<td></td>
<td>Operations</td>
<td>Planning</td>
</tr>
<tr>
<td></td>
<td></td>
<td>&quot;EOI shall not market or broker power or energy from ANO Unit 2.&quot;</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>&quot;EOI accepts the right to possess, use, and operate the facility subject to the outcome of pending antitrust determinations.&quot;</td>
<td></td>
</tr>
</tbody>
</table>

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<sup>a</sup>EOI shall not market or broker power or energy from ANO Unit 2.

<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)

**Entergy Operations, Inc. (Continued)**

<table>
<thead>
<tr>
<th></th>
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</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>ʃEOI 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.</td>
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</tr>
</tbody>
</table>

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

*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.*

*Applicants were Mississippi Power & Light Co., System Energy Resources, Inc., Southern Mississippi Electric Power Assoc., and Entergy Operations, Inc.*

*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.*

*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.*

*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.*

*Applicants were Louisiana Power & Light Company and Entergy Operations, Inc.*
<table>
<thead>
<tr>
<th>Unit Name</th>
<th>Agreement Date</th>
<th>CP Issued</th>
<th>OL Issued</th>
<th>Compliance/Enforcement Proceedings</th>
</tr>
</thead>
<tbody>
<tr>
<td>St. Lucie Plant, Unit 2</td>
<td>CP Amendment 05/26/81</td>
<td>05/02/77</td>
<td>06/10/83</td>
<td>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).</td>
</tr>
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<td></td>
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<td></td>
<td>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.</td>
</tr>
<tr>
<td>Unit Access</td>
<td>Transmission Services</td>
<td>Coordination</td>
<td>Contractual Provisions</td>
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<tr>
<td>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&amp;L files a construction permit application with the NRC prior to 1/1/90.</td>
<td>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&amp;L is interconnected, now or in the future; between neighboring entities and neighboring distribution systems with whom, now or in the future, FP&amp;L is interconnected; and between any neighboring entity or neighboring distribution systems and any other electric utility outside the applicable area, provided FP&amp;L's and other connected transmission lines form a continuous path.</td>
<td>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.</td>
<td>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.</td>
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<tr>
<td>Unit Access</td>
<td>Transmission Services</td>
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<td>Contractual Provisions</td>
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<td>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&amp;L's transmission system is necessary to deliver such power, of the Alvin W. Vogtle Nuclear Units.</td>
<td>Sell emergency power to interconnected neighboring entities, provided such capacity and energy are available and requesting entities operate and maintain reasonable installed reserve margins.</td>
<td>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&amp;L.</td>
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<td></td>
<td>Offer generating capacity in excess of that called for by reserve criteria to neighboring entities in order to meet such entities' minimum reserve margins.</td>
<td>Exchange maintenance schedules and engage in purchases and sales of maintenance power and energy with neighboring entities which so request.</td>
<td>Sponsor membership of any neighboring entity in any pooling arrangement to which FP&amp;L is or becomes a party and permit reasonable and nondiscriminatory opportunities for requesting neighboring entities to participate in such arrangements.</td>
<td></td>
</tr>
<tr>
<td>Unit Access</td>
<td>Transmission Services</td>
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<td>Contractual Provisions</td>
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<td><strong>Operations</strong></td>
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<td>Sell or purchase economy energy to or from a requesting neighboring entity when feasible, and exchange data on costs and availability of such energy.</td>
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<td></td>
<td>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.</td>
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</tbody>
</table>

*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.*
<table>
<thead>
<tr>
<th>Unit Name</th>
<th>Agreement Date</th>
<th>CP Issued</th>
<th>OL Issued</th>
<th>Compliance/Enforcement Proceedings</th>
</tr>
</thead>
<tbody>
<tr>
<td>River Bend Station, Unit 1</td>
<td>OL Amendment 12/23/93</td>
<td>03/25/77</td>
<td>11/20/85</td>
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<td></td>
<td>OL Amendment 01/14/95</td>
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<td></td>
<td>OL Amendment 01/30/96</td>
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<tr>
<td></td>
<td>OL Amendment 07/30/96</td>
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</tbody>
</table>

License Conditions

<table>
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<tr>
<th>Unit Access</th>
<th>Transmission Services</th>
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<td></td>
<td></td>
<td>Operations</td>
<td>Planning</td>
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<td></td>
<td>GSU shall continue to comply with the antitrust license conditions previously incorporated into the River Bend Station Operating License.</td>
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<td></td>
<td>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.</td>
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</tr>
</tbody>
</table>

*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.*

*Amendment 88 to NPP-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)

<table>
<thead>
<tr>
<th>Unit Name</th>
<th>Agreement Date</th>
<th>CP Issued</th>
<th>OL Issued</th>
<th>Compliance/Enforcement Proceedings</th>
</tr>
</thead>
<tbody>
<tr>
<td>South Texas Project, Units 1 &amp; 2</td>
<td>CP Amendment 9/80 (proposed conditions)</td>
<td>12/22/75</td>
<td>3/22/88</td>
<td>September 1980 CP amendment settled the antitrust licensing proceeding arising from AG 03/03/78 advice letter indicating &quot;significant changes.&quot;</td>
</tr>
<tr>
<td>Allens Creek Nuclear Generating Station, Unit 1</td>
<td>Pre-CP agreement 9/29/78</td>
<td>Canceled 1982</td>
<td>3/28/89</td>
<td></td>
</tr>
</tbody>
</table>

License Conditions

<table>
<thead>
<tr>
<th>Unit Access</th>
<th>Transmission Services</th>
<th>Coordination Operations</th>
<th>Coordination Planning</th>
<th>Contractual Provisions</th>
</tr>
</thead>
<tbody>
<tr>
<td>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.</td>
<td>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.</td>
<td>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.</td>
<td>Include in planning and construction programs sufficient transmission capacity as necessary for required transmission services.</td>
<td>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.</td>
</tr>
<tr>
<td>License Conditions</td>
<td>Unit Access</td>
<td>Transmission Services</td>
<td>Coordination</td>
<td>Contractual Provisions</td>
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<td>&quot;No refusal to provide transmission services merely because the rates to be charged for such transmission are in dispute.&quot;</td>
<td>&quot;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.&quot;</td>
<td>&quot;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.&quot;</td>
</tr>
<tr>
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<td></td>
<td>&quot;Provide transmission services to, from, and over the proposed DC interconnections at a reasonable, single rate consistent with the Transmission Services Settlement Agreement.&quot;</td>
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</tr>
</tbody>
</table>

*a* Applicants were Central Power & Light and Houston Lighting & Power Company.

*b* Applicant was Houston Lighting & Power Company.
<table>
<thead>
<tr>
<th>Unit Name</th>
<th>Agreement Date</th>
<th>CP Issued</th>
<th>OL Issued</th>
<th>Compliance/Enforcement Proceedings</th>
</tr>
</thead>
</table>
| Waterford Steam Electric Station, Unit 3 | OL Amendment 09/18/89⁴  
OL Amendment 12/14/89⁵ | 11/14/74 | 03/16/85 |                                    |

License Conditions

<table>
<thead>
<tr>
<th>Unit Access</th>
<th>Transmission Services</th>
<th>Coordination</th>
<th>Contractual Provisions</th>
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<tbody>
<tr>
<td></td>
<td></td>
<td>Operations</td>
<td>Planning</td>
</tr>
<tr>
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<td>&quot;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.&quot;</td>
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<tr>
<td></td>
<td></td>
<td>&quot;Rights acquired under sale and leaseback transactions are subject to the requirements and restrictions of the operating license and all applicable laws and regulations.&quot;</td>
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</tbody>
</table>
Table 3.1 (Continued)

Louisiana Power & Light Company (Continued)

<table>
<thead>
<tr>
<th>Unit Access</th>
<th>Transmission Services</th>
<th>Coordination</th>
<th>Contractual Provisions</th>
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<tbody>
<tr>
<td></td>
<td></td>
<td>Operations</td>
<td>Planning</td>
</tr>
<tr>
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<td></td>
<td><em>b</em>Louisiana Power and Light (LP&amp;L) shall comply with the antitrust conditions contained in Appendix C of the Waterford 3 Operating License.</td>
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<td></td>
<td><em>b</em>LP&amp;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.</td>
</tr>
</tbody>
</table>

*a*Applicant was Louisiana Power & Light Company.

*b*Applicants were Louisiana Power & Light Company and Entergy Operations, Inc.
### Table 3.1 (Continued)

<table>
<thead>
<tr>
<th>Unit Name</th>
<th>Agreement Date</th>
<th>CP Issued</th>
<th>OL Issued</th>
<th>Compliance/Enforcement Proceedings</th>
</tr>
</thead>
<tbody>
<tr>
<td>Grand Gulf Nuclear Station, Units 1 &amp; 2</td>
<td>CP Amendment 12/20/86&lt;sup&gt;a&lt;/sup&gt;</td>
<td>09/04/74</td>
<td>N/A</td>
<td>NOV 05/29/80 of conditions 4, 5, &amp; 6. Parties settled October 1981. OL review found no significant changes. (Additional applicant was Middle South Energy, Inc.)</td>
</tr>
<tr>
<td></td>
<td>OL Amendment 12/20/86&lt;sup&gt;b&lt;/sup&gt;</td>
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<td>OL Amendment 12/19/88&lt;sup&gt;c&lt;/sup&gt;</td>
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<td></td>
<td>OL Amendment 12/14/89&lt;sup&gt;d&lt;/sup&gt;</td>
<td>11/01/84</td>
<td>N/A</td>
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<tr>
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<td>CP Amendment 12/22/89&lt;sup&gt;e&lt;/sup&gt;</td>
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<td>OL Amendment 07/16/96&lt;sup&gt;f&lt;/sup&gt;</td>
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### License Conditions

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<tr>
<th>Unit Access</th>
<th>Transmission Services</th>
<th>Coordination</th>
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<td>Planning</td>
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</table>

<sup>a</sup>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.
<table>
<thead>
<tr>
<th>Unit Access</th>
<th>Transmission Services</th>
<th>Coordination</th>
<th>Contractual Provisions</th>
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<tbody>
<tr>
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<td></td>
<td><strong>Operations</strong></td>
<td><strong>Planning</strong></td>
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<td></td>
<td><strong>Coordination</strong></td>
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</tbody>
</table>

- **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.**

- **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.**

- **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.**
Table 3.1 (Continued)

Mississippi Power & Light Company (Continued)

<table>
<thead>
<tr>
<th>Unit Access</th>
<th>Transmission Services</th>
<th>Coordination</th>
<th>Contractual Provisions</th>
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<tbody>
<tr>
<td></td>
<td></td>
<td>Operations</td>
<td>Planning</td>
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<tr>
<td></td>
<td></td>
<td>&quot;a&quot;MP&amp;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.</td>
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<tr>
<td></td>
<td></td>
<td>&quot;b&quot;MP&amp;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.</td>
<td></td>
</tr>
</tbody>
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*a* Applicants were Mississippi Power & Light Co., System Energy Resources, Inc., and Southern Mississippi Electric Power Assoc.

*b* Applicants were Mississippi Power & Light Co., System Energy Resources, Inc., and Southern Mississippi Electric Power Assoc.

*c* Applicants were Mississippi Power & Light Co., System Energy Resources, Inc., and Southern Mississippi Electric Power Assoc.

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

*e* Applicants were Mississippi Power & Light Co., System Energy Resources, Inc., Southern Mississippi Electric Power Assoc., and Entergy Operations, Inc.

*f* 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.
### Table 3.1 (Continued)

<table>
<thead>
<tr>
<th>Unit Name</th>
<th>Agreement Date</th>
<th>CP Issued</th>
<th>OL Issued</th>
<th>Compliance/Enforcement Proceedings</th>
</tr>
</thead>
<tbody>
<tr>
<td>Seabrook Station, Unit 1</td>
<td>OL Amendment 06/05/92&lt;sup&gt;a&lt;/sup&gt;</td>
<td>07/07/76</td>
<td>03/15/90</td>
<td></td>
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</tbody>
</table>

### License Conditions

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<thead>
<tr>
<th>Unit Access</th>
<th>Transmission Services</th>
<th>Operations</th>
<th>Coordination</th>
<th>Contractual Provisions</th>
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<tbody>
<tr>
<td></td>
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<td></td>
<td>North Atlantic Energy Service Co. (NAESCO) is prohibited from marketing or brokering power or energy from Seabrook Station.</td>
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<td></td>
<td>All licensees other than NAESCO are responsible and accountable for the actions of NAESCO to the extent that its actions effect the marketing or brokering of power and energy from the Seabrook Station.</td>
<td></td>
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</tbody>
</table>

<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

<table>
<thead>
<tr>
<th>Unit Name</th>
<th>Agreement Date</th>
<th>CP Issued</th>
<th>OL Issued</th>
<th>Compliance/Enforcement Proceedings</th>
</tr>
</thead>
<tbody>
<tr>
<td>Erie Nuclear Plant, Units 1 &amp; 2</td>
<td>Pre-CP Agreement 02/08/78&lt;sup&gt;a&lt;/sup&gt;</td>
<td>Both canceled 1980 under CP review</td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td>Davis-Besse Nuclear Power Station</td>
<td>OL Amendment 12/22/79&lt;sup&gt;b&lt;/sup&gt;</td>
<td>03/24/71</td>
<td>04/22/77</td>
<td></td>
</tr>
<tr>
<td>Perry Nuclear Power Plant, Unit 1</td>
<td>OL Amendment 03/16/87&lt;sup&gt;c&lt;/sup&gt; OL Amendment 12/31/90&lt;sup&gt;d&lt;/sup&gt;</td>
<td>05/03/77</td>
<td>11/13/86</td>
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License Conditions

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</table>

<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>b</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>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.
Table 3.1 (Continued)

Ohio Edison Company (Continued)

<table>
<thead>
<tr>
<th>Unit Access</th>
<th>Transmission Services</th>
<th>Coordination</th>
<th>Contractual Provisions</th>
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<tbody>
<tr>
<td></td>
<td></td>
<td>6 Sell wholesale power to any requesting entity in the CCCY, in amounts needed to meet all or part of such entity's requirements, with such amounts determined by the requesting entity.</td>
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<td></td>
<td>6 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</td>
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<tr>
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<td>6 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.</td>
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</table>
### Table 3.1 (Continued)

#### Ohio Edison Company (Continued)

<table>
<thead>
<tr>
<th>Unit Access</th>
<th>Transmission Services</th>
<th>Coordination</th>
<th>Contractual Provisions</th>
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<td></td>
<td>Operations</td>
<td>Planning</td>
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<tr>
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<td>^dCEICO, 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.</td>
<td></td>
</tr>
</tbody>
</table>

^dApplicants were Ohio Edison Company, Duquesne Light Company, Cleveland Electric Illuminating Company, and Toledo Edison Company.
^eApplicants were Toledo Edison Company, Cleveland Electric Illuminating Company, Duquesne Light Company, Ohio Edison Company, and Pennsylvania Power Company.
^fApplicants were Cleveland Electric Illuminating Company, Duquesne Light Company, Ohio Edison Company, Pennsylvania Power Company, and Toledo Edison Company.
^gApplicants 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>
<thead>
<tr>
<th>Unit Name Agreement Date</th>
<th>CP Issued</th>
<th>OL Issued</th>
<th>Compliance/Enforcement Proceedings</th>
</tr>
</thead>
<tbody>
<tr>
<td>Diablo Canyon Nuclear Power Plant, Units 1 &amp; 2</td>
<td>CP Amendments 12/06/78a</td>
<td>04/23/68</td>
<td>11/02/84</td>
</tr>
<tr>
<td></td>
<td>12/09/70</td>
<td>08/26/85</td>
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License Conditions

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<th>Unit Access</th>
<th>Transmission Services</th>
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<th>Contractual Provisions</th>
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</thead>
<tbody>
<tr>
<td>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.</td>
<td>Provide transmission services between or among any electric systems with which applicant is interconnected, now or in the future.</td>
<td>No unreasonable refusal to interconnect and operate in parallel with neighboring entities, or to interconnect and operate in parallel with neighboring distribution systems.</td>
<td>Include in planning and construction programs such increases in its transmission capacity or such additional transmissions facilities as may be required to carry out the transmission demands of area electric systems.</td>
</tr>
</tbody>
</table>

Coordination:

- Operations:
  - 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 unreasonable refusal to interconnect and operate in parallel with neighboring entities, or to interconnect and operate in parallel with neighboring distribution systems.

Contractual Provisions:

- No restrictive provisions limiting the use or resale of capacity and energy sold or exchanged.
- No restrictive provisions pertaining to interconnection agreements.
<table>
<thead>
<tr>
<th></th>
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</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Jointly establish and separately maintain minimum spinning reserves under interconnection agreements, expressed as a percentage of peak load, adjusted for purchases of firm power.</td>
<td></td>
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<tr>
<td></td>
<td></td>
<td>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.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Coordinate maintenance schedules with interconnected neighboring entities; sell or exchange maintenance capacity and energy when available.</td>
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<td></td>
</tr>
</tbody>
</table>
Table 3.1 (Continued)

Pacific Gas & Electric Company (Continued)

<table>
<thead>
<tr>
<th>Unit Access</th>
<th>Transmission Services</th>
<th>Coordination</th>
<th>Contractual Provisions</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Operations</td>
<td>Planning</td>
</tr>
</tbody>
</table>

- 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.

\(^{a}\)All listed antitrust conditions were added by the amendments to the construction permits dated 12/06/78.
<table>
<thead>
<tr>
<th>Unit Name</th>
<th>Agreement Date</th>
<th>CP Issued</th>
<th>OL Issued</th>
<th>Compliance/Enforcement Proceedings</th>
</tr>
</thead>
<tbody>
<tr>
<td>Davis-Besse Nuclear Power Station</td>
<td>OL Amendment 12/22/79&lt;sup&gt;a&lt;/sup&gt;</td>
<td>03/24/71</td>
<td>04/22/77</td>
<td></td>
</tr>
<tr>
<td>Perry Nuclear Power Plant, Unit 1</td>
<td>OL amendment 03/16/87&lt;sup&gt;b&lt;/sup&gt; OL amendment 12/31/90&lt;sup&gt;c&lt;/sup&gt;</td>
<td>05/03/77</td>
<td>11/13/86</td>
<td></td>
</tr>
</tbody>
</table>

### License Conditions

<table>
<thead>
<tr>
<th>Unit Access</th>
<th>Transmission Services</th>
<th>Coordination</th>
<th>Contractual Provisions</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>&lt;sup&gt;a&lt;/sup&gt;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.</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>&lt;sup&gt;a&lt;/sup&gt;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.</td>
<td></td>
</tr>
<tr>
<td>Unit Access</td>
<td>Transmission Services</td>
<td>Coordination</td>
<td>Contractual Provisions</td>
</tr>
<tr>
<td>-------------</td>
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</tr>
<tr>
<td></td>
<td></td>
<td>Operations</td>
<td>Planning</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(^\text{a}) 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.</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>(^\text{b}) 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.</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>(^\text{c}) 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.</td>
<td></td>
</tr>
</tbody>
</table>

\(^\text{a}\) Applicants were Toledo Edison Company, Cleveland Electric Illuminating Company, Duquesne Light Company, Ohio Edison Company, and Pennsylvania Power Company.

\(^\text{b}\) Applicants were Cleveland Electric Illuminating Company, Duquesne Light Company, Ohio Edison Company, Pennsylvania Power Company, and Toledo Edison Company.

\(^\text{c}\) 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)

<table>
<thead>
<tr>
<th>Unit Name</th>
<th>Agreement Date</th>
<th>CP Issued</th>
<th>OL Issued</th>
<th>Compliance/Enforcement Proceedings</th>
</tr>
</thead>
<tbody>
<tr>
<td>Marble Hill Nuclear Station, Units 1 &amp; 2</td>
<td>Both canceled</td>
<td>1983a</td>
<td>N/A</td>
<td></td>
</tr>
</tbody>
</table>

#### License Conditions

<table>
<thead>
<tr>
<th>Unit Access</th>
<th>Transmission Services</th>
<th>Coordination</th>
<th>Contractual Provisions</th>
</tr>
</thead>
<tbody>
<tr>
<td>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.</td>
<td>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.</td>
<td>Enter into written agreements to interconnect and operate in parallel with any neighboring entity.</td>
<td>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.</td>
</tr>
<tr>
<td></td>
<td>Provide transmission service between any electric system in the applicable area and any bulk power supplier outside the applicable area between whose facilities licensee's transmission lines and the transmission lines of other electric systems form a continuous electrical path.</td>
<td>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.</td>
<td>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.</td>
</tr>
<tr>
<td>Unit Access</td>
<td>Transmission Services</td>
<td>Coordination</td>
<td>Contractual Provisions</td>
</tr>
<tr>
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<tr>
<td></td>
<td></td>
<td><strong>Operations</strong></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Sell emergency power to any neighboring interconnected entity which maintains the minimum reserve margin established by the agreement.</td>
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<tr>
<td></td>
<td></td>
<td>Prepare joint maintenance schedules and engage in sales of maintenance power when possible.</td>
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</tr>
<tr>
<td></td>
<td></td>
<td>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.</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Sell power on a full or partial requirements basis to any neighboring distribution system.</td>
<td></td>
</tr>
</tbody>
</table>

*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**

<table>
<thead>
<tr>
<th>Unit Name</th>
<th>Agreement Date</th>
<th>CP Issued</th>
<th>OL Issued</th>
<th>Compliance/Enforcement Proceedings</th>
</tr>
</thead>
<tbody>
<tr>
<td>Joseph M. Farley Nuclear Plant, Units 1 &amp; 2</td>
<td>Amendment review 09/19/91&lt;sup&gt;a&lt;/sup&gt;</td>
<td>08/16/72</td>
<td>03/31/81</td>
<td></td>
</tr>
<tr>
<td></td>
<td>08/16/72</td>
<td>06/25/77</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

License Conditions

<table>
<thead>
<tr>
<th>Unit Access</th>
<th>Transmission Services</th>
<th>Coordination</th>
<th>Contractual Provisions</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Operations</td>
<td>Planning</td>
</tr>
<tr>
<td></td>
<td></td>
<td>&lt;sup&gt;a&lt;/sup&gt; Southern Nuclear shall not market or broker power or energy from Joseph M. Farley Nuclear Plant, Units 1 &amp; 2.</td>
<td></td>
</tr>
</tbody>
</table>

<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)

<table>
<thead>
<tr>
<th>Unit Name</th>
<th>Agreement Date</th>
<th>CP Issued</th>
<th>OL Issued</th>
<th>Compliance/Enforcement Proceedings</th>
</tr>
</thead>
<tbody>
<tr>
<td>Grand Gulf Nuclear Station, Units 1 &amp; 2</td>
<td>CP Amendment 12/20/86&lt;sup&gt;a&lt;/sup&gt; OL Amendment 12/20/86&lt;sup&gt;b&lt;/sup&gt; OL Amendment 12/19/88&lt;sup&gt;c&lt;/sup&gt; OL Amendment 12/14/89&lt;sup&gt;d&lt;/sup&gt; CP Amendment 12/22/89&lt;sup&gt;e&lt;/sup&gt; OL Amendment 07/16/96&lt;sup&gt;f&lt;/sup&gt;</td>
<td>09/04/74 Unit 2 canceled 1990</td>
<td>11/01/84 Unit 2 N/A</td>
<td></td>
</tr>
</tbody>
</table>

License Conditions

<table>
<thead>
<tr>
<th>Unit Access</th>
<th>Transmission Services</th>
<th>Coordination</th>
<th>Contractual Provisions</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Operations</td>
<td>Planning</td>
</tr>
<tr>
<td></td>
<td></td>
<td>&quot;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.&quot;</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>&quot;SERI accepts the right to possess, use, and operate Grand Gulf, Unit 1, pending separate NRC antitrust re-view of the antitrust considerations of this license transfer.&quot;</td>
<td></td>
</tr>
</tbody>
</table>
Operations
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.

SEN is required to notify NRC in advance and in writing of changes in the terms or conditions of any new or existing sale or leaseback transaction.

MP&L and SEN are obligated to comply with the antitrust conditions set forth in Appendix C of Grand Gulf Unit 1 OL.

MP&L and SEN are responsible for compliance with obligations imposed on the licensees in the antitrust conditions of the OL.

Table 3.1 (Continued)
System Energy Resources, Inc. (Continued)

<table>
<thead>
<tr>
<th>Unit Access</th>
<th>Transmission Services</th>
<th>License Conditions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Operations</td>
<td>Coordination</td>
<td>Planning</td>
</tr>
<tr>
<td>Contractual Provisions</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

System Energy Resources, Inc.

Unit 1 OL
Table 3.1 (Continued)

System Energy Resources, Inc. (Continued)

<table>
<thead>
<tr>
<th>License Conditions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Unit Access</td>
</tr>
<tr>
<td>Operations</td>
</tr>
</tbody>
</table>

"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.

"SERI is authorized to transfer its rights to construct Grand Gulf, Unit 2 to Entergy Operations, Inc. (EOI).

"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.

---

*Applicants were Mississippi Power & Light Co., System Energy Resources, Inc., and Southern Mississippi Electric Power Assoc.*
*Applicants were Mississippi Power & Light Co., System Energy Resources, Inc., and Southern Mississippi Electric Power Assoc.*
*Applicants were Mississippi Power & Light Co., System Energy Resources, Inc., Southern Mississippi Electric Power Assoc., and Entergy Operations, Inc.*
*Applicants were Mississippi Power & Light Co., System Energy Resources, Inc., Southern Mississippi Electric Power Assoc., and Entergy Operations, Inc.*
*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.*
<table>
<thead>
<tr>
<th>Unit Name</th>
<th>Agreement Date</th>
<th>CP Issued</th>
<th>OL Issued</th>
<th>Compliance/Enforcement Proceedings</th>
</tr>
</thead>
<tbody>
<tr>
<td>Comanche Peak Steam Electric Station, Units 1 &amp; 2</td>
<td>Amendment 09/80</td>
<td>12/19/74</td>
<td>04/17/90</td>
<td>Enforcement action requested on 08/07/89 by Cap Rock Elec. Parties settled dispute and request was withdrawn on 08/29/90.</td>
</tr>
</tbody>
</table>

### License Conditions

<table>
<thead>
<tr>
<th>Unit Access</th>
<th>Transmission Services</th>
<th>Coordination</th>
<th>Contractual Provisions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Allow ownership participation in Comanche Peak units by North Texas Area entities making timely requests; provide interconnection and transmission services necessitated by such participation.</td>
<td>Provide bulk power transmission between or among North Texas Area entities with which applicant is interconnected.</td>
<td>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.</td>
<td>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.</td>
</tr>
<tr>
<td>Allow ownership participation in future nuclear generating facilities constructed, owned, or operated by applicant; provide required transmission for same.</td>
<td>Provide transmission service between entities inside and outside of the North Texas Area, between which applicant’s lines (including DC asynchronous transmission lines) form a continuous electrical path.</td>
<td>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.</td>
<td>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.</td>
</tr>
</tbody>
</table>
**Table 3.1 (Continued)**

Texas Utilities Generating Company (Continued)

<table>
<thead>
<tr>
<th>Unit Access</th>
<th>Transmission Services</th>
<th>Coordination</th>
<th>Contractual Provisions</th>
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</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Operations</td>
<td>Planning</td>
</tr>
<tr>
<td></td>
<td>No refusal of transmi-</td>
<td>Sell full and partial require-</td>
<td>No restrictive provisions pert-</td>
</tr>
<tr>
<td></td>
<td>sion services merely</td>
<td>ments bulk power to request-</td>
<td>inating to intersystem coordi-</td>
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<td></td>
<td>because of rate dispu-</td>
<td>ing North Texas Area entities.</td>
<td>nation in interconnection and</td>
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<td>tes with such enti-</td>
<td></td>
<td>coordination agreements.</td>
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<td>ties.</td>
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</tbody>
</table>

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)

<table>
<thead>
<tr>
<th>Unit Name</th>
<th>Agreement Date</th>
<th>CP Issued</th>
<th>OL Issued</th>
<th>Compliance/Enforcement Proceedings</th>
</tr>
</thead>
<tbody>
<tr>
<td>Erie Nuclear Plant, Units 1 &amp; 2</td>
<td>Pre-CP Agreement 02/08/78&lt;sup&gt;a&lt;/sup&gt;</td>
<td>Both canceled 1980 under review</td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td>Davis-Besse Nuclear Power Station</td>
<td>OL Amendment 06/25/79&lt;sup&gt;b&lt;/sup&gt; OL Amendment 12/22/79&lt;sup&gt;c&lt;/sup&gt; OL Amendment 12/31/90&lt;sup&gt;d&lt;/sup&gt;</td>
<td>03/24/71</td>
<td>04/22/77</td>
<td></td>
</tr>
<tr>
<td>Perry Nuclear Power Plant, Unit 1</td>
<td>CP amendment 06/25/79&lt;sup&gt;e&lt;/sup&gt; OL amendment 03/16/87&lt;sup&gt;f&lt;/sup&gt; OL amendment 12/31/90&lt;sup&gt;g&lt;/sup&gt;</td>
<td>05/03/77</td>
<td>11/13/86</td>
<td></td>
</tr>
</tbody>
</table>

### License Conditions

<table>
<thead>
<tr>
<th>Unit Access</th>
<th>Transmission Services</th>
<th>Coordination</th>
<th>Contractual Provisions</th>
</tr>
</thead>
<tbody>
<tr>
<td>&lt;sup&gt;a&lt;/sup&gt;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.</td>
<td></td>
<td>&lt;sup&gt;g&lt;/sup&gt;Licensee is bound by the antitrust license conditions contained in the PNPP, Units 1 &amp; 2, and Davis-Besse Nuclear Power Station, Units 1, 2, &amp; 3 Construction Permits and/or Operating Licenses, as hereinafter amended.</td>
<td></td>
</tr>
</tbody>
</table>
Table 3.1 (Continued)

<table>
<thead>
<tr>
<th>Unit Access</th>
<th>Transmission Services</th>
<th>Coordination</th>
<th>Contractual Provisions</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Operations</td>
<td>Planning</td>
</tr>
</tbody>
</table>
|             |                       | "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."
<p>|             |                       | &quot;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.&quot; | |</p>
<table>
<thead>
<tr>
<th>Unit Access</th>
<th>Transmission Services</th>
<th>Coordination Operations</th>
<th>Contractual Provisions</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td><em>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.</em></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td><em>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.</em></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td><em>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.</em></td>
<td></td>
</tr>
</tbody>
</table>

*a Applicants were Ohio Edison Company, Duquesne Light Company, Cleveland Electric Illuminating Company, and Toledo Edison Company.
b Applicants were Toledo Edison Company and Cleveland Electric Illuminating Company.
c Applicants were Toledo Edison Company, Cleveland Electric Illuminating Company, Duquesne Light Company, Ohio Edison Company, and Pennsylvania Power Company.
d Applicants were Toledo Edison Company and Centerior Service Company who act as agents for Cleveland Electric Illuminating Company.
e Applicants were Cleveland Electric Illuminating Company, Duquesne Light Company, Ohio Edison Company, Pennsylvania Power Company, and Toledo Edison Company.
f 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 3.2 Nuclear Power Reactor Operating License Reviews

<table>
<thead>
<tr>
<th>Applicant</th>
<th>Unit Name</th>
<th>Date</th>
<th>Finding</th>
</tr>
</thead>
<tbody>
<tr>
<td>Allegheny Electric Cooperative, Inc.</td>
<td>Susquehanna Steam Electric Station</td>
<td>05/29/81</td>
<td>Units 1&amp;2: NSC* since earlier CP reviews</td>
</tr>
<tr>
<td>Arizona Public Service Co. et al.</td>
<td>Palo Verde Nuclear Generating Station</td>
<td>02/09/83</td>
<td>Units 1&amp;2; NSC since earlier CP reviews</td>
</tr>
<tr>
<td>Arizona Public Service Co. et al.</td>
<td>Palo Verde Nuclear Generating Station</td>
<td>07/10/87</td>
<td>Unit 3; NSC since Unit 1&amp;2 OL review</td>
</tr>
<tr>
<td>Atlantic City Electric Co.</td>
<td>Hope Creek Nuclear Generating Station</td>
<td>09/17/85</td>
<td>Unit 1; NSC since CP review</td>
</tr>
<tr>
<td>Cajun Electric Power Cooperative</td>
<td>River Bend Station</td>
<td>04/09/85</td>
<td>Unit 1; NSC since CP review</td>
</tr>
<tr>
<td>Carolina Power &amp; Light Co.</td>
<td>Harris (Shearon) Nuclear Power Plant</td>
<td>02/05/86</td>
<td>Unit 1; NSC since CP review</td>
</tr>
<tr>
<td>Cincinnati Gas &amp; Electric Co.</td>
<td>Zimmer Nuclear Unit</td>
<td>04/09/82</td>
<td>Reevaluation of Unit 1 OL finding; no change</td>
</tr>
<tr>
<td>Cincinnati Gas &amp; Electric Co.</td>
<td>Zimmer Nuclear Unit</td>
<td>08/06/81</td>
<td>Unit 1; NSC since CP review</td>
</tr>
<tr>
<td>Cleveland Electric Illuminating Co.</td>
<td>Perry Nuclear Plant</td>
<td>11/23/83</td>
<td>Unit 1; NSC since CP review</td>
</tr>
<tr>
<td>Commonwealth Edison Co.</td>
<td>Braidwood Station</td>
<td>08/15/86</td>
<td>Unit 1; NSC since CP review</td>
</tr>
<tr>
<td>Commonwealth Edison Co.</td>
<td>Braidwood Station</td>
<td>11/07/86</td>
<td>Reevaluation of Unit 1 OL finding; no change</td>
</tr>
<tr>
<td>Commonwealth Edison Co.</td>
<td>Byron Station</td>
<td>01/05/84</td>
<td>Unit 1; NSC since CP review</td>
</tr>
<tr>
<td>Commonwealth Edison Co.</td>
<td>Byron Station</td>
<td>09/25/86</td>
<td>Unit 2; NSC since CP review</td>
</tr>
<tr>
<td>Consumers Power Co.</td>
<td>Midland Nuclear Generating Station</td>
<td>06/07/83</td>
<td>Units 1&amp;2; NSC since earlier CP reviews</td>
</tr>
<tr>
<td>Detroit Edison et al.</td>
<td>Enrico Fermi</td>
<td>11/25/81</td>
<td>Unit 2; NSC since CP review</td>
</tr>
<tr>
<td>Duke Power Co.</td>
<td>Catawba Nuclear Station</td>
<td>03/06/84</td>
<td>Unit 1; NSC since CP review</td>
</tr>
<tr>
<td>Duke Power Co.</td>
<td>Catawba Nuclear Station</td>
<td>05/30/85</td>
<td>Unit 2; NSC since CP review</td>
</tr>
<tr>
<td>Duquesne Light Co. et al.</td>
<td>Beaver Valley Power Station</td>
<td>04/28/87</td>
<td>Unit 2; NSC since CP review</td>
</tr>
<tr>
<td>Florida Municipal Power Agency</td>
<td>St. Lucie Plant</td>
<td>09/22/82</td>
<td>Unit 2; NSC since CP review</td>
</tr>
<tr>
<td>Florida Power &amp; Light Co.</td>
<td>St. Lucie Plant</td>
<td>09/22/82</td>
<td>Unit 2; NSC since CP review</td>
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<tr>
<td>Georgia Power Co. et al.</td>
<td>Vogtle (Alvin W.) Nuclear Plant</td>
<td>12/01/86</td>
<td>Unit 1; NSC since CP review</td>
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<tr>
<td>Georgia Power Co. et al.</td>
<td>Vogtle (Alvin W.) Nuclear Plant</td>
<td>03/02/89</td>
<td>Unit 2; NSC since Unit 1 OL review</td>
</tr>
<tr>
<td>Georgia Power Co. et al.</td>
<td>Vogtle (Alvin W.) Nuclear Plant</td>
<td>03/27/89</td>
<td>Reevaluation of Unit 2 OL finding; no change</td>
</tr>
<tr>
<td>Gulf States Utilities Co.</td>
<td>River Bend Station</td>
<td>04/09/85</td>
<td>Unit 1; NSC since CP review</td>
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<tr>
<td>Houston Lighting &amp; Power Co. et al.</td>
<td>South Texas Project</td>
<td>08/05/86</td>
<td>Unit 1; NSC since CP review</td>
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<tr>
<td>Illinois Power Co.</td>
<td>Clinton Power Station</td>
<td>03/11/82</td>
<td>Unit 1; NSC since CP review</td>
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<tr>
<td>Illinois Power Co.</td>
<td>Clinton Power Station</td>
<td>09/13/85</td>
<td>Unit 1; NSC since CP review (Updated finding pursuant to a 4-year unit completion delay)</td>
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<tr>
<td>Illinois Power Co.</td>
<td>Clinton Power Station</td>
<td>01/09/86</td>
<td>Reevaluation of Unit 1 updated OL finding; no change</td>
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* NSC: No Significant Change
### Table 3.2 (Continued)

<table>
<thead>
<tr>
<th>Applicant</th>
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<tr>
<td>Kansas Gas &amp; Electric Co. et al.</td>
<td>Wolf Creek Generating Station</td>
<td>07/20/84</td>
<td>Unit 1; NSC since CP review</td>
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<tr>
<td>Long Island Lighting Co.</td>
<td>Shoreham Nuclear Power Station</td>
<td>01/04/82</td>
<td>Unit 1; NSC since CP review</td>
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<tr>
<td>Louisiana Power &amp; Light Co.</td>
<td>Waterford Generating Station</td>
<td>10/21/82</td>
<td>Unit 3; NSC since CP review</td>
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<tr>
<td>Mississippi Power &amp; Light</td>
<td>Grand Gulf Nuclear Station</td>
<td>10/21/81</td>
<td>Unit 1; NSC since CP review</td>
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<tr>
<td>Municipal Power Agency No. 1</td>
<td>Catawba Nuclear Station</td>
<td>05/30/85</td>
<td>Unit 2; NSC since CP review</td>
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<tr>
<td>NC Eastern Municipal Power Agency</td>
<td>Harris (Shearon) Nuclear Power Plant</td>
<td>02/05/86</td>
<td>Unit 1; NSC since CP review</td>
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<tr>
<td>NC Electric Membership Corp.</td>
<td>Catawba Nuclear Station</td>
<td>03/06/84</td>
<td>Unit 1; NSC since CP review</td>
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<tr>
<td>Niagara Mohawk Power Corporation</td>
<td>Nine Mile Point Nuclear Station</td>
<td>02/14/86</td>
<td>Unit 2; NSC since CP review</td>
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<tr>
<td>Northeast Nuclear Energy Co. et al.</td>
<td>Millstone Nuclear Power Station</td>
<td>09/06/83</td>
<td>Unit 3; NSC since CP review</td>
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<tr>
<td>Orlando Utility Commission</td>
<td>St. Lucie Plant</td>
<td>09/22/82</td>
<td>Unit 2; NSC since CP review</td>
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<tr>
<td>Pennsylvania Power &amp; Light Co.</td>
<td>Susquehanna Steam Electric Station</td>
<td>05/29/81</td>
<td>Units 1&amp;2: NSC since earlier CP reviews</td>
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<tr>
<td>Philadelphia Electric Co.</td>
<td>Limerick Generating Station</td>
<td>07/26/84</td>
<td>Unit 1; NSC since CP review</td>
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<tr>
<td>Philadelphia Electric Co.</td>
<td>Limerick Generating Station</td>
<td>05/19/89</td>
<td>Unit 2; NSC since Unit 1 OL review</td>
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<tr>
<td>Public Service Company of New Hampshire et al.</td>
<td>Seabrook Nuclear Power Station</td>
<td>02/07/86</td>
<td>Unit 1; NSC since CP review</td>
</tr>
<tr>
<td>Public Service Electric &amp; Gas Co.</td>
<td>Hope Creek Nuclear Generating Station</td>
<td>09/17/85</td>
<td>Unit 1; NSC since CP review</td>
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<tr>
<td>Saluda River Electric Coop., Inc.</td>
<td>Catawba Nuclear Station</td>
<td>03/06/84</td>
<td>Unit 1; NSC since CP review</td>
</tr>
<tr>
<td>San Diego Gas &amp; Electric</td>
<td>San Onofre Nuclear Generating Station</td>
<td>04/30/80</td>
<td>Units 2&amp;3, NSC since CP review</td>
</tr>
<tr>
<td>South Mississippi Electric Power Association</td>
<td>Grand Gulf Nuclear Station</td>
<td>10/21/81</td>
<td>Unit 1; NSC since CP review</td>
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<tr>
<td>Southern California Edison Co.</td>
<td>San Onofre Nuclear Generating Station</td>
<td>04/30/80</td>
<td>Units 2&amp;3, NSC since CP review</td>
</tr>
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<td>Soyland Power Co.</td>
<td>Clinton Power Station</td>
<td>03/11/82</td>
<td>Unit 1; NSC since CP review</td>
</tr>
<tr>
<td>Soyland Power Co.</td>
<td>Clinton Power Station</td>
<td>01/09/86</td>
<td>Reevaluation of Unit 1 updated OL finding; no change</td>
</tr>
<tr>
<td>Soyland Power Co.</td>
<td>Clinton Power Station</td>
<td>09/13/85</td>
<td>Unit 1; NSC since CP review (Updated finding pursuant to a 4-year unit completion delay)</td>
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<tr>
<td>Tennessee Valley Authority</td>
<td>Watts Bar Nuclear Plant</td>
<td>08/28/91</td>
<td>Unit 1; NSC since previous antitrust review</td>
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<tr>
<td>Texas Utilities Generating Co.</td>
<td>Comanche Peak Steam Electric Station</td>
<td>06/28/89</td>
<td>Unit 1; NSC since CP review</td>
</tr>
<tr>
<td>Texas Utilities Generating Co.</td>
<td>Comanche Peak Steam Electric Station</td>
<td>09/7/89</td>
<td>Reevaluation of Unit 1 OL finding; no change</td>
</tr>
<tr>
<td>Texas Utilities Generating Co.</td>
<td>Comanche Peak Steam Electric Station</td>
<td>09/28/92</td>
<td>Unit 2; NSC since Unit 1 OL review</td>
</tr>
<tr>
<td>Union Electric Co.</td>
<td>Callaway Plant</td>
<td>02/13/84</td>
<td>Unit 1; NSC since CP review</td>
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### Table 3.2 (Continued)

<table>
<thead>
<tr>
<th>Applicant</th>
<th>Unit Name</th>
<th>Date</th>
<th>Finding</th>
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<tbody>
<tr>
<td>Washington Public Power Supply System</td>
<td>WPPSS Nuclear Project</td>
<td>10/03/79</td>
<td>Unit 2; NSC since previous antitrust review</td>
</tr>
<tr>
<td>Western Illinois Power Cooperative</td>
<td>Clinton Power Station</td>
<td>03/11/82</td>
<td>Unit 1; NSC since CP review</td>
</tr>
<tr>
<td>Western Illinois Power Cooperative</td>
<td>Clinton Power Station</td>
<td>01/09/86</td>
<td>Reevaluation of Unit 1 updated OL finding; no change</td>
</tr>
<tr>
<td>Western Illinois Power Cooperative</td>
<td>Clinton Power Station</td>
<td>09/13/85</td>
<td>Unit 1; NSC since CP review</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>(Updated finding pursuant to a 4-year unit completion delay).</td>
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</tbody>
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*NSC = No Significant Change Found*
<table>
<thead>
<tr>
<th>Applicant</th>
<th>Unit Name</th>
<th>Date</th>
<th>Purpose</th>
<th>Result</th>
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</thead>
<tbody>
<tr>
<td>Alabama Power Co.</td>
<td>Joseph M. Farley Nuclear Plant, Units 1 and 2</td>
<td>FR notice 09/19/91</td>
<td>To authorize Southern Nuclear Operating Company, Inc., to become the operator of Farley Nuclear Plant.</td>
<td>Review ended when APCo agreed to three additional antitrust license conditions on both OLs.</td>
</tr>
<tr>
<td>Arizona Public Service Company</td>
<td>Palo Verde Nuclear Generating Station, Units 1 &amp; 2</td>
<td>OL amended 06/02/86</td>
<td>Proposed sale and leaseback transactions with certain equity investors (both amendments).</td>
<td>Added one antitrust condition to Unit 1 OL.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>OL amended 08/15/86</td>
<td></td>
<td>Added one antitrust condition to Unit 2 OL.</td>
</tr>
<tr>
<td>Arkansas Power &amp; Light</td>
<td>Arkansas Nuclear One, Units 1 &amp; 2</td>
<td>FR notice 11/01/89</td>
<td>To add Entergy (formerly SERI) to OL as operating company, responsible for management and operation but not ownership.</td>
<td>Added antitrust conditions to OL for Unit 2 only.</td>
</tr>
<tr>
<td>Cajun Electric Power Cooperative, Inc.</td>
<td>River Bend Station, Unit 1</td>
<td>04/10/95</td>
<td>Pursuant to D.C. Appeals Court remand of proposed transfer of ownership of Gulf State Utilities to Entergy Corporation.</td>
<td>Finding of No Significant Antitrust Change. Reinstates two AT conditions.</td>
</tr>
<tr>
<td>Cajun Electric Power Cooperative, Inc.</td>
<td>River Bend Station, Unit 1</td>
<td>06/05/95</td>
<td>Amendment review reevaluation.</td>
<td>No change in previous &quot;No Significant Antitrust Change&quot; finding.</td>
</tr>
<tr>
<td>Cajun Electric Power Cooperative, Inc.</td>
<td>River Bend Station, Unit 1</td>
<td>FR notice 10/20/93</td>
<td>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.</td>
<td>Finding of No Significant Antitrust Change since the completion of the antitrust OL review.</td>
</tr>
<tr>
<td>Cajun Electric Power Cooperative, Inc.</td>
<td>River Bend Station, Unit 1</td>
<td>FR notice 12/13/93</td>
<td>Amendment review reevaluation.</td>
<td>No change from prior finding.</td>
</tr>
<tr>
<td>Centerior Service Company</td>
<td>Davis-Besse Nuclear Power Station</td>
<td>OL amended 12/31/90</td>
<td>To add Centerior Service Company as a licensee to the OL.</td>
<td>Added one antitrust condition to OL.</td>
</tr>
<tr>
<td>Centerior Service Company</td>
<td>Davis-Besse Nuclear Power Station and Perry Nuclear Power Plant (joint action)</td>
<td>Proposal FR notice 08/10/94</td>
<td>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.</td>
<td>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.</td>
</tr>
<tr>
<td>Applicant</td>
<td>Unit Name</td>
<td>Date</td>
<td>Purpose</td>
<td>Result</td>
</tr>
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<tr>
<td>Centerior Service Company</td>
<td>Perry Nuclear Power Plant, Unit 1</td>
<td>OL amended 12/31/90</td>
<td>To add Centerior Service Company as a licensee to the OL.</td>
<td>Added two antitrust conditions to OL.</td>
</tr>
<tr>
<td>Centerior Service Company</td>
<td>Perry Nuclear Power Plant, Unit 1</td>
<td>OL amended 02/27/96</td>
<td>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.)</td>
<td>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.</td>
</tr>
<tr>
<td>Centerior Service Company</td>
<td>Perry Nuclear Power Plant, Unit 1</td>
<td>Order approving transfer of license 07/25/96</td>
<td>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.)</td>
<td>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.</td>
</tr>
<tr>
<td>Central Iowa Power Cooperative</td>
<td>Arnold (Duane) Energy Center</td>
<td>FR notice 05/13/94</td>
<td>Re-corporate merger.</td>
<td>Name change on OL approved to reflect merger.</td>
</tr>
<tr>
<td>Cleveland Electric Illuminating Company</td>
<td>Beaver Valley Power Station, Unit 1 &amp; 2</td>
<td>FR notice 03/16/89</td>
<td>Corporate restructuring to create a holding company (DQE) to control Duquesne.</td>
<td>Restructuring approved under 50.80. No license change was necessary.</td>
</tr>
<tr>
<td>Cleveland Electric Illuminating Company</td>
<td>Davis-Besse Nuclear Power Station</td>
<td>OL amended 12/31/90</td>
<td>To add Centerior Service Company as a licensee to the OL.</td>
<td>Added one antitrust condition to OL.</td>
</tr>
<tr>
<td>Cleveland Electric Illuminating Company</td>
<td>Davis-Besse Nuclear Power Station and Perry Nuclear Power Plant (joint action)</td>
<td>Proposal FR notice 08/10/94</td>
<td>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.</td>
<td>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.</td>
</tr>
<tr>
<td>Cleveland Electric Illuminating Company</td>
<td>Perry Nuclear Power Plant, Unit 1</td>
<td>Proposed sale and leaseback transactions with certain equity investors.</td>
<td>Added two antitrust conditions to OL.</td>
<td></td>
</tr>
<tr>
<td>Cleveland Electric Illuminating Company</td>
<td>Perry Nuclear Power Plant, Unit 1</td>
<td>OL amended 12/31/90</td>
<td>To add Centerior Service Company as a licensee to the OL.</td>
<td>Added two antitrust conditions to OL.</td>
</tr>
<tr>
<td>Applicant</td>
<td>Unit Name</td>
<td>Date</td>
<td>Purpose</td>
<td>Result</td>
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</tr>
<tr>
<td>Cleveland Electric Illuminating Company</td>
<td>Perry Nuclear Power Plant, Unit 1</td>
<td>OL amended 02/27/96</td>
<td>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.)</td>
<td>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.</td>
</tr>
<tr>
<td>Cleveland Electric Illuminating Company</td>
<td>Perry Nuclear Power Plant, Unit 1</td>
<td>Order approving transfer of license 07/25/96</td>
<td>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.)</td>
<td>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.</td>
</tr>
<tr>
<td>Corn Belt Power Cooperative</td>
<td>Arnold (Duane) Energy Center</td>
<td>FR notice 05/13/94</td>
<td>Re-corporate merger.</td>
<td>Name change on OL approved to reflect merger.</td>
</tr>
<tr>
<td>Detroit Edison Company</td>
<td>Enrico Fermi, Unit 2</td>
<td>OL amended 02/16/90</td>
<td>For the proposed purchase of the Fermi ownership interest of Wolverine Power Supply Cooperative, Inc., by Detroit Edison Co.</td>
<td>No formal antitrust review required since Detroit Edison was already the majority owner.</td>
</tr>
<tr>
<td>Duquesne Light Company</td>
<td>Beaver Valley Power Station, Unit 1 &amp; 2</td>
<td>FR notice 03/16/89</td>
<td>Corporate restructuring to create a holding company (DQE) to control Duquesne.</td>
<td>Restructuring approved under 50.80. No license change was necessary.</td>
</tr>
<tr>
<td>Duquesne Light Company</td>
<td>Perry Nuclear Power Plant, Unit 1</td>
<td>OL amended 03/16/87</td>
<td>Proposed sale and leaseback transactions with certain equity investors.</td>
<td>Added two antitrust conditions to OL.</td>
</tr>
<tr>
<td>Duquesne Light Company</td>
<td>Perry Nuclear Power Plant, Unit 1</td>
<td>OL amended 12/31/90</td>
<td>To add Centerior Service Company as a licensee to the OL.</td>
<td>Added two antitrust conditions to OL.</td>
</tr>
<tr>
<td>Duquesne Light Company</td>
<td>Perry Nuclear Power Plant, Unit 1</td>
<td>OL amended 02/27/96</td>
<td>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.)</td>
<td>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.</td>
</tr>
<tr>
<td>Duquesne Light Company</td>
<td>Perry Nuclear Power Plant, Unit 1</td>
<td>Order approving transfer of license 07/25/96</td>
<td>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.)</td>
<td>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.</td>
</tr>
</tbody>
</table>

Table 3.3 (Continued)
<table>
<thead>
<tr>
<th>Applicant</th>
<th>Unit Name</th>
<th>Date</th>
<th>Purpose</th>
<th>Result</th>
</tr>
</thead>
<tbody>
<tr>
<td>El Paso Electric Company</td>
<td>Palo Verde Nuclear Generating Station, Unit 2</td>
<td>OL amended</td>
<td>Proposed sale and leaseback transactions with certain equity investors.</td>
<td>Added one antitrust condition to Unit 2 OL.</td>
</tr>
<tr>
<td>Entergy Arkansas, Inc.</td>
<td>Arkansas Nuclear One, Unit 2</td>
<td>OL amended</td>
<td>To change the AT conditions to account for the name change of AP&amp;L to Entergy Arkansas, Inc.</td>
<td>OL amended. No formal antitrust review required.</td>
</tr>
<tr>
<td>Entergy Gulf States, Inc.</td>
<td>River Bend Station, Unit 1</td>
<td>OL amended</td>
<td>To change the AT conditions to account for the name change of GSU to Entergy Gulf States, Inc.</td>
<td>OL amended. No formal antitrust review required.</td>
</tr>
<tr>
<td>Entergy Mississippi, Inc.</td>
<td>Grand Gulf Nuclear Station, Unit 1</td>
<td>OL amended</td>
<td>To change the AT conditions to account for the name change of MP&amp;L to Entergy Mississippi, Inc.</td>
<td>OL amended. No formal antitrust review required.</td>
</tr>
<tr>
<td>Entergy Operations, Inc.</td>
<td>Arkansas Nuclear One, Units 1 &amp; 2</td>
<td>FR notice 11/01/89</td>
<td>To add Entergy (formerly SERI) to OL as operating company, responsible for management and operation but not ownership.</td>
<td>Added antitrust conditions to OL for Unit 2 only.</td>
</tr>
<tr>
<td>Entergy Operations, Inc.</td>
<td>Grand Gulf Nuclear Station, Unit 1</td>
<td>OL amended</td>
<td>To authorize the transfer of control and operation of facility from SERI to Entergy Operations, Inc.</td>
<td>Added four antitrust conditions to OL.</td>
</tr>
<tr>
<td>Entergy Operations, Inc.</td>
<td>Waterford Steam Electric Station, Unit 3</td>
<td>OL amended</td>
<td>To authorize transfer of operating authority under the license to Entergy Operations, Inc. (Proposal noticed 11/01/89 Fed. Reg.)</td>
<td>OL amended to add two antitrust license conditions.</td>
</tr>
<tr>
<td>Gulf States Utility Co.</td>
<td>River Bend Station, Unit 1</td>
<td>04/10/95</td>
<td>Pursuant to D. C. Appeals Court remand of proposed transfer of ownership of Gulf State Utilities to Entergy Corporation.</td>
<td>Finding of No Significant Antitrust Change. Reinstates two AT conditions.</td>
</tr>
<tr>
<td>Gulf States Utility Co.</td>
<td>River Bend Station, Unit 1</td>
<td>06/05/95</td>
<td>Amendment review reevaluation.</td>
<td>No change in previous &quot;No Significant Antitrust Change&quot; finding.</td>
</tr>
<tr>
<td>Gulf States Utility Co.</td>
<td>River Bend Station, Unit 1</td>
<td>FR notice 10/20/93</td>
<td>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.</td>
<td>Finding of No Significant Antitrust Change since the completion of the antitrust OL review.</td>
</tr>
<tr>
<td>Gulf States Utility Co.</td>
<td>River Bend Station, Unit 1</td>
<td>FR notice 12/13/93</td>
<td>Amendment review reevaluation.</td>
<td>No change from prior finding.</td>
</tr>
<tr>
<td>Applicant</td>
<td>Unit Name</td>
<td>Date</td>
<td>Purpose</td>
<td>Result</td>
</tr>
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</tr>
<tr>
<td>IES Utilities Inc.</td>
<td>Arnold (Duane) Energy Center</td>
<td>FR notice 05/13/94</td>
<td>Re corporate merger.</td>
<td>Name change on OL approved to reflect merger.</td>
</tr>
<tr>
<td>Illinois Power Co.</td>
<td>Clinton Power Station</td>
<td>OL amended 03/27/89</td>
<td>Soyland/WIPCO merger.</td>
<td>OL amended to reflect merger.</td>
</tr>
<tr>
<td>Iowa Electric Light &amp; Power Company</td>
<td>Arnold (Duane) Energy Center</td>
<td>FR notice of proposed review 06/24/86</td>
<td>To add IE Industries as the controlling entity on the OL, pursuant to corporate restructuring.</td>
<td>Applicant consented to change.</td>
</tr>
<tr>
<td>Kansas Gas &amp; Electric Co.</td>
<td>Wolf Creek Generating Station, Unit 1</td>
<td>OL amended 12/12/88</td>
<td>To transfer a 47% undivided possession-only interest in OL from Kansas Gas &amp; Electric (KG&amp;E) to a successor company, also to be called Kansas Gas and Electric Company, as a result of a pending merger of KG&amp;E into a subsidiary of Kansas Power and Light Company (KPL).</td>
<td>No Significant Antitrust Change since previous antitrust review.</td>
</tr>
<tr>
<td>Los Angeles Department of Water &amp; Power</td>
<td>Palo Verde Nuclear Generating Station, Unit 2</td>
<td>OL amended 08/15/86</td>
<td>Proposed sale and leaseback transactions with certain equity investors.</td>
<td>Added one antitrust condition to Unit 2 OL.</td>
</tr>
<tr>
<td>Louisiana Power &amp; Light Company</td>
<td>Waterford Steam Electric Station, Unit 3</td>
<td>OL amended 09/18/89</td>
<td>To authorize one or more sale and leaseback transactions by LP&amp;L with respect to its 100% ownership interest to one or more equity investors. (Proposal noticed in 06/02/89 Fed. Reg.)</td>
<td>OL amended to add two antitrust license conditions.</td>
</tr>
<tr>
<td>Louisiana Power &amp; Light Company</td>
<td>Waterford Steam Electric Station, Unit 3</td>
<td>OL amended 12/14/89</td>
<td>To authorize transfer of operating authority under the license to Entergy Operations, Inc. (Proposal noticed 11/01/89 Fed. Reg.)</td>
<td>OL amended to add two antitrust license conditions.</td>
</tr>
<tr>
<td>Mississippi Power &amp; Light</td>
<td>Grand Gulf Nuclear Station, Unit 1</td>
<td>OL amended 12/20/86</td>
<td>To authorize the transfer of control and performance of licensed activities from MP&amp;L to SERI.</td>
<td>Added one antitrust condition to OL.</td>
</tr>
<tr>
<td>Mississippi Power &amp; Light</td>
<td>Grand Gulf Nuclear Station, Unit 1</td>
<td>OL amended 12/19/88</td>
<td>To change the existing ownership by way of sale/leaseback transactions involving one or more passive equity investors.</td>
<td>Added two antitrust conditions to OL.</td>
</tr>
<tr>
<td>Applicant</td>
<td>Unit Name</td>
<td>Date</td>
<td>Purpose</td>
<td>Result</td>
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</tr>
<tr>
<td>Mississippi Power &amp; Light</td>
<td>Grand Gulf Nuclear Station, Unit 1</td>
<td>OL amended 12/14/89</td>
<td>To authorize the transfer of control and operation of facility from SERI to Entergy Operations, Inc.</td>
<td>Added four antitrust conditions to OL.</td>
</tr>
<tr>
<td>North Atlantic Energy Company</td>
<td>Seabrook Station, Unit 1</td>
<td>OL amended 06/05/92</td>
<td>Proposed transfer of operating authority from Public Service Co. of NH to North Atlantic Energy Service Co. (Proposal noticed 03/06/91 Fed. Reg.)</td>
<td>Transfer approved. OL amended to add two antitrust conditions.</td>
</tr>
<tr>
<td>North Atlantic Energy Service Corporation</td>
<td>Seabrook Station, Unit 1</td>
<td>OL amended 06/05/92</td>
<td>Proposed transfer of operating authority from Public Service Co. of NH to North Atlantic Energy Service Co. (Proposal noticed 03/06/91 Fed. Reg.)</td>
<td>Transfer approved. OL amended to add two antitrust conditions.</td>
</tr>
<tr>
<td>Northeast Nuclear Energy Company</td>
<td>Millstone Nuclear Power Station, Unit 3</td>
<td>FR notice 05/13/91</td>
<td>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).</td>
<td>Finding of No Significant Change since prior antitrust review (FR notice 02/19/92).</td>
</tr>
<tr>
<td>Northeast Utilities</td>
<td>Seabrook Station, Unit 1</td>
<td>OL amended 06/05/92</td>
<td>Proposed transfer of operating authority from Public Service Co. of NH to North Atlantic Energy Service Co. (Proposal noticed 03/06/91 Fed. Reg.)</td>
<td>Transfer approved. OL amended to add two antitrust conditions.</td>
</tr>
<tr>
<td>OES Nuclear, Inc.</td>
<td>Perry Nuclear Power Plant, Unit 1</td>
<td>OL amended 02/27/96</td>
<td>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.)</td>
<td>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.</td>
</tr>
</tbody>
</table>
Table 3.3 (Continued)

<table>
<thead>
<tr>
<th>Applicant</th>
<th>Unit Name</th>
<th>Date</th>
<th>Purpose</th>
<th>Result</th>
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</thead>
<tbody>
<tr>
<td>OES Nuclear, Inc.</td>
<td>Perry Nuclear Power Plant, Unit 1</td>
<td>Order approving transfer of license 07/25/96</td>
<td>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.)</td>
<td>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.</td>
</tr>
<tr>
<td>Ohio Edison Company</td>
<td>Beaver Valley Power Station, Unit 1 &amp; 2</td>
<td>FR notice 03/16/89</td>
<td>Corporate restructuring to create a holding company (DQE) to control Duquesne.</td>
<td>Restructuring approved under 50.80. No license change was necessary.</td>
</tr>
<tr>
<td>Ohio Edison Company</td>
<td>Perry Nuclear Power Plant, Unit 1</td>
<td>OL amended 03/16/87</td>
<td>Proposed sale and leaseback transactions with certain equity investors.</td>
<td>Added two antitrust conditions to OL.</td>
</tr>
<tr>
<td>Ohio Edison Company</td>
<td>Perry Nuclear Power Plant, Unit 1</td>
<td>OL amended 12/31/90</td>
<td>To add Centerior Service Company as a licensee to the OL.</td>
<td>Added two antitrust conditions to OL.</td>
</tr>
<tr>
<td>Ohio Edison Company</td>
<td>Perry Nuclear Power Plant, Unit 1</td>
<td>OL amended 02/27/96</td>
<td>Proposal to transfer from Ohio Edison to a newly formed wholly owned subsidiary, OES Nuclear, Inc., a 7.42% ownership interest. (Proposal noticed in the Fed. Reg. 12/11/95.)</td>
<td>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.</td>
</tr>
<tr>
<td>Ohio Edison Company</td>
<td>Perry Nuclear Power Plant, Unit 1</td>
<td>Order approving transfer of license 07/25/96</td>
<td>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.)</td>
<td>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.</td>
</tr>
<tr>
<td>Pennsylvania Power Company</td>
<td>Beaver Valley Power Station, Unit 1 &amp; 2</td>
<td>FR notice 03/16/89</td>
<td>Corporate restructuring to create a holding company (DQE) to control Duquesne.</td>
<td>Restructuring approved under 50.80. No license change was necessary.</td>
</tr>
<tr>
<td>Pennsylvania Power Company</td>
<td>Perry Nuclear Power Plant, Unit 1</td>
<td>OL amended 03/16/87</td>
<td>Proposed sale and leaseback transactions with certain equity investors.</td>
<td>Added two antitrust conditions to OL.</td>
</tr>
<tr>
<td>Pennsylvania Power Company</td>
<td>Perry Nuclear Power Plant, Unit 1</td>
<td>OL amended 12/31/90</td>
<td>To add Centerior Service Company as a licensee to the OL.</td>
<td>Added two antitrust conditions to OL.</td>
</tr>
<tr>
<td>Pennsylvania Power Company</td>
<td>Perry Nuclear Power Plant, Unit 1</td>
<td>OL amended 02/27/96</td>
<td>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.)</td>
<td>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.</td>
</tr>
<tr>
<td>Applicant</td>
<td>Unit Name</td>
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</tr>
<tr>
<td>Pennsylvania Power Company</td>
<td>Perry Nuclear Power Plant, Unit 1</td>
<td>Order approving transfer of license 07/25/96</td>
<td>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.)</td>
<td>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.</td>
</tr>
<tr>
<td>Public Service Company of New Hampshire</td>
<td>Seabrook Station, Unit 1</td>
<td>FR notice of DD 04/20/92</td>
<td>Amendment review reevaluation</td>
<td>DD did not change previous finding.</td>
</tr>
<tr>
<td>Public Service Company of New Hampshire</td>
<td>Seabrook Station, Unit 1</td>
<td>OL amended 06/05/92</td>
<td>Proposed transfer of operating authority from Public Service Co. of NH to North Atlantic Energy Service Co. (Proposal noticed 03/06/91 Fed. Reg.)</td>
<td>Transfer approved. OL amended to add two antitrust conditions.</td>
</tr>
<tr>
<td>Public Service Company of New Hampshire</td>
<td>Seabrook Station, Unit 1</td>
<td>Proposal FR notice 02/28/91</td>
<td>Proposed ownership interest transfer of Public Service Company of New Hampshire’s interest to North Atlantic Energy Corporation pursuant to a merger.</td>
<td>No Significant Antitrust Change since previous antitrust review. FR notice of finding 02/19/92</td>
</tr>
<tr>
<td>Public Service Company of New Mexico</td>
<td>Palo Verde Nuclear Generating Station, Units 1 &amp; 2</td>
<td>OL amended 06/02/86</td>
<td>Proposed sale and leaseback transactions with certain equity investors (both amendments).</td>
<td>Added one antitrust condition to Unit 1 OL.</td>
</tr>
<tr>
<td>Public Service Company of New Mexico</td>
<td>Palo Verde Nuclear Generating Station, Unit 2</td>
<td>OL amended 08/15/86</td>
<td>Proposed sale and leaseback transactions with certain equity investors.</td>
<td>Added one antitrust condition to Unit 2 OL.</td>
</tr>
<tr>
<td>Salt River Project Agricultural Improvement &amp; Power District</td>
<td>Palo Verde Nuclear Generating Station, Unit 2</td>
<td>OL amended 08/15/86</td>
<td>Proposed sale and leaseback transactions with certain equity investors.</td>
<td>Added one antitrust condition to Unit 2 OL.</td>
</tr>
<tr>
<td>Southern California Edison Company</td>
<td>Palo Verde Nuclear Generating Station, Unit 2</td>
<td>OL amended 08/15/86</td>
<td>Proposed sale and leaseback transactions with certain equity investors.</td>
<td>Added one antitrust condition to Unit 2 OL.</td>
</tr>
<tr>
<td>Southern California Public Power Authority</td>
<td>Palo Verde Nuclear Generating Station, Unit 2</td>
<td>OL amended 08/15/86</td>
<td>Proposed sale and leaseback transactions with certain equity investors.</td>
<td>Added one antitrust condition to Unit 2 OL.</td>
</tr>
<tr>
<td>Southern Mississippi Electric Power Association</td>
<td>Grand Gulf Nuclear Station, Unit 1</td>
<td>OL amended 12/19/88</td>
<td>To change the existing ownership by way of sale/leaseback transactions involving one or more passive equity investors.</td>
<td>Added two antitrust conditions to OL.</td>
</tr>
<tr>
<td>Southern Mississippi Electric Power Association</td>
<td>Grand Gulf Nuclear Station, Unit 1</td>
<td>OL amended 12/14/89</td>
<td>To authorize the transfer of control and operation of facility from SERI to Entergy Operations, Inc.</td>
<td>Added four antitrust conditions to OL.</td>
</tr>
<tr>
<td>Applicant</td>
<td>Unit Name</td>
<td>Date</td>
<td>Purpose</td>
<td>Result</td>
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<tr>
<td>Southern Nuclear Operating Co.</td>
<td>Joseph M. Farley Nuclear Plant, Units 1 and 2</td>
<td>FR notice 09/19/91</td>
<td>To authorize Southern Nuclear Operating Company, Inc., to become the operator of Farley Nuclear Plant.</td>
<td>Review ended when APCo agreed to three additional antitrust license conditions on both OLs.</td>
</tr>
<tr>
<td>Soyland Power Cooperative, Inc.</td>
<td>Clinton Power Station</td>
<td>OL amended 03/27/89</td>
<td>Soyland/WIPCO merger.</td>
<td>OL amended to reflect merger.</td>
</tr>
<tr>
<td>System Energy Resources, Inc.</td>
<td>Grand Gulf Nuclear Station, Unit 1</td>
<td>OL amended 12/20/86</td>
<td>To authorize the transfer of control and performance of licensed activities from MP&amp;L to SERI.</td>
<td>Added one antitrust condition to OL.</td>
</tr>
<tr>
<td>System Energy Resources, Inc.</td>
<td>Grand Gulf Nuclear Station, Unit 1</td>
<td>OL amended 12/19/88</td>
<td>To change the existing ownership by way of sale/leaseback transactions involving one or more passive equity investors.</td>
<td>Added two antitrust conditions to OL.</td>
</tr>
<tr>
<td>System Energy Resources, Inc.</td>
<td>Grand Gulf Nuclear Station, Unit 1</td>
<td>OL amended 12/19/88</td>
<td>To change the existing ownership by way of sale/leaseback transactions involving one or more passive equity investors.</td>
<td>Added two antitrust conditions to OL.</td>
</tr>
<tr>
<td>System Energy Resources, Inc.</td>
<td>Grand Gulf Nuclear Station, Unit 1</td>
<td>OL amended 12/14/89</td>
<td>To authorize the transfer of control and operation of facility from SERI to Entergy Operations, Inc.</td>
<td>Added four antitrust conditions to OL.</td>
</tr>
<tr>
<td>Toledo Edison Company</td>
<td>Beaver Valley Power Station, Unit 1 &amp; 2</td>
<td>FR notice 03/16/89</td>
<td>Corporate restructuring to create a holding company (DQE) to control Duquesne.</td>
<td>Restructuring approved under 50.80. No license change was necessary.</td>
</tr>
<tr>
<td>Toledo Edison Company</td>
<td>Davis-Besse Nuclear Power Station</td>
<td>OL amended 12/31/90</td>
<td>To add Centerior Service Company as a licensee to the OL.</td>
<td>Added one antitrust condition to OL.</td>
</tr>
<tr>
<td>Toledo Edison Company</td>
<td>Davis-Besse Nuclear Power Station and Perry Nuclear Power Plant (joint action)</td>
<td>Proposal FR notice 08/10/94</td>
<td>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.</td>
<td>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.</td>
</tr>
<tr>
<td>Toledo Edison Company</td>
<td>Perry Nuclear Power Plant, Unit 1</td>
<td>OL amended 03/16/87</td>
<td>Proposed sale and leaseback transactions with certain equity investors.</td>
<td>Added two antitrust conditions to OL.</td>
</tr>
<tr>
<td>Toledo Edison Company</td>
<td>Perry Nuclear Power Plant, Unit 1</td>
<td>OL amended 12/31/90</td>
<td>To add Centerior Service Company as a licensee to the OL.</td>
<td>Added two antitrust conditions to OL.</td>
</tr>
<tr>
<td>Applicant</td>
<td>Unit Name</td>
<td>Date</td>
<td>Purpose</td>
<td>Result</td>
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<tr>
<td>Toledo Edison Company</td>
<td>Perry Nuclear Power Plant, Unit 1</td>
<td>OL amended 02/27/96</td>
<td>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.)</td>
<td>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.</td>
</tr>
<tr>
<td>Toledo Edison Company</td>
<td>Perry Nuclear Power Plant, Unit 1</td>
<td>Order approving transfer of license 07/25/96</td>
<td>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.)</td>
<td>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.</td>
</tr>
<tr>
<td>Union Electric Company</td>
<td>Callaway Plant</td>
<td>FR notice 06/10/96</td>
<td>Proposed merger and transfer of license control pursuant to corporate merger between Union Electric Co. &amp; CIPSCO Inc.</td>
<td>Draft finding of No Significant Change 01/14/97.</td>
</tr>
<tr>
<td>Wolf Creek Nuclear Operating Corp.</td>
<td>Wolf Creek Generating Station, Unit 1</td>
<td>OL amended 11/26/91</td>
<td>To transfer a 47% undivided possession-only interest in OL from Kansas Gas &amp; Electric (KG&amp;E) to a successor company, also to be called Kansas Gas and Electric Company, as a result of a pending merger of KG&amp;E into a subsidiary of Kansas Power and Light Company (KPL).</td>
<td>No Significant Antitrust Change since previous antitrust review.</td>
</tr>
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</table>

### Table 3.4 Attorney General’s Advice Letters

<table>
<thead>
<tr>
<th>Applicant</th>
<th>Unit Name</th>
<th>FR Date</th>
<th>Finding</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arizona Public Service Co. et al.</td>
<td>Palo Verde Nuclear Generating Station, Units 1, 2, &amp; 3</td>
<td>03/10/82</td>
<td>No hearing needed (additional CP ownership—Los Angeles Dept. of Water &amp; Power, S. Calif. Public Power Authority).</td>
</tr>
<tr>
<td>Boston Edison Company et al.</td>
<td>Pilgrim Station, Unit 2</td>
<td>05/01/78</td>
<td>No hearing needed (additional CP ownership—Mass. Municipal Wholesale Elec., Taunton Municipal Lighting Plant, VT Electric Coop.).</td>
</tr>
<tr>
<td>Boston Edison Company</td>
<td>Pilgrim Station</td>
<td>04/15/80</td>
<td>No hearing needed (OL application).</td>
</tr>
<tr>
<td>California Dept. of Water Resources</td>
<td>Sundesert Nuclear Plant, Units 1 &amp; 2</td>
<td>08/04/78</td>
<td>No hearing needed (additional CP ownership—Cities of Los Angeles and Burbank).</td>
</tr>
<tr>
<td>Central Hudson Gas &amp; Electric Corp.</td>
<td>Nine Mile Point Nuclear Station, Unit 2</td>
<td>08/04/78</td>
<td>No hearing needed (revised CP application—Long Island Lighting Co., NY State Elec. &amp; Gas, Rochester Gas &amp; Elec., and Central Hudson Gas &amp; Elec.).</td>
</tr>
<tr>
<td>Cities of Los Angeles and Burbank, CA</td>
<td>Sundesert Nuclear Plant, Units 1 &amp; 2</td>
<td>08/04/78</td>
<td>No hearing needed (additional CP ownership—Cities of Los Angeles and Burbank).</td>
</tr>
<tr>
<td>City of Anaheim et al.</td>
<td>Sundesert Nuclear Plant, Units 1 &amp; 2</td>
<td>08/04/78</td>
<td>No hearing needed (additional CP ownership—Cities of Los Angeles and Burbank).</td>
</tr>
<tr>
<td>City of Orlando, FL</td>
<td>St. Lucie Plant, Unit 2</td>
<td>08/11/80</td>
<td>No hearing needed (additional CP ownership—City of Orlando, Orlando Utilities Commission).</td>
</tr>
<tr>
<td>Duke Power Co.</td>
<td>Catawba Nuclear Station, Unit 2</td>
<td>09/01/78</td>
<td>No hearing needed (additional CP ownership—N.C. Municipal Power Agency).</td>
</tr>
<tr>
<td>Duke Power Co.</td>
<td>Catawba Nuclear Station, Unit 1</td>
<td>11/14/80</td>
<td>No hearing needed (additional CP ownership—N.C. Elec. Membership Corp. and Saluda River Elec. Coop.).</td>
</tr>
<tr>
<td>Duke Power Co.</td>
<td>Catawba Nuclear Station, Unit 2</td>
<td>09/02/81</td>
<td>No hearing needed (additional CP ownership—Piedmont Municipal Power Agency).</td>
</tr>
<tr>
<td>Florida Power &amp; Light Co.</td>
<td>St. Lucie Plant, Unit 2</td>
<td>08/11/80</td>
<td>No hearing needed (additional CP ownership—City of Orlando, Orlando Utilities Commission).</td>
</tr>
<tr>
<td>Applicant</td>
<td>Unit Name</td>
<td>FR Date</td>
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</tr>
<tr>
<td>Florida Power &amp; Light Co.</td>
<td>St. Lucie Plant, Unit 2</td>
<td>11/29/82</td>
<td>No hearing needed (additional CP ownership—Fla. Municipal Power Agency).</td>
</tr>
<tr>
<td>Gulf States Utilities Co.</td>
<td>River Bend Station, Unit 1</td>
<td>05/29/80</td>
<td>No hearing needed (additional CP ownership—Cajun Elec. Power Coop., Sam Rayburn C&amp;T).</td>
</tr>
<tr>
<td>Houston Lighting &amp; Power Co. et al.</td>
<td>South Texas Project</td>
<td>03/03/78</td>
<td>Significant changes found; antitrust hearing necessary (OL application).</td>
</tr>
<tr>
<td>Illinois Power Co.</td>
<td>Clinton Power Station, Unit 1</td>
<td>08/22/78</td>
<td>No hearing needed (additional CP ownership—Soyland Power Coop. and W. Ill. Power Coop.).</td>
</tr>
<tr>
<td>Kansas City Power &amp; Light Co.</td>
<td>Wolf Creek Generating Station, Unit 1</td>
<td>04/09/80</td>
<td>No hearing needed (additional CP ownership—Kansas City Electric Power Coop.).</td>
</tr>
<tr>
<td>Kansas Gas &amp; Electric Co.</td>
<td>Wolf Creek Generating Station, Unit 1</td>
<td>04/09/80</td>
<td>No hearing needed (additional CP ownership—Kansas City Electric Power Coop.).</td>
</tr>
<tr>
<td>Long Island Lighting Co.</td>
<td>Jamesport Nuclear Station, Units 1 &amp; 2</td>
<td>02/09/78</td>
<td>No hearing needed (additional CP ownership—NY State Electric &amp; Gas).</td>
</tr>
<tr>
<td>Long Island Lighting Co.</td>
<td>Nuclear Power Station/New Haven—Stuyvesant Sites, Units 1 &amp; 2</td>
<td>07/28/78</td>
<td>No hearing needed (CP application).</td>
</tr>
<tr>
<td>Long Island Lighting Co.</td>
<td>Nine Mile Point Nuclear Station, Unit 2</td>
<td>08/04/78</td>
<td>No hearing needed (revised CP application—Long Island Lighting Co., NY State Elec. &amp; Gas, Rochester Gas &amp; Elec., and Central Hudson Gas &amp; Elec.).</td>
</tr>
<tr>
<td>Middle South Energy, Inc.</td>
<td>Grand Gulf Nuclear Station, Units 1 &amp; 2</td>
<td>06/05/80</td>
<td>No hearing needed (additional CP ownership—South Miss. Electric Power Assoc.).</td>
</tr>
<tr>
<td>Mississippi Electric Power Association</td>
<td>Grand Gulf Nuclear Station, Units 1 &amp; 2</td>
<td>06/05/80</td>
<td>No hearing needed (additional CP ownership—South Miss. Electric Power Assoc.).</td>
</tr>
<tr>
<td>Mississippi Power &amp; Light Co.</td>
<td>Grand Gulf Nuclear Station, Units 1 &amp; 2</td>
<td>06/05/80</td>
<td>No hearing needed (additional CP ownership—South Miss. Electric Power Assoc.).</td>
</tr>
<tr>
<td>NC Electric Membership Corp.</td>
<td>North Anna Power Station, Units 1, 2, 3, &amp; 4 and Surry Power Station, Units 1 &amp; 2</td>
<td>04/03/79</td>
<td>No hearing needed (additional CP ownership—N.C. Electric Membership Corp., Old Dominion Elec. Coop.).</td>
</tr>
<tr>
<td>Applicant</td>
<td>Unit Name</td>
<td>FR Date</td>
<td>Finding</td>
</tr>
<tr>
<td>-----------------------------------</td>
<td>----------------------------------------</td>
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<tr>
<td>NC Electric Membership Corp.</td>
<td>Catawba Nuclear Station, Unit 1</td>
<td>11/14/80</td>
<td>No hearing needed (additional CP ownership—N.C. Elec. Membership Corp. and Saluda River Elec. Coop.).</td>
</tr>
<tr>
<td>NC Power Agency No. 1</td>
<td>Catawba Nuclear Station, Unit 2</td>
<td>09/01/78</td>
<td>No hearing needed (additional CP ownership—N.C. Municipal Power Agency).</td>
</tr>
<tr>
<td>New York State Electric &amp; Gas Corporation</td>
<td>Jamesport Nuclear Station, Units 1 &amp; 2</td>
<td>02/09/78</td>
<td>No hearing needed (additional CP ownership—NY State Electric &amp; Gas).</td>
</tr>
<tr>
<td>New York State Electric &amp; Gas Corporation</td>
<td>Nuclear Power Station/New Haven-Stuyvesant Sites, Units 1 &amp; 2</td>
<td>07/28/78</td>
<td>No hearing needed (CP application).</td>
</tr>
<tr>
<td>New York State Electric &amp; Gas Corporation</td>
<td>Nine Mile Point Nuclear Station, Unit 2</td>
<td>08/04/78</td>
<td>No hearing needed (additional CP ownership—Long Island Lighting Co., NY State Elec. &amp; Gas, Rochester Gas &amp; Elec., and Central Hudson Gas &amp; Elec.).</td>
</tr>
<tr>
<td>Niagara Mohawk Power Corporation</td>
<td>Nine Mile Point Nuclear Station, Unit 2</td>
<td>08/04/78</td>
<td>No hearing needed (revised CP application—Long Island Lighting Co., NY State Elec. &amp; Gas, Rochester Gas &amp; Elec., and Central Hudson Gas &amp; Elec.).</td>
</tr>
<tr>
<td>Ohio Edison Co. et al.</td>
<td>Erie Nuclear Plant</td>
<td>03/24/78</td>
<td>Settles AT action; license conditions incorporated.</td>
</tr>
<tr>
<td>Old Dominion Electric Cooperative</td>
<td>North Anna Power Station, Units 1, 2, 3, &amp; 4 and Surry Power Station, Units 1 &amp; 2</td>
<td>04/03/79</td>
<td>No hearing needed (additional CP ownership—N.C. Electric Membership Corp., Old Dominion Elec. Coop.).</td>
</tr>
<tr>
<td>Orlando Utilities Commission</td>
<td>St. Lucie Plant, Unit 2</td>
<td>08/11/80</td>
<td>No hearing needed (additional CP ownership—City of Orlando, Orlando Utilities Commission).</td>
</tr>
<tr>
<td>Public Service Co. of New Hampshire et al.</td>
<td>Seabrook Nuclear Power Station, Units 1 &amp; 2</td>
<td>04/19/82</td>
<td>No hearing needed (additional CP ownership—Canal Electric).</td>
</tr>
<tr>
<td>Public Service Co. of New Hampshire et al.</td>
<td>Seabrook Nuclear Power Station, Units 1 &amp; 2</td>
<td>07/17/86</td>
<td>No hearing needed (additional CP ownership—EUA Power Co.).</td>
</tr>
<tr>
<td>Rochester Gas &amp; Electric Corp.</td>
<td>Nine Mile Point Nuclear Station, Unit 2</td>
<td>08/04/78</td>
<td>No hearing needed (revised CP application—Long Island Lighting Co., NY State Elec. &amp; Gas, Rochester Gas &amp; Elec., and Central Hudson Gas &amp; Elec.).</td>
</tr>
<tr>
<td>Saluda River Electric Cooperative</td>
<td>Catawba Nuclear Station, Unit 1</td>
<td>11/14/80</td>
<td>No hearing needed (additional CP ownership—N.C. Elec. Membership Corp. and Saluda River Elec. Coop.).</td>
</tr>
<tr>
<td>San Diego Gas &amp; Electric Company</td>
<td>Sundesert Nuclear Plant, Units 1 &amp; 2</td>
<td>08/04/78</td>
<td>No hearing needed (additional CP ownership—Cities of Los Angeles and Burbank).</td>
</tr>
</tbody>
</table>
### Table 3.4 (Continued)

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

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


Bibliography


Bibliography


authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of section 160(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.


PR Doc. 78-26699 Filed 9-22-78; 8:45 a.m.

'S55-01'

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 202-329-6605.

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. 552(b)(4), Government in the Sunshine Act.

Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of section 160(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.


PR Doc. 78-26699 Filed 9-22-78; 8:45 a.m.

'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 (PVNS) Unit 4 and 5 are two single 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 particular, 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).

The Department of Justice rendered an antitrust suit to the effect that the defendant, Arizona, had agreed to a price-fixing contract on April 8, 1975, with respect to the then proposed participation in PVNS Units 1, 2, and 3 by Arizona and El Paso. At that time Arizona had agreed to a price-fixing contract 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 transmission service transaction involved between Arizona and El Paso, the exclusionary effect on other market power might have had an anticompetitive tendency, we concluded that an antitrust action was not necessary.

Subsequent to our antitrust advice of April 8, 1975, one of the six original participants in PVNS Units 1, 2, and 3, Tucson Gas & Electric Co., was replaced by Southern California Edison Co. from Southern California. We advised you by letter of April 8, 1976, that no antitrust hearing would be necessary, and that any future application for any transmission service transaction involving Arizona or Southern California Edison should be made to the Department of Justice.

In September 1978, El Paso Electric Co., as successor to Tucson Gas & Electric Co., and Arizona Public Service Co., as successor to Arizona Public Service Co., filed a joint petition with the Department of Justice in accordance with the requirements of the Atomic Energy Act of 1954, as amended, for a construction permit for Palo Verde Nuclear Generating Station Units 4 and 5.

Your request is in accordance with OEC 75-363. The Department of Justice will render its advice, if any, directly to you.

M. REBECCA WINKLER,
Committee Management Coordinator.


[FR Doc. 78-26699 Filed 9-22-78; 8:45 a.m.]
to compete successfully with Arizona for retail customers.

It is essential that the ownership of PVRCo Units 5 and 6 by three applicants will not create or contribute a situation inconsistent with the antitrust laws. We do not, however, find 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. 50-283]

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. 1 DPR-38, 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 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.

NOTICES

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.3(d)(4), an environmental impact statement or negative declaration is not required.

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. 50-283]

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 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 51.3(d)(4) an environmental impact statement or negative declaration is not required.

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 50-856, STN 50-557]

PUBLIC SERVICE COMPANY OF OKLAHOMA, ASSOCIATED ELECTRIC COOPERATIVE, INC., AND WESTERN FARMERS ELECTRIC COOPERATIVE, 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 25, 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

FEDERAL REGISTER, VOL. 43, NO. 186—MONDAY, SEPTEMBER 25, 1978
NOTICES

[7510-01-M]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

(NOTICE 79-251)

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

Establishment

Pursuant to section 8(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-588, 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

(FRG Dec. 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 3:30 P.M., and on March 9 from 8:30 A.M. to 5:00 P.M., at the Sharon Hotel, 2500 Calvert Street NW., Washington, D.C.

Telephone and telecommunication persons attending this meeting should be directed to: JAMES M. ROOBROW, Executive Director, National Commission on Unemployment Compensation, 1815 Lynn Street Room 140, Rosslyn, Virginia 22209, (703) 235-2782

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

JAMES M. ROOBROW

Executive Director, National Commission on Unemployment Compensation

(FRG Dec. 79-6856 Filed 3-8-79 8:45 am)

[7590-01-M]

NUCLEAR REGULATORY COMMISSION

(Docket No. 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 Palm 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 Electric Company), City of Glendale (Glendale), City of Riverside (Riverside), City of Pasco- dana (Pasadena), City of Burbank (Burbank), and the Nevada Power Company (NPC.

The Palm 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. 50-538, 50-543, 50-548, respectively. 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 1, 2 and 3.

The Department rendered antitrust advice to the Commission by letter of April 8, 1978, with respect to the proposed participation in PVNGS Units 1, 2 and 3 for Arizona Public Service Company and El Paso Electric Company, and by letter of April 3, 1978, with respect to the participation of Southern California Edison Co. in Units 1, 2 and 3.

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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 of the utilities are included in the plans for jointly owned generating plants. Moreover, our investigation unearthed no evidence that NPC has acted to make the interconnection of a large generating plant with the smaller utilities at a competitive disadvantage. Accordingly, it is the Department's view that NPC's ownership of 22 percent of PNVUS units 4 and 5 will not impair to 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 NPC 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 SALTMAN
Chief, Antitrust and Indemnity Group, Office of Nuclear Reactor Regulation.

(FR Doc. 75-6644 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 Nos. 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 22, 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 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 §10.21(f), an environmental impact statement or notice declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

The licensee's filings dated November 7, 1977 as revised May 26, 1978 and January 8, 1979, and the Commission's Security Plan Verification Report are being withheld from public disclosure pursuant to 10 CFR 2.79.

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 22, 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 23rd day of February 1979.

For the Nuclear Regulatory Commission.

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

(FR Doc. 75-6642 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-41 and DPR-82 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, VOL. 44, NO. 46—WEDNESDAY, MARCH 7, 1979
[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 Basis

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"). Under the proposed transfer, LADWP will acquire a 5.75 percent interest, and SCPPA will acquire a 5.91 percent interest in each of the three 1250-megawatt units.

The Department of Justice has 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.

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.

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 (62%), 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 (6%).

Some of the members of SCPPA were the subject of antitrust review in connection with the Sundesert 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 Sundesert Nuclear Plant. We advised on July 17, 1978 that participation by the City of Burbank in the Sundesert 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 telegraph 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 Economic Analysis Branch, Division of Engineering, Office of Nuclear Relations.

[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-S, 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 hazard 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) 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-S, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the

Federal Register / Vol. 47, No. 47 / Wednesday, March 10, 1982 / Notices 10331
NOTICES


DONALD G. DONAHOO, Chief, Permit Branch, Federal Wildlife Permit Office.

[FR Doc. 78-11773 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. Winton Sessions, P.O. Box 335, 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. Osmond A. Pung, 3424 18th Street, Lewiston, Idaho 83501; PRT 2-2373.
Applicant: Mrs. Frederick S. Rose, 45 Cornwall Avenue, Cornwall-on-Hudson, N.Y. 12520; PRT 2-2397.

Plese refer to the individual applicant and the appropriately assigned PRT file number when submitting comments.


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 Inspection 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 in-service 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 in-service 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). The relief is granted on an interim basis, pending completion of our detailed review from those in-service 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.

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.

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

FEDERAL REGISTER, VOL. 43, NO. 84—MONDAY, MAY 1, 1978

[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. [Plerior Nuclear Generating Station, Unit No. 2].

On June 24, 1974, we advised the Commission that review of the information submitted by the lead applicant, Boston Edison Co. and other information relating to electric utility competition in New England, did not indicate any need for an antitrust hearing on this application. 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, 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 that smallest member had a peak of 3.2 MW, the largest a peak of 74.6 MW.

Taunton, which supplies electric power in the Taunton, Mass., area, will own a 0.600 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 2.36 MW in 1975. Vermont's share of the unit will be 0.20 percent.

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

\begin{tabular}{|c|c|}
\hline
Per cent ownership & 59.026 \\
Boston Edison Co. & 40.974 \\
Burlington Electric Dept. & 0.033 \\
\hline
\end{tabular}

\textsuperscript{1}The 30 Massachusetts Municipal electric systems which are members of the MMWEC are: Ashburnham, Belmont, Belmont, Boylston, East Braintree, Chicopee, Danvers, Georgetown, Groton, Hingham, Holden, Holyoke, Hudson, Hull, Ipswich, Littleton, Marlborough, Middleborough, Middletown, North Attleborough, Paxton, Peabody, Rehoboth, Shrewsbury, South Hadley, Sterling, West Springfield, West Boylston and Westfield.
NOTICES

Central Maine Power Co. ........................................ 1.380
Central Vermont Public Service Corp. ......................... 1.780
Chubbuck Gas & Electric Light Co. ....................... 0.110
Hudson Light & Power Dept. ................................ 0.140
Massachusetts Municipal Wholesale Electric Co. ........... 1.280
Monopa Electric Co. ............................................ 1.510
New Bedford Gas & Edison Light Co. ....................... 1.330
New England Power Co. ...................................... 1.150
Public Service Co. of New Hampshire ..................... 0.370
Tuantion Municipal Lighting Plant ..................... 0.400
The United Illuminating Co. ................................ 1.300
Vermont Electric Cooperative, Inc. ..................... 0.200

Our review of three new applicants, as well as other relevant information, has disclosed no basis upon which to change our earlier conclusion that an adverse 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.

[FR 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 amendments 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.

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

[7590-01]

(Docket No. 50-338)

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. DFR-65 to Northeast Nuclear Energy Co. (the licensee), and 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), burned-out 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 other hole punching factors; 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 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, 14, and 15, April 6 and 13, 1978, (2) Amendment No. 38 to License No. DFR-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 15th day of April, 1978.
Application for License To Export Nuclear Facilities or Materials

Pursuant to 10 CFR 121.43, "Public Notice of Receipt of an Application," please take notice that the Nuclear Regulatory Commission has received the following application for export licensing for the period March 20, 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.

Date: this day, April 7, 1980, at Bethesda, Maryland.

For the Nuclear Regulatory Commission,

James R. Sills,
Director, Office of International Programs.

<table>
<thead>
<tr>
<th>Name of applicant, date of application, date received, application number</th>
<th>Material Type</th>
<th>Material in kilograms</th>
<th>End-use</th>
<th>Country of destination</th>
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<tr>
<td>General Electric, 02/07/80, 02/16/80, XSNM91888</td>
<td>4.0 pct. enriched uranium</td>
<td>236,000</td>
<td>Initial cores for Taiwan Power Units 7 and 8</td>
<td>Taiwan</td>
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<td>Transamerica, Inc., 02/12/80, 02/15/80, XSNM91888</td>
<td>3.4 pct. enriched uranium</td>
<td>10,794</td>
<td>Reactor for Distr 1</td>
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<td>Transamerica, Inc., 02/12/80, 02/15/80, XSNM91888</td>
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<td></td>
<td>128,224</td>
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<td>West Germany</td>
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<td></td>
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<td>1,224</td>
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<td></td>
</tr>
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<td>Transamerica, Inc., 02/25/80, 03/28/80, XSNM91888</td>
<td>2.3 pct. enriched uranium</td>
<td>49,658</td>
<td>Reactors for Bigey 3 and Fullerton 7</td>
<td>France</td>
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<td>Transamerica, Inc., 02/25/80, 03/28/80, XSNM91888</td>
<td>0.125 pct. enriched uranium</td>
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<td>Fuel for ANMM and JPR-2 research reactors</td>
<td>Japan</td>
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<td>45.4 pct. enriched uranium</td>
<td>22,142</td>
<td>For use in JNTRC</td>
<td>Japan</td>
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<td>General Electric, 02/07/80, 02/16/80, XSNM91888</td>
<td>2364 MW (664 MW, Taiwan Nuclear Power Plant Units 7 and 8)</td>
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<td>Rockwell Intl., 02/14/80, 03/17/80, XCOM88888</td>
<td>Glove stop valves for Shihwa Atomic Res. Center, 81,800</td>
<td>8.6 gram</td>
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<td>India</td>
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<td>General Atomic Co., 02/25/80, 03/24/80, XSNM91888</td>
<td>7.4 gram</td>
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<td>11.9</td>
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<td>Bangladesh</td>
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<td>M. Industries, 03/17/80, 03/21/80, XSNM899989</td>
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<td>12524.999</td>
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<td>Specialised designs and components for Tansui</td>
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<td>996 pieces Zirconium-4 alloy fuel</td>
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<td>4,800 Gostum</td>
<td>For Taiwan Research reactor</td>
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<td>Coordination Council for N. American Affairs, 02/10/80, 02/18/80, XNAT193</td>
<td>Two Hydrogen recombiners for Konberg Nuclear Power Plant</td>
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<td>Heat Process Systems, 11/16/72, 02/20/80, XCOM8988</td>
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[FR Doc. 80-13973 Filed 4-4-80; 6:45 am]
BILLING CODE 7595-01-M

[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. § 2135c, concerning the application by the Boston Edison Company ("BECO") 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 BECO 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 26, 1974, the Department rendered advice on Pilgrim Nuclear Generating Station, Units 2 and 3, Boston Edison Company, et al., AECL Docket Nos. 40-471A, 40-472A, and pointed out that BECO 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, 1979, 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 this action has been taken.

"Since the Department rendered its advice in 1976, 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.

[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., 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 declarative 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.

[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 52380). 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,
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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
3:30 a.m. on August 23, 1978 through September 3, 1978.

By the Commission.

Shinley E. Hollis,
Assistant Secretary.

(FR 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

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. 78s(b)(1) (the "Act") and rule 19b-4 thereunder, copies of a proposed rule change which would amend chapter II, section 2(f) of the BSE rules to add limitations 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. 34-14951, 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.

(FR Doc. 78-24655 Filed 8-31-78; 8:45 am)

[8010-01]

[File No. 3004-1]

HOUSTON COMPLEX, INC. AND NETWORK ONE, INC.
Suspension of Trading

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;

POLITICAL REGISTER, VOL. 43, NO. 171—FRIDAY, SEPTEMBER 1, 1978
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 Section IV of the General Electric Report to the Director of the Nuclear Regulatory Commission, "Guidelines for Evaluating Environmental Qualifications of Class III 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 Licenses DPR-35, DPR-47 and DPR-55 dated October 24, 1980.

(b) "By no later than December 1, 1981, complete and auditible records must be available and maintained at a central location which describes 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 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. The 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 Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to William S. Porter, Duke Power Company, P.O. Box 2176, 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.

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


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 October 29, 1980, with respect to Catawba Nuclear Station, Units 1 and 2.

"You have requested our advice pursuant to Section 106c 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 (NCEMC) 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 (56.23% to NCEMC 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 NCEMC 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,
purposeto § 2.716 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, petition and by delivery to the NRC Docking 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 20555, ATTN: Docking and Service Branch.

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

For the Nuclear Regulatory Commission.

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

[FR Doc. 80-3650 Filed 11-13-80; 8:45 am]
BILLING CODE: 7020-21-F1

[Docket No. 50-254]

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-68, which authorizes the operation of Beaver Valley Power Station, Unit No. 1 at steady state reactor power levels not in excess of 2000 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 Staff Requesting Remedial Relief.” The petition sought action in two areas: First, 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 IIb 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 (GDC-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 further directed the staff to complete its review of the information sought from licensees by Bulletin 79-018 1 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 bimonthly 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 certify the documentation 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-68 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 IIb 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-68 dated October 24, 1980.

(b) By no later than December 1, 1983, 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
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 ST-41 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, U.S.C. 552b(c)(3).

Dated: August 23, 1981.

Samuel J. Childs,
Acting Advisory Committee Management Officer.

[FR Doc. 81-2558 Filed 9-1-81; 8:45 am]
BILLING CODE 7950-01-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. Childs,
Acting Advisory Committee Management Officer.

[FR Doc. 81-2558 Filed 9-1-81; 8:45 am]
BILLING CODE 7950-01-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 for the Millstone 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 18, 1980, as revised by letter dated October 16, 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. Crushfield,
Chief, Operating Reactors Branch No. 5, Division of Licensing.

[FR Doc. 81-2558 Filed 9-1-81; 8:45 am]
BILLING CODE 7950-01-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 105(c) 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 be initiated and 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 create or maintain a situation inconsistent with the antitrust laws. We do, 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 Docking 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 Toalston,
Acting Chief, Utility Finance Branch, Division of Engineering, Office of Nuclear Reactor Regulation.

[FR Doc. 81-25550 Filed 9-1-81; 8:45 am]
BILLING CODE 7950-01-M
Applicant intends to interline with other
1980. Applicant: H.
WA to points in Whatcom County.
S.W.. for the account of Happy Homes,
authority. Supporting shipper: Happy
84014.
19w.
Ehipper(8): Chevron Asphalt Ltd. 19770-
foreign commerce.
supplies
equipment u8ed in the manufacture,
CO
Materials, minsml wool
BOX wa
with
routes:
Repmrentr: Mvlrioa of Inlartatr
Raderlck
MT,
Englewood, CO

Rockwood Industries, Inc, 7400 South
Alton Court, Englewood, CO 80112.
MC 150485 (Sub-6-STA), filed July 25,
1980. Applicant: WESTSPAN HAULING,
INC., 9122 South Tacoma Way, Tacoma,
WA 98404. Representative: Henry Co,
Winter, 525 Evergreen Building, Renton,
WA 80055. 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-STA), 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-6-1TA), filed July 28,
1980. Applicant: ESPENSCHIED
TRANSFORMATION CORPORATION,
222 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
drugs, and individuals referred to in (1)
have, 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 10020.
Agatha L. Myers, 
Secretary.

[FR Doc. 80-24043 Filed 9-5-80 8:45 am]
BILLING CODE 7030-01-M

NUCLEAR REGULATORY
COMMISSION
[Docket No. 50-358]
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-8 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. D. 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; relied on 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-8, and (3) the
Commission’s related Safety Evaluation.
These items are available for public
inspection at the Commission’s Public
Document Room at 1771 H Street, N.W.,
Washington, D.C. 20555 and the
Arkansas Polytechnic College,
Russettville, Arkansas 72151. 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 July 31st
of 1980.
For the Nuclear Regulatory Commission:
Robert A. Clark,
Chief, Operating Reactors Branch No. 3,
Division of Licensing.

[FR Doc. 80-24043 Filed 9-5-80 8:45 am]
BILLING CODE 7030-01-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 25, 1980, with respect to St.
Lucie Nuclear Generating Station, Unit
No. 2.

“You have requested our advice
pursuant to Section 105c(e) 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
Utilities Commission is an owner of a
0.3851 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 by 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

[Docket No. 50-389A]
necessary with respect to the proposed amendment to the construction permit."

Any person whose interest may be affected by this proceeding may, pursuant to § 2.274 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. 80-24028 Filed 8-8-80; 8:45 am]
BILLING CODE 7590-01-M

[Docket No. 50-318]

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 § 51.6(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 Research 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.

Steve A. Varga,
Chief, Operating Reactors Branch No. 1, Division of Licensing.

[FR Doc. 80-24023 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. 48 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 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 § 51.6(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. 48 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. 80-24024 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 licensees), 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. 82-32227 Filed 11-23-82; 8:45 am] BILLING CODE 4820-36-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 for changes to the TSs.

The amendments are effective at the date of issuance. The application will be open for public review until February 15, 1983.

Docket No. 50-309A

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 for 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 8.006 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.

For further details with respect to this action, see (1) the application for amendments dated February 3, 1982, as supplemented on July 22, 1982, (2) Amendments Nos. 116 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, N.W., Washington, D.C. and at the Oconee County Library, 501 West Southbound 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. Stolz,
Chief, Operating Reactors Branch No. 4, Division of Licensing

[FR Doc. 82-32227 Filed 11-23-82; 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 (Mail), Waterside Mall, Environmental Protection Agency, 401 M Street, S.W., 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 18, 1982.

Gordon S. Brown,
Chairman, Shipping Coordinating Committee.

[FR Doc. 82-32227 Filed 11-23-82; 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

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capabilities, and use of floatable seat cushions on their aircraft. (FAA, January 23, 1980; NTSB, April 8, 1980, "acceptable action.")

A-78-90 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 aircrew deficiencies of Aviation Medical Examiners. (FAA, August 20, 1979; NTSB, October 12, 1979, "acceptable action.")

A-79-41 re issuance of emergency Airworthiness Directive requiring inspection of all pylon attach points on all DC-10 aircraft by approved inspection methods. (FAA, August 20, 1979; NTSB, September 27, 1979, "acceptable action.")

A-79-45 and -61 re issuance of telegraphic Airworthiness Directives 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 his assigned carrier and advise them to immediately discontinue lowering and raising the pylon with the engine still attached. (FAA, July 15, 1979; NTSB, August 8, 1979, "acceptable action.")

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

A-79-50 and -61 re notice directing inspectors to review operator's manuals and checklists for proper unfathoming 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 7110.55, paragraph 1234, 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 re original 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-79-57 re physical and psychologic conditions of crew members involved in aircraft accidents in determining probable cause of accidents and developing possible preventive measures. (FAA, October 25, 1979; NTSB, November 22, 1979, "reconsidered.")


A-79-59 re advisory to owners and operators of Cessna 208 series aircraft alerting them to the hazards associated with the aluminum hinge failure problem. (FAA, February 25, 1980; NTSB, March 21, 1980, "acceptable action.")

A-79-60 re issuance of Airworthiness Directive to require special inspection of the propeller reversing interconnect linkage of all aircraft equipped with Pratt & Whitney Aircraft of Canada Ltd., PT6-A and -C20, and -C20A series turboprop to assure that these installations conform to the aircraft manufacturer's propeller reversing linkage rigging specifications. (FAA, February 25, 1980; NTSB, March 21, 1980, "acceptable action.")

A-79-62 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 location. (FAA, February 23, 1980; NTSB, March 24, 1980, "acceptable alternate action.")

A-79-100 re issuance of telegraphic Airworthiness Directives 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 PW engines. (FAA, March 18, 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.


Margaret L. Fisher,
Federal Register Liaison Officer.
May 23, 1980.

[FR Doc. 80-10297 Filed 5-28-80; 8:45 am]
BILLING CODE 4910-01-M

[Docket No. DCA-80-AR-031]

Railroad Accident Investigation Hearing: Oakland, California

Notice is hereby given that the National Transportation Safety Board will convene an accident investigation hearing at 9:00 a.m. (local time) July 1 through 3, 1980, in the Alameda Room of the Hyatt Oakland Inn, 455 Hegenberger Road, Oakland, California 94621.

The public hearing will be held in connection with the Safety Board's investigation of an accident involving the derailment of Western Pacific Railroad Company Freight Train Extra UP 3734 West, which occurred at Hayward, California, on April 9, 1980.

Elmer Garner,
Hearing Officer.
May 19, 1980.

[FR Doc. 80-10298 Filed 5-28-80; 8:45 am]
BILLING CODE 4910-01-M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-458A]

GUIN Croe 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 105(c) 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")..."
and Sam Rayburn C&I, Inc. ("Sam Rayburn") to become co-owners of the unit. Cajun will acquire a thirty percent interest in the 940 megawatt unit (approximately 283 megawatts) and Sam Rayburn will acquire a seven percent interest (approximately 60 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 Docking 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: Docking and Service Branch.

Dated at Bethesda, Md. this 19th day of May 1980.

For the Nuclear Regulatory Commission.

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

[F.R. Doc. 80-7625 Filed 5-25-80; 8:45 a.m.]
BILLING CODE 7590-01-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 issue.

The amendment adds a new license condition (Paragraph 3.G) which requires the replacement of core spray sprayers 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, New Jersey 08723. A copy of item (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.

[F.R. Doc. 80-10237 Filed 5-29-80; 8:45 a.m.]
BILLING CODE 7590-01-M

[PSR3-3.9.8 (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 3.9.5, "Inservice Testing of Pumps and Valves," and to add an Appendix A to SRP Section 3.9.5, "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 basis 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: Docking 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 Standard Review Plan are available for public inspection at the NRC Public Document Room at 1717 H Street, N.W., 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. Mattison,
Director, Division of Systems Safety, Office of Nuclear Reactor Regulation.
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,
Chief, Light Water Reactors Branch 4, Division of Management.

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

JEROME SALTZMAN,
Chairman, Antitrust and Indemnity Group, Nuclear Reactor Regulations.

APPENDIX A
HOUSTON LIGHTING & POW'T CO., PUBLIC SERVICE 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 12(c) 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 power generating units. Unit 1 is two participants in the STP, each of whom will own undivided interests as tenants in common: Houston Lighting & Power (HLP) will own 30.8 percent and is the project manager; the City Public Service Board of San Antonio will own 25 percent; Central Power & Light (CPL) 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 17, the Department, after conducting an antitrust review of this nuclear plant in connection with HLP'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 1978 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 electric systems interconnected through high voltage transmission facilities that operated throughout most of the state of Texas. TIS was comprised of six private utility systems and an interstate system, and the privately-owned systems were Dallas Power & Light Co., Texas Electric Service Co., and Texas Power & Light Co.,1 Houston Lighting & Power Co. (HL&P), Central Power & Light Co. (CPL), and West Texas Utilities Co. (WTC). 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 1978, two principal members of TIS, CPL and WTC, commenced to operate in interstate commerce. HL&P and TUS, acting pursuant to the contractual conditions noted above, immediately opened their electrical connections with CPL, WTC, and other Texas systems which were also interconnected with CPL and WTC. CPL and WTC then filed a petition at the NRC to intervene and obtain a hearing for itself and its Texas customers. In connection with that petition the NRC, by letter of August 3, 1978, 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, premise 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 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 be 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-

1Dallas Power & Light, Texas Electric Service Co., 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.

2See condition 11 of the license conditions attached to the Comanche Peak Steam Electric Station license, AEC Docket No. 50-445 and 50-446.
posed activities have occurred subsequent to the previous review. As noted above, TIS was composed of nine members. HLP and TU, the dominant member utilities in the southern portion of TIS and TU was the dominant member in the northern portion. Together they owned approximately 75 percent of the electric generating capacity in TIS, accounted for approximately 75 percent of the kw/hrs of electricity, and, more importantly, most of the transmission facilities were strategically located between the systems in sub-central Texas with which they were interconnected. Thus, HLP and TU were not the members of TIS to the north and east. Thus, HLP 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 TUS. 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 then provide a peaking position simply by installing gas-fired steam generating units. Thus, the Texas utilities enjoyed substantial independence, each individually able 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. The 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 1962 power interchange agreement between HLP 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 for small systems to compete effectively with the larger systems that were members of TIS. Thus, the Department sought to obtain for the smaller systems in TIS the same kind of 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 in the application, that were designed to afford other utilities the opportunity for ownership participation in the Comanche Peak nuclear units. Negotiation and sharing of reserves with TU, and transmission services over TU facilities. The construction permit was subsequently issued with these conditions attached.

The Department submitted its second advice letter on May 17, 1974, in connection with the Allen's Creek Nuclear Generating Station, AEC Docket Nos. 50-446A and 50-467A. The application to construct the Allen's Creek Station was filed by HLP. In that letter, the Department noted that the previous 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 or is otherwise interfering with the competitive opportunities of other systems.

The Department's advice letter in Allen's Creek was predicated on the fact that no antitrust hearing was necessary.

The Department rendered its third advice letter on October 26, 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 the Department's antitrust reviews of the previous applications. The Department had encountered no claim by any electric system that the Intrastate operation of HLP 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 1974. Due to the higher 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 fuel. And yet, the price of nuclear fuel will require joint participation arrangements in large base load generating resources, since economies of scale will play a much more prominent role 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 intrastate Texas utilities, HLP and TU, without incurring substantially increased cost, decreased reliability and an erosion of the smaller utilities competitive advantages attached.

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

The dominance of HLP and TU was clearly evidenced by the consequences of their disconnection. During the period from May, 1976, to May, 1977, two separate sys-
C. The Competitive Implication of the Intrastate Only Agreement Under Current Market Conditions

It is in the context of changed market conditions—the post-June 1977 demise of HL&P and TU, and the effects of their being compelled to negotiate power 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. 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 the inference that the conditional, 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 resources, and the possible need or incentive to establish connections with such systems.

In the areas in which HL&P and TU face competition only by intrastate utilities, 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.

Western Electric Power System, Inc. (SWEPCO), Gulf States Utilities Co., Southwestern Electric Power Co. (SWEPS), and Southwestern Electric Power Authority (an agency of the U.S. Government). These interstate systems are under a contractual obligation to serve the patrons 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 system reliability until additional generation can be constructed. For example, Western Farmers Cooperative System Group exceeded its total generating capacity from TU but was unable to do so because of the intrastate only restriction. A number of the utilities in Texas with whom HL&P and TU have a surplus of generating capacity. The intrastate only policy of HL&P and TU would prevent any utility which they are interconnected from marketing any surplus capacity to the interstate utilities. For example, the City of Bryan, Texas, historically joined with the other dominant systems to maintain a surplus capacity and customers. 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 potential surplus unless violating the intrastate only restriction and risking disconnection from the other members of TIS.

The two intrastate only restrictions could also prevent municipal and cooperative systems, in Texas, from being able to receive an increased share of low cost. Western Electric Power System (SWEPS) 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. Thus, the intrastate only agreement, by preventing utilities within the Texas intrastate system from exchanging in power exchange transactions with utilities outside the intrastate system, could foreclose access to a substantial part of the market for power exchange agreements.

Given current market conditions the intrastate only agreement may serve to unreasonably foreclose a significant degree of potentially competitive effect. For example, the extent to which such foreclosure can be established after a full evidentiary proceeding would long outlive HL&P's intent to refinance the operation of the jointly owned South Texas Project 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 role, however, maintain and foster a pregnant condition inconsistent with the antitrust laws contrary to section 105 of the Atomic Energy Act.

D. Additional Points Raised in Your Letter Requesting Advice


At the time of the Department's letter of January 25, 1977, HLP and TU, the two dominant utilities in Texas, were restricted to interconnect with other 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., 353 U.S. 290 (1957), and Thompson v. United States, 398 U.S. 149-150 (1969). Its action was part of a course of conduct whereby HL&P had joined with the other dominant system within Texas to use its combined power to require other electric utility systems to act in accordance with their agreement. The concerted action by HL&P and TU deprived competitors of a valuable business service needed in order to compete effectively and to avoid serious antitrust issues which the Department viewed as warranting a hearing. Silver v. New York Stock Exchange, 373 U.S. 341 (1963); Ass'n v. United States, 382 U.S. 1 (1965); Eastern States Retail Lumber Dealers' Ass'n v. United States, 234 U.S. 600, 612 (1914).

Your letter of August 25, 1977, asks whether the Department "advised you why enforcement of a contract right, known to all parties and the Assistant Attorney General, may also constitute a violation of Sections 1 and 2 of the Sherman Act?"

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, such as those where a provision may be seen to have had a neutral impact in one set of circumstances, a change in those circumstances later to reveal the potential for anti-competitive effects to have arisen, may render the same provision anticompetitive.

The changed circumstances described above show very significant anticompetitive effects, and the Department's original advice letter.
HLP did not cause, or cannot be held answerable for, increased costs of fuel to its competitors, HLP is the cause and is answerable for the adverse effects of disconnecting from the smaller competitor, at worst, from both interstate commerce. Moreover, the basis for such action derived from the intrastate only agreement. Thus, on the issue of effect on the public and Department's original advice letter it cannot be seen that, with the increased income and economic conditions brought about by the fuel situation, and the corresponding increased need and opportunity for coordination between interstate and intrastate utilities, any amendments or modifications which may be developed during the investigation procedures would be of achieving such economical operation, and what contingencies, if any, may affect carrying out any of such proposals.

Although HLP and TU are participating in the hearings, it is clear that the SEC has no statutory authority to require that 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 a power to remedy anticompetitive situations. Thus, it is our view that the SEC proceeding has no bearing on the question of intrastate trust hearing before the NRC is necessary.

A proceeding before the FPC (now FERC) was initiated by petition in May 1976, requesting the FPC to find that CP&L, WTU, TU, and HLP were operating in interstate commerce and were subject to the FPC. This contention was grounded on the fact that these systems had been interconnected for approximately 2 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 HLP were not. This decision is on appeal to the U.S. Court of Appeals, D.C. Circuit.

In the Department's letter of January 17, 1974, pertaining to the Commanche Peak Generating Station, it was expressly indicated (in condition No. 1 of that license) that no view was then taken as to the legality of the power forthcoming transmission of power in interstate commerce. As the commission order of Municipal Corp., 39 F.R.D. 355 (D. R.I. 1962). Where the Government reserves its future right to take action, any such communication of policy is not a final disposition of the antitrust issue. Put succinctly, the obligation to protect the public interest can never be eschewed 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 their (our) recommendations concerning a further antitrust hearing." 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 leases of Central & South West Corp. (CSW), which include CP&L and WTU, were not operationally integrated. In a verdict, the Public Utility Holding Company Act of 1935. The SEC instituted hearings which, under its statute, involve as the sole issue:

Whether the electric utilities facilities of the subsidiaries of Central & South West Corp. are capable of being economically operated as a single integrated and coordinated system and whether the proposals presented by CP&L and Central & South West Corp. are, in fact, capable of being economically operated, with any amendments or modifications which may be developed during the investigation procedures; or, whether the effect of achieving such economical operation, and what contingencies, if any, may affect carrying out any of such proposals.

Although HLP and TU are participating in the hearings, it is clear that the SEC has no statutory authority to require that 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 a power to remedy anticompetitive situations. Thus, it is our view that the SEC proceeding has no bearing on the question of intrastate trust hearing before the NRC is necessary.

A proceeding before the FPC (now FERC) was initiated by petition in May 1976, requesting the FPC to find that CP&L, WTU, TU, and HLP were operating in interstate commerce and were subject to the FPC. This contention was grounded on the fact that these systems had been interconnected for approximately 2 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 HLP were not. This decision is on appeal to the U.S. Court of Appeals, D.C. Circuit.

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The proceedings before the FPC (now FERC) was initiated by petition in May 1976, requesting the FPC to find that CP&L, WTU, TU, and HLP were operating in interstate commerce and were subject to the FPC. This contention was grounded on the fact that these systems had been interconnected for approximately 2 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 HLP were not. This decision is on appeal to the U.S. Court of Appeals, D.C. Circuit.

In the Department's letter of January 17, 1974, pertaining to the Commanche Peak Generating Station, it was expressly indicated (in condition No. 1 of that license) that no view was then taken as to the legality of the power forthcoming transmission of power in interstate commerce. As the commission order of Municipal Corp., 39 F.R.D. 355 (D. R.I. 1962). Where the Government reserves its future right to take action, any such communication of policy is not a final disposition of the antitrust issue. Put succinctly, the obligation to protect the public interest can never be eschewed by inaction at an earlier point.

The proceedings before the FPC (now FERC) was initiated by petition in May 1976, requesting the FPC to find that CP&L, WTU, TU, and HLP were operating in interstate commerce and were subject to the FPC. This contention was grounded on the fact that these systems had been interconnected for approximately 2 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 HLP were not. This decision is on appeal to the U.S. Court of Appeals, D.C. Circuit.

In the Department's letter of January 17, 1974, pertaining to the Commanche Peak Generating Station, it was expressly indicated (in condition No. 1 of that license) that no view was then taken as to the legality of the power forthcoming transmission of power in interstate commerce. As the commission order of Municipal Corp., 39 F.R.D. 355 (D. R.I. 1962). Where the Government reserves its future right to take action, any such communication of policy is not a final disposition of the antitrust issue. Put succinctly, the obligation to protect the public interest can never be eschewed by inaction at an earlier point.

The proceedings before the FPC (now FERC) was initiated by petition in May 1976, requesting the FPC to find that CP&L, WTU, TU, and HLP were operating in interstate commerce and were subject to the FPC. This contention was grounded on the fact that these systems had been interconnected for approximately 2 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 HLP were not. This decision is on appeal to the U.S. Court of Appeals, D.C. Circuit.

In the Department's letter of January 17, 1974, pertaining to the Commanche Peak Generating Station, it was expressly indicated (in condition No. 1 of that license) that no view was then taken as to the legality of the power forthcoming transmission of power in interstate commerce. As the commission order of Municipal Corp., 39 F.R.D. 355 (D. R.I. 1962). Where the Government reserves its future right to take action, any such communication of policy is not a final disposition of the antitrust issue. Put succinctly, the obligation to protect the public interest can never be eschewed by inaction at an earlier point.
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 presentley 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 agreement 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 choice but to supply a hearing.

Second, the TPUC may enforce its order in a manner which basically vindicates the operation of the intrastate only agreement. Arbitrary denial of exceptions 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—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 refusal or failures to interconnect with utilities operating, or desiring to operate in interstate commerce, even where 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 renewes its advice that an antitrust hearing be held on the Commission's operating license. The purpose of the hearing would be to determine whether in order to remedy a situation inconsistent with the antitrust laws HECO should be enjoined or enjoined 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 Working Group on codes of practice and safety guidelines, which is composed of representatives from Member States, gathers relevant existing codes and guides used by other Member Countries. Using this information 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 on compilation or the drafting of the IAEA Safety Guidelines. 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 and forwards it to the IAEA Director General with a recommendation that it be accepted.

As part of this program, Safety Guide SG-QAG, "Quality Assurance 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 conference 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. 552a(1).

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 22 sections, is to improve both the quality and uniformity of the NRC staffs 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 review 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,
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 105(e) 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 105(e) 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 185 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 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 193 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.

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

For the Nuclear Regulatory Commission.


J. T. McIntyre, Jr.
Director, Office of Management and Budget.
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 proceeding, 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 limitation 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 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 L.w., 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 5, 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. 78-22318 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 255. This information adds North Carolina Municipal Power Agency No. 1 as a 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 this application was submitted on October 27, 1974, and notice of receipt of application for construction permits and facility licenses was published in the Federal Register on December 28, 1972 (37 FR 28842). The notice of hearing was published in the Federal Register on December 1, 1972 (37 FR 5930).


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 COOPERATIVE, 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-captioned application amendment. Our advice concerns Soyland Power Cooperative, Inc. (Soyland) and Western Illinois Power Cooperative, Inc. (WIPC) 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 the proposed use of electric inert gas, on the basis of the policy commitments made by Illinois Power which were to become conditions to license, was not in the public interest and, therefore, that an antitrust hearing was necessary. One of the conditions required, inter alia, Illinois Power to offer to cooperative and municipally-owned electric systems in this 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,"
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. C. R. 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. 522a.)

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]

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, siteing, 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-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. 522a.)

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

NOTICES 37247
NOTICES

[7590-01]

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

[7590-01]

[FR Doc. 78-3687 Filed 2-8-78; 8:45 am]

LONG ISLAND LIGHTING CO. AND NEW YORK STATE ELECTRIC & GAS 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 January 25, 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 plant.

Jamestown Nuclear Station, Units 1 and 2 were originally wholly owned by Long Island Lighting Co. (LILCO). On January 7, 1978, 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 these units. Additionally, on December 27, 1974, we rendered antitrust advice concerning New York State Electric & Gas Corp. with respect to the 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 the record of the hearing, 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 these 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 6, April 13, June 23, August 28 and September 23, 1978, January 26, 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 Beaver 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.

[F.R. Doc. 79-27196 Filed 6-26-79; 8:45 a.m.]
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 56 to Facility Operating License Nos. DPR-44 and DPR-56, 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 16, 1978, (2) Amendment Nos. 58 and 56 to License Nos. DPR-44 and DPR-56, 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 22nd day of August 1979.

For the Nuclear Regulatory Commission.

Thomas A. Ippolito,
Chief, Operating Reactors Branch No. 3, Division of Operating Reactors.

[F.R. Doc. 79-27197 Filed 6-25-79; 8:45 a.m.]
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 105(c) 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 0.008% 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 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 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 address: 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.

[F.R. Doc. 79-27198 Filed 6-29-79; 9:45 a.m.]
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.
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, Units 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 overpowering 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 hazard consideration.

The Commission has determined that the issuance of these amendments will not result in a 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 54481.

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 29th day of May 1980.

For the Nuclear Regulatory Commission.

Robert A. Clark,
Chief, Operating Reactors Branch No. 3,
Division of Licensing.

[Docket Nos. 50-360 and 50-361]

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 105(c) 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 § 2.214 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 July 7, 1980.

For the Nuclear Regulatory Commission.

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

[Docket Nos. 50-411A and 50-417A]
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 license, 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.

On 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 would be affected by the proposed facilities may also make a hearing request under 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 be filed not later than 30 days prior to the time or date set for the proceeding. A petition for leave to intervene shall include a notice of the petition's intention to intervene in the proceeding of the Commission or Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, who has designated to rule on the petition on the following issues: (1) the nature of the petitioner's interest; (2) the factors specified in 10 CFR §§ 2.714(a)(1)(i)-(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, which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW, Washington, D.C. 20555 and at Calabasas County Court House, P.O. Box 561, Jackson, Miss., 39205, and to Mr. Robert B. McGehee, Wise, Carter, Child, Steen & Caraway, P.O. Box 651, Jackson, Miss., 39205; and Mr. Troy B. Conner, Conner, Moore & Corber, 714 Pennsylvania Avenue NW, Washington, D.C. 20006.

Copies of the proposed operating licenses and the ACS 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. STOKE
Chief, Light Water Reactors Branch I, Division of Project Management.

(FRC Doc. 78-20752 Filed 7-27-78; 8:45 am)

[57509-01]

NEW YORK STATE ELECTRIC & GAS CORP.
AND LONG ISLAND LIGHTING CO.

Receipt of Attorney General's Advice and Filing for Filing of Petitioners to Intervene on Antitrust Matters.

The Commission has received, pursuant to section 105 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 proposed application for Nuclear Power Station/New Haven-Stuyvesant Sante, 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-mentioned 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 concerning the South Valley Nuclear Power Station, Units 1 and 2. Most recently, on January 28, 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 21, 1974, regarding New York State application to construct the Somers-
NOTICES

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. 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 spent 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. Its license amendment will also request certain special arrangements with respect to Price-Anderson Act indemnification. This request is under consideration and the NRC will consider the 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 contingent upon the completion of the special environmental reviews mandated pursuant to 10 CFR Part 51 and (2) unless favorable findings required by the Atomic Energy Act of 1954, as amended, (3) the results of 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 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 proposed amendment to SNM-1773 should be issued.

Petitions for leave to intervene must be filed no later than 30 days prior to the date for oral argument on the proposed amendment.

[7590-01]

(Docket No. 70-2623)

DUKE POWER CO.

Opportunity for Public Participation in Proposed Amendment for Authorization to Materials License SNM-1773 for Oconee Nuclear Storion Spent Fuel Transportation and Storage at McGuire Nuclear Station

The U.S. Nuclear Regulatory Commission (the Commission) is giving public notice of its proposal to amend the material license for the Oconee Nuclear Station Spent Fuel Transportation and Storage at McGuire Nuclear Station License No. SNM-1773.

32905

FEDERAL REGISTER, VOL. 43, NO. 146—FRIDAY, JULY 28, 1978

FEDERAL REGISTER, VOL. 43, NO. 146—FRIDAY, JULY 28, 1978
NOTICES

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 Reactor Regulation.

(FR Doc. 78-21645 Filed 8-3-78; 8:45 am)

[7590-01]

[DOCKET NO. 80-1101]

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 105 of the Atomic Energy Act of 1954, as amended, the following additional advice from the Attorney General of the United States, dated July 28, 1978, with respect to a construction permit application for the 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 18, 1972, we informed your predecessor Commission that the activities proposed under that application would be consistent with the antitrust laws. On September 22, 1978, 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. (RGE), 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:

<table>
<thead>
<tr>
<th>Participant</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>LILCO</td>
<td>41</td>
</tr>
<tr>
<td>New York State</td>
<td>18</td>
</tr>
<tr>
<td>RGE &amp; E</td>
<td>14</td>
</tr>
<tr>
<td>Central Hudson</td>
<td>9</td>
</tr>
</tbody>
</table>

Nine Mile Point Nuclear Station, Unit No. 2, is proposed to be built on a site on the 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:

<table>
<thead>
<tr>
<th>Description</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total nuclear production plant cost</td>
<td>$1,918,330,000</td>
</tr>
<tr>
<td>Termination, distribution, and general plant costs</td>
<td>7,559,000</td>
</tr>
<tr>
<td>Nuclear fuel inventory cost for first core</td>
<td>71,474,000</td>
</tr>
</tbody>
</table>

Total estimated costs | $1,993,350,000

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, 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. On January 7, 1976, we rendered antitrust advice on an application by Central Hudson to participate in the Jamesport Nuclear Power Station, Units 1 and 2. We also rendered antitrust advice on an application by New York State in January 26, 1976, on an application to construct the Jamesport 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 demand of about 1 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 municipal systems.

After examination of the current applications and review of the relevant data, we have concluded that the circumstances have appeared to warrant a reversion 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, and the extent 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 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 Nu-
clear 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 Matom 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 (45 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-76/014), and the 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-
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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 a supplemental letter in accordance with section 106 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.

JEREDE SALTZMAN,
Chief, Antitrust and Indemnity Group Nuclear Reactor Regulation.

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, 1978 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, (Duquesne Light Nuclear Power Station, Units 1, 2, and 3; Perry Nuclear Power Plant, Units 1 and 2) NRC Docket Nos. 50-340A, 50-500A, 50-501A, 50-460A, 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), NRC Rrie 133 (1977)). This decision is now on appeal.

With respect to the instant application, Applicants have expressed their willingness to be bound by the above-quoted advice, 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 Perry proceeding, as quoted on page 78 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, 1978, the Attorney General of the United States Advised the Nuclear Regulatory Commission that the 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, 1978, 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 Davis-Besse Nuclear Power Station, 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 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 aforesaid license. The Applicants have appealed the aforesaid January 6, 1977 Initial Decision to the Atomic Safety and Licensing Board where that matter is now pending.

As a result of these discussions, a single license condition has been jointly prepared for incorporation hereinto. This condition 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) these 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 Operating License (Toledo Edison Company, Units 1 and 2) and Davis-Besse Nuclear Power Station, Units 1, 2, and 3, ("Davis-Besse Construction Permits and/or Operating License") are incorporated by reference in this Construction Permit (Operating License). Such incorporation shall be effective as of the date the Perry Construction Permits and/or Operating License is issued and any modifications which may hereafter be made thereto irrespective of any antitrust license conditions shall be effective with respect to the instant license (license)."

As to the Erie Nuclear Plant, Units 1 and 2 ("Erie"), conditions 8(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 pro-purchase of power basis. Each requesting entity, or group of entities, may obtain up to 15 percent of the capacity of the Erie units, except that any one entity or entities has contracted for allocations totaling 15 percent or further, in any given unit need be offered. Commitments for the Erie units must be made by requesting entities within one year after February 1, 1978.

Any modification of conditions 8(a) or 9(b) of the Perry and Davis-Besse antitrust license conditions shall be equally effective with respect to condition 9 of above the 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 limitation.

You both have advised me that, if Applicants are willing to have this license condition incorporated into the Nuclear Regulatory Commission's license for the Perry Nuclear Power 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 the Davis-Besse Nuclear Power Plant, Units 1 and 2, and 3. Issued Its Initial Decision, subject to whatever modifications (if any) these conditions undergo during the administrative and judicial appeal process.

That single license condition reads as follows:

"As the Davis-Besse Nuclear Power Station, Units 1 and 2, ("Davis-Besse") and Perry Nuclear Power Station, Units 1, 2, and 3, ("Perry") have appealed the aforesaid January 6, 1977 Initial Decision to the Atomic Safety and Licensing Board where that matter is now pending. Following announcement of the aforesaid Initial Decision, the Applicants in NRC Docket 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 is any question as to whether the antitrust review in the above proceeding.

As a result of these discussions, a single license condition has been jointly prepared for incorporation hereinto. This condition which incorporates by reference the essential terms and provisions of the conditions framed in the above-mentioned Perry Initial Decision, subject to whatever modifications (if any) these 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 Operating License (Toledo Edison Company, Units 1 and 2) and Davis-Besse Nuclear Power Station, Units 1, 2, and 3, ("Davis-Besse Construction Permits and/or Operating License") are incorporated by reference in this Construction Permit (Operating License). Such incorporation shall be effective as of the date the Perry Construction Permits and/or Operating License is issued and any modifications which may hereafter be made thereto irrespective of any antitrust license conditions shall be effective with respect to the instant license (license)."

FEDERAL REGISTER, VOL. 43, NO. 58—FRIDAY, MARCH 24, 1978
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 draft value/impact statement. The series has been developed to describe methods acceptable to 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.

At issue is 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. Bemero,
Director, Division of Risk Analysis, Office of Nuclear Regulatory Research.

(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 2,730 megawatt-hour commitment 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 measures are 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 Taulston,
Acting Chief, Antitrust and Economic Analysis Branch, Division of Engineering, Office of Nuclear Reactor Regulation.

[License No. 45-05963-31 (EA 81-51)]

Met Lab, Inc.; Reconstitution of Board

Pursuant to the authority contained in 10 CFR 2.709(d) (1981), the Atomic Safety and Licensing Board for Met Lab, Inc. (Met Lab, Inc.). License No. 45-09983-01 (EA 81-51) is hereby reconstituted by appointing Administrative Law Judge Morton B. Margules 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 Margules in accordance with 10 CFR 2.709. (EA 81-51)

Administrative Law Judge Morton B.
NUCLEAR REGULATORY COMMISSION

[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 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 2, 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. CPR-135 and CPR-138. 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 totaling 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 Pilchuck 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, D.C. 20555, Attention: Director, Planning and Program Analysis Staff, Office of Nuclear Reactor Regulation.

Dated at Bethesda, Maryland this 11th day of July, 1986.

For the Nuclear Regulatory Commission.

Earl R. Ohman, Jr. [General Counsel).

FOR FURTHER INFORMATION CONTACT:

Earl R. Ohman, Jr. [General Counsel], 202-395-4015.

SUPPLEMENTARY INFORMATION: On February 19, 1981, the Commission published notice in the Federal Register of a delegation of authority from its General Counsel. 46 FR 3554-3555. 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(c) of the Occupational Safety and Health Act of 1970, 29 U.S.C. 661(f), to consider all issues raised by a judge's report that has been directed for review.

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.
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.

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

(FR Doc. 78-21783 Filed 8-3-78; 8:45 am)

[R7590-01]

RISK ASSESSMENT REVIEW GROUP

Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 82-463), 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 1107, North Malmoie 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 therefore 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 developments in the 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. Comments should be limited to areas within the Group's purview. Persons desiring to make 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. 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:

2. The NRC's five Regional Offices of Inspection and Enforcement:

REGION I
231 Park Avenue, King of Prussia, Pa. 19406

REGION II
Suite 1217, 230 Peachtree Street, Atlantic, Ga. 30023

REGION III
799 Roosevelt Road, Glen Ellyn, Ill. 60137

REGION IV
Suite 1000, 611 Ryan Plaza Drive, Arlington, Tex. 76112

REGION V
Suite 302, 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: Malea B. Poste (telephone: 202-413-8371), 7725 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 called 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 29, 1978, to the Office of Policy Evaluation (telephone 202-583-3209, Attention: John Austin) between 2:15 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. 78-21784 Filed 8-3-78; 8:45 am)

[R7590-01]

(Socket Nos. 50-582A, 50-583A)

SANDIEGO 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 Motions

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 10 CFR Part 2, file a petition for leave to intervene

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34567
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.

ARGU TOALSTON,
Acting Chief, Antitrust and Independence Group Office of Nuclear Reactor Regulation.

(FR Doc. 78-21785 Filed 8-3-78; 8:15 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 (144 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 of 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 EMPLOYMENT OPPORTUNITY COMMISSION

FEPA Contract Proposal, EEOC 344, annually, 70 State and local fair employment practices agencies, Laverne V. Collins, 395-5214.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Substantial object received by September 3, NASA Tech Briefs-Subscription Notice, annually, 40,000 R. & D. firms, Caywood, D. P., 395-3433.

NOTICES

DEPARTMENT OF ENERGY


U.S. CIVIL SERVICE COMMISSION

Relevant Labor Market Studies, single time, 661 license agents, Caywood, D. P., 395-3443.

REVISONS

DEPARTMENT OF AGRICULTURE


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, 673-7658.

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service, Claim for Reimbursement—Child Care Food Program, 7703-32 monthly inst. administered by FNS, 28,000 responses, 31,000 hours, Ellett, C. A., 395-6132.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Neighborhood and Housing 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., 395-5132.

DAVID R. LEXTON,
Budget and Management Officer.

(FR Doc. 78-21786 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 of 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 EMPLOYMENT OPPORTUNITY COMMISSION

Equal Employment Opportunity Employer Information Report EEO-1, SP-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, CSSC-1250, 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.

REVISONS

ENVIRONMENTAL PROTECTION AGENCY

Application for Federal Assistance Part IV Narrative Statement (State Periodic Enforcement and Applicator Certification and Training Program Grant), EPA 5700-32, on occasion, State agencies, 250 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-3004-1, on occasion, 500 lending institutions, 500 responses, 500 hours, Caywood, D. P., 395-3443.

EXTENSIONS

DEPARTMENT OF AGRICULTURE


DEPARTMENT OF DEFENSE

Department and Other Industrial Facility Survey—Mobilization Production Plant Program, DOD 1611-2, 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 proceed with the proceeding in the event that a hearing is ordered. The members of the Board are Mr. Glenn O. Bright, D.; Richard F. Cole and Mr. Herbert Grossman, who will serve as Chairmen of the Board. 44 Fed. Reg. 1711 (January 8, 1980).

Pursuant to the provisions of 10 C.F.R. § 2.714(a) 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 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 that 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.

[Docket No. 110-00405; Application No. XR-120; Application No. XCOM-0013; Order No. CI-50-2]

Westinghouse Electric Corp.

The Commission has reviewed the public comments submitted in response to its Order dated September 27, 1979 ordering the Atomic Safety and Licensing Board (Board) 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 C.F.R. 110.69(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 U.S. 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, it finds it extraordinary. He wonders whether the 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. 20555, this 1st day of February 1980.

For the Commission

Samuel J. Chilk, Secretary of the Commission.

[Docket Nos. 50-361A and 50-362A]


The Commission has received, pursuant to Section 10(c) 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 10(c) of the Atomic Energy Act, as amended, in regard to a transfer of ownership interest in the above-referenced plants to the Cities of Anaheim and Riverside, California, the "Cities". Under the proposed transfer, the City of Anaheim would acquire a 1.16% interest in at least one of the two 1150 MW units, for a total of 32.62 MW, and the City of Riverside would acquire a 1.78% interest in at least one of the two units, for a total of 39.32 MW. The Cities filed applications to participate in both the San Joaquin and Sanbert nuclear plants, and the Nuclear Regulatory Commission was advised by letters of November 24, 1979 and December 1, 1979, 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, 1979, that it was not necessary to conduct a hearing with respect to the Cities' participation in units 4 and 5 of the Palis Verde 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 request 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," 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 L 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. 80-4897 Filed 2-13-80 at 3:45 am]

BILLING CODE 7590-01-M

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 carries 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 the 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 title of the form

The agency form number, if applicable

The revised 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 number of hours needed to fill out the form, and

The name and telephone number of the person or office responsible for OMB review.

The 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 or 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, 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, NW, Washington, DC 20503.

DEPARTMENT OF AGRICULTURE

Agency Clearance Officer—Richard J. Schrimer—417-6201

Revisions

Animal and Plant Health Inspection Service

Insect Survey and Detection

RPO 391

On occasion

State Agri. Extension Service Personnel,

5,239 Responses, 5,880 Hours

Charles A. Ellett, 395-5680

Economics, Statistics, and Cooperatives Service

June Enumerative Survey

Annually

Land operators in sample segments, 125,000 responses, 44,600 hours

Office of Federal Statistical Policy & Standards, 673-7974

Food Safety and Quality Service

Subchapter C Mandatory Poultry Products Inspection

9 CFR 381

Other (see SF-83)

Poultry packers, processors, etc., 5,239 responses, 28,011 hours

Charles A. Ellett, 395-5680

Food Safety and Quality Service

Subchapter B Voluntary Inspection and Certification Service

9 CFR 345-352

Other (see SF-83)

Meat packers, processors, etc., 28 responses, 7 hours

Charles A. Ellett, 395-5680

DEPARTMENT OF COMMERCE

Agency Clearance Officer—Edward Michals—577-3827

New Forms

National Oceanic and Atmospheric Administration

Report of transmitting antenna construction alteration and/or removal

NOAA, 70-10

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 LPV grantee, evaluation representative, contractors and subcontractors

ED-747

On occasion

State & local government agencies 165 responses, 50 hours

John A. Caron, 395-3785
not 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 must be filed by registered or certified mail, return receipt requested, or by express or overnight delivery. A copy may be filed with the Public Document Room, 1717 H Street NW, Washington, D.C.

Pending further order of the Hearing Board designated for this proceeding, parties are required to file, pursuant to the provisions of 10 CFR 2.708 of the Commission's rules of practice, an original and two 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 a.m.]

NOTICES

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 105(c) 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 communications of June 28, 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, 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 to this determination of changed circumstances, the Department rendered antitrust advice on the subject nuclear plant as well as on other units planned within the State of Texas. In our letter of January 17, 1974, we had advised that an antitrust analysis 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 situation at that time, the implementation of these conditions would have prevented the maintenance or creation of a competitive situation inconsistent with the antitrust laws, as specified in section 105(c)(5), 15 U.S.C. § 2522, 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, unlike 1 and 2, the competitive situation in the Texas electric power market has changed significantly subsequent to our earlier advice letter to you. 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, constitute a situation inconsistent with the antitrust laws warranting an antitrust hearing.

In the Department's judgment, those considerations are equally applicable to developments that pertain to the subject nuclear plant and have occurred since our January 17, 1974, advice letter.

As noted in our letter of February 21, 1978, the Department has advised the Commission significantly since the prior letters of advice. The Licensee of the above-captioned application has agreed to (i) file amendments to the application as directed by the Attorney General along with HL&P, opened the electrical interconnections that had historically been maintained with other Texas 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 utilities operating in interstate commerce. During this period, other smaller utilities in the area experienced significant increases in the cost 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 Texas utilities.

As noted in our letter of February 21, 1978, the present situation in Texas renders participation in the intrastate market necessary and by letter dated October 22, 1974, that an antitrust hearing on the South Texas Project would not be necessary.

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.

3FEDERAL REGISTER, VOL. 43, NO. 152—MONDAY, AUGUST 7, 1978
NOTICES

[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 8(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 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 individual 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 involved, 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. 78-21832 Filed 8-4-78; 8:45 am]

[8010—01]
SECURITIES AND EXCHANGE
COMMISSION

(Release No. 15009. File No. 4-2811)
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 the following 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 "quotasystem"). The order authorizes the 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.¹

¹The 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 all 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.

[Signature]

Chief, Operating Reactors Branch #1.

Division of Operating Reactors.

Draft Regulatory Guide; Notice of Issuance and Availability

The Nuclear Regulatory Commission has issued for public comment a draft of a new guide planned for the 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, OH 714-4, is entitled "Applications of Bioassay for Fission and Activation Products" and is intended for Division 8, "Occupational Health." It identifies the bases that will be used by the NRC staff in evaluating the need for incorporating in licenses provisions to require bioassay programs in installations where employees may be subject to internal radiation exposure from the inhalation or ingestion of fission or neutron activation products. The guide also describes methods for developing such bioassay programs. The guide will endorse ANSI N349-1978, "Internal Dosimetry for Mixed Fission and Activation Products."

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. October 29, 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. 79-3005 Filed 9-13-79; 8:45 am]
BILLING CODE 7590-01-G6

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 the Comanche Peak Steam Electric Station, Units No. 1 and 2.

You have requested or 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. As a Docket No. 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). By the terms of the agreement between TUGCO and TMPA, TMPA will secure a 5.2 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 improve existing generation more effectively. The present members of TMPA are the Cities of Bryan, Denton, Garland and Greenville.

By letter to you dated September 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 at 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 for the Comanche Peak operating license was that TU had combined with other utilities in Texas and agreed to disconnect from a number of other electrical utilities 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. 50-448A and 50-448, 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, "to be by TP&L agreed to supply ready electric energy interruptible off-peak economy energy to TMPA. On January 2, 1979, TMPA entered into a contract with TU, by which the Comanche Peak Operating Company and TP&L, a subsidiary of the Comanche Peak Operating Company, entered into a contract with TMPA, in which the Texas Power and Light Company, each of which is joint owner of the Texas Utilities Generating Company (TUGCO),..."
hearing. Resolution of the antitrust issues in that hearing will necessarily resolve any antitrust questions raised by these restrictions in the contractual agreements between Texas Utilities 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 allowed 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 to 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 unit is not necessary.

Attachment

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 80-442A and 80-444A, 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, D.C. 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 Saltman
Chief, Antitrust and Indemnity Group, Office of Nuclear Reactor Regulation.

[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. Schwencer
Chief, Operating Reactors Branch #1, Division of Operating Reactors.

NATIONAL TRANSPORTATION SAFETY BOARD

Relocation of Dulles High-Speed Field Office

The Dulles High-Speed 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—High-Speed 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.
in service inspection requirements with an in service inspection program that meets the requirements of 10 CFR 50.55(a)(g).

By letter dated September 28, 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 licensee. The relief relates to the in service 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 hazard 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, 801 17th St. NW, Washington, D.C. and at the Mission Viejo Branch Library, 24851 Chisanta 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 26th day of September, 1979.

For the Nuclear Regulatory Commission.

Thomas V. Wanbach,
Acting Chief, Operating Reactors Branch #2, Division of Operating Reactors.

[FR Doc. 79-21228 Filed 10-9-79; 8:45 am]
DALLING CODE 7395-01-M

(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 Anittrust Matters

The Commission has received a request 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 September 25, 1979, with respect to an operating license application for Comanche Peak Steam Electric Station, Units Nos. 1 and No. 2:

You have requested our further advice pursuant to Section 106c 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 No. 1 and No. 2.

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).

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

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, foreclosed Brazos from interconnected 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 would participate 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, USD0 File No. DAK-FPH 80-57-0.

This letter is in response to the letter to Mr. Fred Parmenter on September 13, 1978, concerning the antitrust 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 restricting 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 interstate 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 granted. Any 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 antitrust proceeding involving the Comanche Peak Steam Electric Station, including any conditions that are attached to the operating license as a result of that proceeding.
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 unduly disrupting the licensing proceedings now underway.

The Commission has received petitions from applicants in the Black Fox and Sargit 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.

SECURITIES AND EXCHANGE COMMISSION
(File No. 81-577)

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, N.W., 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, N.W., 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, if fact and law raised by the applicant, 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.
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. 20006 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, NW, Suite 300, Washington, D.C.

Signed at Washington, D.C., this twenty-seventh day of March 1979.

[Signature]

Director National Commission for Employment Policy

[FR Doc. 79-17078 Filed 6-2-79; 4:15 am]

BILLING CODE 4510-30-M

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**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 11-13, 1979 at the Hilton House Thunderbird Hotel, 402 George Washington Way, Richland, WA 99352. Notice of this meeting was published in the Federal Register on March 23, 1979 (44 FR 17857).

In accordance with the procedures outlined in the Federal Register on October 4, 1978 (43 FR 45920), 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 11, 1979: 1:00 p.m. until the conclusion of business.

Thursday, April 12, 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, sand).

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 precid telephone call to the Designated Federal Employee for this meeting. Mr. Ragnvald Muller, telephone 202/604-1413 between 8:15 a.m. and 5:00 p.m., EST.

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**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); Dock No. 50-622 and 50-523 Order for Conference.

The board 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 9:00 a.m. The conference will be held at Room 3098, 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 a report 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 Sauk Sulaitle Indian Tribe and the Swinomish Tribal Community as remanded by the Appellate 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.

Valeria M. O'Neal

Chairman

[FR Doc. 79-17078 Filed 6-2-79; 4:15 am]

BILLING CODE 7550-01-M

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**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 103(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 30 MW per unit, and Old Dominion's proposed interest would be between 20 MW and 50 MW per unit. The participation of these two entities in the nuclear units is the culmination of discussions begun 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(e). 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 17 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 Salinas, Chief Attorney and Deputy General Counsel, Office of Nuclear Reactor Regulation.


BILLING CODE 7555-01-M

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 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.-6:00 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 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 Palis Verdes 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 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 issues related to nuclear power plant safety, including evaluation of systems interactions, design of integrated protection systems, the ODEN Code, regulatory activities, and implementation of appropriate safety features at a nuclear power plant.

The Committee will discuss its proposed reports to the Nuclear Regulatory Commission regarding the Palis Verdes 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, and 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 Palis 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...
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<tr>
<td><strong>Title and Subtitle</strong></td>
<td>NRC Antitrust Licensing Actions, 1978-1996</td>
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<tr>
<td><strong>Author(s)</strong></td>
<td>S. J. Mayer and J. J. Simpson</td>
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<td><strong>Performing Organization</strong></td>
<td>Oak Ridge National Laboratory</td>
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<td><strong>Sponsoring Organization</strong></td>
<td>Division of Reactor Program Management</td>
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<td><strong>Supplementary Notes</strong></td>
<td>M. J. Davis, NRC Technical Monitor</td>
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<td><strong>Abstract</strong></td>
<td>NUREG-0447, <em>Antitrust Review of Nuclear Power Plants</em>, 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, <em>The U.S. Nuclear Regulatory Commission's Antitrust Review of Nuclear Power Plants: The Conditioning of Licenses</em>, 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.</td>
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<td><strong>Key Words/Descriptors</strong></td>
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