Duke Power Company, et al., Docket Nos. 50-413 and 50-414, Catawba Nuclear Station, Units 1 and 2, York County, South Carolina

Date of application for amendments: September 21, 1996

Brief description of amendments: The amendments approve changes to the Updated Final Analysis Report (UFSAR), and require that the changes be submitted with the next update of the UFSAR pursuant to 10 CFR 50.71(e). The associated Safety Evaluation delineates the staff's review and findings, including finding that the as-built condition of the subject power system protective devices is acceptable as-is.

Date of issuance: September 28, 1996

Effective date: September 28, 1996

Amendment Nos.: 153 and 145

Facility Operating License Nos. NPF-35 and NPF-52: The amendments revised the Updated Final Safety Analysis Report. Public comments requested as to proposed no significant hazards consideration: Yes. The NRC staff published a public notice of the proposed amendments, issued a proposed finding of no significant hazards consideration, and requested that any comments on the proposed no significant hazards consideration be provided to the staff no later than 5:00 p.m., September 28, 1996. The notice was published in ''The Herald'' of Rock Hill, South Carolina, from September 25 through 27, 1996. No comments have been received.

The Commission's related evaluation of the amendments, finding of exigent circumstances, consultation with the State of South Carolina, and final determination of no significant hazards consideration are contained in a Safety Evaluation dated September 28, 1996.

Local Public Document Room location: York County Library, 138 East Black Street, Rock Hill, South Carolina 29730

Attorney for licensee: Mr. Albert Carr, Duke Power Company, 422 South Church Street, Charlotte, North Carolina 28242

NRC Project Director: Herbert N. Berkow

PECO Energy Company, Public Service Electric and Gas Company, Delmarva Power and Light Company, and Atlantic City Electric Company, Docket No. 50-277, Peach Bottom Atomic Power Station, Unit No. 2, York County, Pennsylvania

Date of application for amendment: March 25, 1996 as supplemented by letters dated August 23, 1996 and September 27, 1996.

Brief description of amendment: The amendment revises Peach Bottom Technical Specification 2.1.1.2 safety limit minimum critical power ratios to be consistent with the use of GE-13 fuel in the Unit 2 core for operating cycle 12.

Date of issuance: September 27, 1996

Effective date: As of date of issuance

Amendment No.: 217

Facility Operating License No. DPR-44: Amendment revised the Technical Specifications.Public comments requested as to proposed no significant hazards consideration: Yes (61 FR 45997). That notice provided an opportunity to submit comments on the Commission's proposed no significant hazards consideration determination. No comments have been received. The notice also provided an opportunity to request a hearing by September 30, 1996, but indicated that if the Commission makes a final no significant hazards consideration determination any such hearing would take place after issuance of the amendment.The Commission's related evaluation of the amendment, finding of exigent circumstances, and final no significant hazards consideration determination are contained in a Safety Evaluation dated September 27, 1996.

Attorney for licensee: J. W. Durham, Sr., Esquire, Sr. Vice President and General Counsel, PECO Energy Company, 2301 Market Street, Philadelphia, Pennsylvania 19101

Local Public Document Room location: Government Publications Section, State Library of Pennsylvania, (REGIONAL DEPOSITORY) Education Building, Walnut Street and Commonwealth Avenue, Box 1601, Harrisburg, PA 17105.

Dated at Rockville, Maryland, this 16th day of October 1996.

For the Nuclear Regulatory Commission

John A. Zwolinski,

Acting Director, Division of Reactor Projects - I/II, Office of Nuclear Reactor Regulation

[FR Doc. 96-27025 Filed 10-22-96; 8:45 am]

BILLING CODE 7590-O1-F

[Docket Nos. 50–440 and 50–346]

Perry Nuclear Power Plant, Unit 1 Davis-Besse Nuclear Power Station, Unit 1 Issuance of Director's Decision Under 10 CFR § 2.206

Notice is hereby given that the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission (NRC), has issued the Director's Decision concerning the petition dated January 23, 1996, filed by David R. Straus, Esq., et al., on behalf of the City of Cleveland, Ohio, which owns and operates Cleveland Public Power (CPP or the City) for allegedly violating the antitrust license conditions applicable to the Perry Nuclear Power Plant, Unit 1, and the Davis-Besse Nuclear Power Station, Unit 1. Supplements to the Petition were filed on May 31 and August 13, 1996.

After consideration and careful review of the facts available to the staff and the decisions reached in parallel proceedings involving the same parties and similar issues before the Federal Energy Regulatory Commission (FERC), the Director has determined that the issues raised by the petitioner that could be remedied by the NRC have been addressed and resolved in the FERC proceedings so as to require no further action by the NRC. As a result, no proceeding in response to the Petition will be instituted. The reasons for this decision are explained in the ''Director's Decision under 10 CFR § 2.206,'' (DD–96–15).

A copy of the Director's Decision has been filed with the Secretary of the Commission for Commission review in accordance with 10 CFR § 2.206(c). The Decision will become the final action of the Commission 25 days after issuance, unless the Commission on its own motion institutes review of the Decision within that time as provided in 10 CFR § 2.206(c).

Copies of the Petition, dated January 23, 1996, as supplemented May 31 and August 13, 1996, and the Notice of Receipt of Petition for Director's Decision under 10 CFR § 2.206 that was published in the Federal Register on March 8, 1996 (61 FR 9506), and other documents related to this Petition are available in the NRC Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document rooms for Perry Nuclear Power Plant (Perry Public Library, 3753 Main Street, Perry, Ohio) and Davis-Besse Nuclear Power Station (Government Documents Collection, William Carlson Library (Depository), University of Toledo, 2801 West Bancroft Avenue, Toledo, Ohio).

For the Nuclear Regulatory Commission.

Dated at Rockville, Maryland this 17th day of October 1996.

Frank J. Miraglia,

Acting Director, Office of Nuclear Reactor Regulation.

Director's Decision Under 10 CFR § 2.206

I. Introduction

The City of Cleveland, Ohio, which owns and operates Cleveland Public Power (CPP or the City), in a petition, dated January 23, 1996, requested the Executive Director for Operations of the U.S. Nuclear Regulatory Commission (NRC or the Commission) to take enforcement action against the Cleveland Electric Illuminating Company (CEI) for allegedly violating the Antitrust License Conditions applicable to its nuclear units. The petition was referred to the Director, Office of Nuclear Reactor Regulation, for review.

CPP requested that NRC, on an expedited basis, (1) declare that CEI is obligated to provide the wheeling and interconnection services specified in the Petition; (2) issue a Notice of Violation related to that obligation; (3) impose a requirement by order directing CEI to reply in writing and admit or deny violation of that obligation and setting forth the steps it is taking to comply with the Antitrust License Conditions; (4) impose a requirement by order directing CEI to comply with the portions of the Antitrust License Conditions at issue and directing CEI to withdraw from the Federal Energy Regulatory Commission (FERC) portions of its filings in Docket No. ER93–471–000, as specified in the Petition, which are contrary to CEI's obligations under the Antitrust License Conditions, including withdrawal of the deviation charge from rate schedules and withdrawal of that portion of the ''Operating Agreement'' that provides Toledo Edison highest priority treatment; and (5) impose civil monetary penalties for CEI's violations of the license conditions.

Four specific violations of the Antitrust License Conditions are alleged in the City's § 2.206 petition. The first allegation is that CEI has violated License Condition Number 3, concerning wheeling service, by refusing to provide 40 MW of firm wheeling service from Ohio Power Company to CPP to provide electrical service to Medical Center Company (Medco), a former CEI retail customer. The second allegation is that CEI has violated License Condition Numbers 6 and 11,[1] which concern the sale of emergency power, by contracting in the 1987 ''Centerior Dispatch Operating Agreement'' to provide Toledo Edison Company emergency power on a preferential basis. The third allegation is that CEI has violated License Condition Number 2, concerning the offering of interconnections upon reasonable terms and conditions, by failing to offer CPP a fourth interconnection point. The fourth allegation is that CEI has violated License Condition Number 2 by imposing unreasonable deviation charges for unscheduled power delivered over existing interconnections in excess of the amount scheduled for delivery.

CEI responded to the City of Cleveland's petition in a letter dated May 6, 1996, stating that the allegations should be dismissed not only because they lack merit but also because they relate to matters currently under FERC consideration.

II. Background

On the basis of the record developed during the antitrust hearings of Davis-Besse and Perry an NRC Atomic Safety and Licensing Board found, in a decision dated January 6, 1977, that CEI and the other applicants engaged in activity that was inconsistent with the antitrust laws, LBP–77–1, 5 NRC 133 (1977); affirmed with modifications, ALAB–560, 10 NRC 265 (1979). The Board also found that because the municipal system of Cleveland was isolated electrically from utilities other than CEI, and was able to obtain only emergency power from CEI, it was essential, in order for CPP to remain a viable competitor, that Cleveland have power wheeled to it over CEI's transmission system. The Board noted that CPP was unable to obtain wheeling service because CEI would not agree to third-party wheeling on any terms. The Board concluded that failure to exercise its authority under the Atomic Energy Act to issue license conditions would result in a continuation of this anticompetitive conduct. CEI, as an applicant, was ordered to implement the following license condition (No. 3):

Applicants shall engage in wheeling for and at the request of other entities [any electric generation and/or distribution system or municipality or cooperative with a statutory right or privilege to engage in either of these functions] in the CCCT [Combined CAPCO Territories]:

(a) of electric energy from delivery points of applicants to the entity(ies); and,

(b) of power generated by or available to the other entity, as a result of its ownership or entitlements [includes but is not limited to power made available to an entity pursuant to an exchange agreement] in generating facilities, to delivery points of Applicants designated by the other entity.

Such wheeling services shall be available with respect to any unused capacity on the transmission lines of Applicants, the use of which will not jeopardize Applicants' system. In the event Applicants must reduce wheeling services to other entities due to lack of capacity, such reduction shall not be effected until reductions of at least 5% have been made in transmission capacity allocations to other Applicants in these proceedings and thereafter shall be made in proportion to reductions imposed upon other Applicants to this proceeding.

Applicants shall make reasonable provisions for *disclosed* transmission requirements of other entities in the CCCT in planning future transmission either individually or within the CAPCO grouping. By ''disclosed'' is meant the giving of reasonable advance notification of future requirements by entities utilizing wheeling services to be made available by Applicants.

Ten other Antitrust License Conditions were added to the Davis-Besse and Perry licenses covering the sale of wholesale power; the offering of interconnections; the sale of economy energy, maintenance power, and emergency power; access to ownership shares in the nuclear units; the sharing of reserves; and the provision of coordination services. NRC ordered that these conditions be implemented in a manner consistent with the provisions of the Federal Power Act. ALAB–560, 10 NRC at 295–299

Since the late 1970s, CPP, the City of Cleveland's municipal power system, has sought greater access to the CEI transmission grid. CPP has its own distribution system and generates a portion of its own power supply requirements. To seek out the most cost-efficient source of power supply, CPP needs meaningful access to transmission facilities serving the local area, which are owned by CEI.

III. Discussion

CPP alleges four specific violations of the Antitrust License Conditions. The first allegation is that CEI violated License Condition No. 3 by refusing to provide firm wheeling service to CPP. This allegation is the result of one disputed transaction, CEI's refusal to wheel 40 MW from Ohio Power Company to CPP to service Medco, currently a CEI retail customer. CPP claims that Medco has decided to become a native load customer of CPP and that there is no credible basis upon

[1] License Condition Number 11, which concerns wholesale power and coordination services is mentioned in the introductory portion of the petition, but no argument is provided to support the claim nor is this condition otherwise mentioned in any substantive discussion in the petition.

which to contend that the transaction at issue constitutes retail wheeling. CPP claims that there was no request for CEI to provide retail wheeling services, and the requested 40–MW wholesale purchase from Ohio Power is to serve CPP's native load. CPP alleges that CEI is attempting to delay the loss of a significant retail customer.

CEI responds to the allegation by stating that the written contract between CPP and Medco reflects a direct pass-through of CPP payments to Ohio Power. CEI further claims that CPP is acting as a strawman to facilitate retail wheeling of power from Ohio Power to Medco. CEI contends that the transactions are shams designed to circumvent prohibitions in the Federal Power Act, Sections 212(g) and 212(h), against retail wheeling. Section 212(g) prohibits issuing orders under the Federal Power Act that are inconsistent with any State law that governs the retail marketing areas of electric utilities. Section 212(h) prohibits mandatory retail wheeling and sham wholesale transactions.

Two FERC proceedings are in progress concerning CEI's refusal to transmit the Ohio Power purchase: a CEI petition filed November 2, 1995, requesting a ruling that CEI is not required to provide the requested service under the Federal Power Act, Sections 211 or 212 (Docket #EL96–9–000), and a CPP complaint filed November 29, 1995, concerning CEI's refusal to transmit the Ohio Power purchase (Docket #EL96–21–000).

On July 31, 1996, FERC issued an order in connection with the wheeling transaction raised in the City of Cleveland's 2.206 petition. FERC decided in favor of the City and found that CEI is obligated under the existing transmission service agreement to provide the requested transmission service and that the service did not violate the Federal Power Act. Since the transmission will be over CEI's lines to Cleveland and the sale to Medco will be over Cleveland's 138kV-line, FERC found that this case did not involve the transmission of electric energy by CEI directly to an ultimate consumer, that is, there was no ''sham'' transaction.

In a letter to the NRC dated August 8, 1996, counsel for CEI stated that, based on the FERC decision, a signed service agreement reserving 40 MW of firm transmission service for the requested period September 1 through December 31, 1996, has been forwarded to the City of Cleveland. In a letter to the NRC dated August 13, 1996, CPP's counsel urged the imposition of sanctions, even in light of the FERC decision, stating that ''CEI's expressed willingness (August 8 letter) to comply now with its wheeling obligations does not excuse the Company's unwarranted refusal to wheel absent a directive from a federal agency.'' Counsel for CEI responded in an August 21, 1996, letter that ''CEI sought declatory ruling on the appropriateness of this request promptly enough to obtain a determination without impacting the September 1 service date.'' CEI agreed to a subsequent CPP request after the FERC order and transmission service began on August 17, 1996. CEI's counsel further stated that ''as a result, CEI's actions have not resulted in any loss of transmission services to the City of Cleveland. In essence, the City of Cleveland is asking for the imposition of penalties solely because CEI exercised appropriate legal procedures to determine the propriety of the service request. Such appropriate process cannot and should not be the basis for any sanctions.''

In a letter to the NRC dated September 23, 1996, counsel for CEI forwarded an opinion of the Ohio Supreme Court holding that the Public Utility Commission of Ohio (PUCO) has jurisdiction to consider CEI's complaint that the Medco transaction violated the Ohio Certified Territory Act and directing PUCO to do so. The September 23, 1996, letter also forwarded CEI's request for rehearing of the FERC decision in the Medco transaction, stating that while CEI continues to exercise its legal rights to determine the legality of the transaction, CEI would continue to honor the service agreement that it executed after the FERC decision.

The FERC order directing CEI to provide the requested transmission service effectively resolves the first issue in the 2.206 petition. Sanctions are not warranted when a licensee pursues legal procedures to resolve a disputed request for transmission service. For this reason, I am denying CPP's § 2.206 request for an enforcement action against CEI on this first issue.

The second issue raised by CPP alleges that CEI violated License Condition No. 6 by contracting with Toledo Edison Company to provide emergency power on a preferential basis.[2] CPP objects to language in the 1987 Centerior Dispatch Operating Agreement that states that CEI and Toledo Edison (collectively ''Operating Companies'') ''will assign highest priority to provide each other emergency power. An Operating Company will terminate an existing emergency supply to an outside utility in order to honor a request for emergency power from an Operating Company.'' There is also similar priority language concerning sales of short-term power. CPP has also brought this issue before FERC.

CEI's response to the second issue states that the operation of Toledo Edison and CEI as an integrated system under Centerior necessarily requires them to provide power to each other as an internal system. CEI further states that this is not an act of anticompetitive discrimination but the workings of an integrated system required by the Securities and Exchange Commission. CEI claims that CPP is treated no differently from any other outside entity and has suffered absolutely no injury from the provisions and asserts that CPP has never been denied short-term or emergency power. CEI states that it has sold and will continue to sell emergency power to CPP on an as-needed basis and has never refused to provide emergency service when it had it available on its system. CEI further stated that it was not aware of any instance in which short-term or emergency power was provided to CPP under terms less favorable than those to other utilities outside the Centerior system. CEI concluded that it has honored both the letter and the spirit of License Condition No. 6.[3]

As to the second issue, CPP has not shown that it had been harmed or could be harmed by the language in the Centerior Dispatch Operating Agreement. Under the agreement, Toledo Edison and CEI are affiliated in that they are part of an integrated Centerior system. CPP has not shown that it has been treated differently than other outside (non-affiliated) utilities, or that it has been denied access to emergency or short-term power. In any event, CPP has brought its concerns about the operating agreement before the FERC. For these reasons, no action by the NRC is warranted, and I am denying CPP's § 2.206 request for enforcement action against CEI on this second issue.

The third issue raised by CPP alleges that CEI has violated License Condition No. 2 by failing to offer CPP a fourth interconnection point. License Condition No. 2 requires that CEI (and the other applicants) shall offer interconnections on reasonable terms and conditions at the request of any

[2] Specifically, License Condition No. 6 requires CEI to sell emergency power to requesting entities upon terms and conditions no less favorable than those Applicants make available: (a) to each other pursuant to the Central Area Power Coordination Group (CAPCO) agreements or pursuant to bilateral contract; or (b) to non-Applicant entities outside the Combined CAPCO Company Territories.

[3] See note 2, above.

other local electric entities.[4] CPP states that a fourth interconnection point is needed to provide reliable service to the west side of Cleveland. CPP states that the current transfer capability limit is expected to be exceeded within 2 years. CEI previously committed to permit a fourth interconnection in a letter dated September 19, 1985, from CEI's chairman to the Mayor of Cleveland, which acknowledged the requests for the third and fourth interconnections; and in exchange for Cleveland's agreement not to oppose the CEI merger with Toledo Edison, CEI committed to concur in CPP's request for FERC approval of the two interconnections. CPP alleges that CEI has refused CPP's request for installation of a fourth interconnection.

A CPP complaint was filed with FERC in April 1993. On June 9, 1995, FERC issued an order directing CEI to provide a fourth interconnection and to file with FERC the proposed charges for the interconnection. The decision by FERC found that the letter of September 19, 1985, a 1985 contract between CEI, Toledo Edison, and American Municipal Power-Ohio, and the license conditions all supported the issuance of the order requiring the fourth interconnection.

CEI responded to the third issue by stating that it has complied with License Condition No. 2 by installing and maintaining three prior interconnections, sufficient to meet all of CPP's current needs, and by working toward the installation of a fourth interconnection. CEI claims it has not refused the fourth interconnection but instead has expended significant effort to establish reasonable terms for the interconnection and to ensure that it is compatible in terms of safety and reliability with CEI's system. CEI has filed suit in the Ohio Court of Common Pleas to require CPP to comply with engineering and utility industry standards in its construction projects. CEI further claims that CPP admitted in a separate lawsuit that its system does not meet applicable codes and standards. On July 7, 1995, CEI sought a rehearing on the FERC order to proceed with the fourth interconnection. CEI states that the rehearing was sought on the FERC order for two reasons: (1) CEI believes that the order should not have been issued without findings that the interconnection was warranted under Sections 202(b) and 210 of the Federal Power Act and (2) CEI has indicated that a number of technical issues and safety and reliability concerns need to be resolved before the interconnection can be installed.

The issue of whether CEI is required to provide a fourth interconnection was resolved with the FERC order of June 9, 1995, directing CEI to proceed with the interconnection (71 FERC ¶ 61,324). The unresolved technical, safety, and reliability issues raised in CEI's appeal of the FERC order will be resolved in the FERC rehearing process. For these reasons, I am denying CPP's § 2.206 request for enforcement action against CEI on this third issue.

The fourth and final allegation raised by CPP is that CEI has violated License Condition No. 2[5] by imposing unreasonable deviation charges for unscheduled power delivered in excess of the amount CPP had scheduled for delivery. CPP states that in March 1993, CEI unilaterally filed with FERC proposed amendments to the 1975 Interconnection Agreement. One amendment added a requirement that CPP pay a deviation charge of $75 per kW-month for the maximum number of kW of power delivered by CEI in any hour in excess of the amount scheduled by CPP for that hour. Another amendment covers overscheduling of power supplies by CPP and allows CEI to retain the excess energy for its own use while paying CPP a rate equal to half of CEI's fuel cost for that excess power. CPP alleges that the deviation charges are discriminatory and represent an anticompetitive restriction on CPP's right to obtain interconnections on reasonable terms. CPP claims that these provisions apply to all deviations above and below zero, no matter how insignificant. CPP alleges that the failure to utilize a deadband approach with no charges for small deviations from scheduled power to recognize the impossibility of zero deviations, is contrary to standard industry practice. CPP states that the deviation charges are anticompetitive in that CPP is the only utility against which the deviation charges would be imposed and also the only utility in direct competition with CEI.

CEI's response to the fourth issue states that this allegation distorts the meaning of License Condition No. 2, which relates to the installation of interconnections upon reasonable terms and conditions, not incentives that CEI proposes to FERC to encourage CPP to minimize unscheduled power deliveries from CEI.

A FERC administrative law judge (ALJ) issued an initial decision on the issue of the deviation charges on November 28, 1994. CPP's arguments opposing CEI's compensation proposal (of half of its then-current fuel charge for deviations below that scheduled) were rejected by the ALJ. The ALJ's decision also upheld the imposition of a deviation charge for power supplied in excess of that scheduled by CPP, but reduced the amount from $75 per kW-month to $25 per kW-month. The decision also rejected CPP's proposed 6-percent deadband, finding ''no reason appears why any deadband should be adopted for the purposes of this decision.''

The issues raised by CPP in this fourth allegation are primarily tariff-related issues and fall clearly under the jurisdiction of FERC.[6] The final FERC decision in this matter will resolve the issues, and any excess amounts paid by CPP will be refunded with interest in accordance with FERC regulations. For these reasons, I am denying CPP's § 2.206 request for an enforcement action against CEI on this fourth issue.

IV. Conclusion

I have concluded that FERC's order requiring CEI to provide the requested wheeling transmission service in the Medco transaction effectively resolves the first issue raised in CPP's § 2.206 petition and request for action by NRC. In regard to the second issue concerning CEI's contracting with Toledo Edison Company to provide emergency power on a preferential basis, CPP has not shown that it had been harmed or could be harmed as a result of the language in the Centerior Dispatch Operating Agreement. Nor has CPP shown that it has been treated differently than any other outside (nonaffiliated) utilities. This matter is also the subject of a FERC proceeding. I am therefore denying CPP's § 2.206 request for enforcement action against CEI on this second issue. I have concluded with respect to the third issue concerning CEI's alleged refusal to offer a fourth interconnection that the FERC order of June 9, 1995, effectively resolves this issue by ordering CEI to provide the fourth

[4] Specifically, License Condition No. 2 requires CEI to offer interconnections upon reasonable terms and conditions at the request of any other electric entities in its service area, with due regard for any necessary and applicable safety procedures.

[5] See note 4, above.

[6] As indicated in *Florida Power & Light Co.* (St. Lucie Nuclear Power Plant, Unit 2), DD–81–15, 14 NRC 589 (1981), issues of terms used in license conditions raised before FERC ''will not institute a requested proceeding where the petitioner's basis for relief rests on resolution of an issue that is pending before another agency and that is peculiarly within the competence of that agency to decide.'' The staff continues to employ the concept of ''watchful deference'' when an issue is before FERC. See *Florida Power & Light Co.* (St. Lucie Nuclear Power Plant, Unit 2), DD–95–10, 41 NRC 361 (1995).

interconnection, and that the unresolved issues raised in CEI's appeal of the FERC order will be resolved in the rehearing process. I have concluded that the fourth issue raised concerning deviation charges for unscheduled power deliveries is primarily a tariff-related issue and falls clearly under the jurisdiction of FERC. The initial decision by the ALJ in this case addressed each of the concerns raised in this fourth issue. The final FERC decision in this matter will resolve these issues, and any excess amounts paid by CPP will be refunded with interest in accordance with FERC regulations. I have concluded that no enforcement action is warranted for this fourth issue. As a result of the foregoing, I have determined that no NRC proceeding should be instituted and no further regulatory action by the NRC is required.

For the Nuclear Regulatory Commission.

Dated at Rockville, Maryland, this 17th day of October 1996.

Frank J. Miraglia,

Acting Director, Office of Nuclear Reactor Regulation.

[FR Doc. 96–27159 Filed 10–22–96; 8:45 am]

BILLING CODE 7590–01–P

Consolidated Guidance About Materials Licenses: Program-Specific Guidance About Portable Gauge Licenses: Availability of NUREG; Correction

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of Availability; Correction.

SUMMARY: This document corrects a notice appearing in the Federal Register on October 3, 1996 (61 FR 51729), that announces the availability of draft NUREG–1556, ''Consolidated Guidance About Materials Licenses: Program-Specific Guidance About Portable Gauge Licenses.'' This action is necessary to correct an erroneous Internet e-mail address.

FOR FURTHER INFORMATION CONTACT: Michael T. Lesar, Chief, Rules Review Section, Rules Review and Directives Branch, Division of Freedom of Information and Publications Services, Office of Administration, telephone (301) 415–7163.

SUPPLEMENTARY INFORMATION: On page 51730, in the center column, in the fifth and sixth lines, the Internet e-mail address is corrected to read, ''http.// www.nrc.gov''.

For the Nuclear Regulatory Commission.

Dated at Rockville, Maryland, this 17th day of October 1996.

Michael T. Lesar,

Chief, Rules Review Section, Rules Review and Directives Branch, Division of Freedom of Information and Publications Services, Office of Administration.

[FR Doc. 96–27161 Filed 10–22–96; 8:45 am]

BILLING CODE 7590–01–P

POSTAL SERVICE

Revision of the Domestic Mail Manual Transition Book

AGENCY: Postal Service.

ACTION: Notice.

SUMMARY: Effective August 1, 1996, the Domestic Mail Manual Transition Book (DMMT) is revised as shown in Table I. This revision reflects the transfer of many sections in the DMMT to Postal Operations Manual (POM) Issue 7, which was published with an effective date of August 1, 1996. All sections in DMMT chapter 3, chapter 5, chapter 6 (except 665), and chapter 7 (except 785) have been rescinded by new requirements published on July 1, 1996, in Domestic Mail Manual (DMM) Issue 50. These requirements were further amended by the Federal Register on August 15, 1996 (61 FR 42478–42489), for nonprofit mail standards that changed on October 6, 1996.

EFFECTIVE DATE: August 1, 1996.

FOR FURTHER INFORMATION CONTACT: Patricia Bennett, (202) 268–6350.

SUPPLEMENTARY INFORMATION: In revising the Domestic Mail Manual (DMM) for release as DMM Issue 46 on July 1, 1993, the Postal Service identified rules and procedures in the DMM that did not govern the eligibility for, and use of, domestic mail services. The Postal Service made a determination not to include that material in DMM Issue 46 and in subsequent issues of the DMM.

The identified material chiefly fell into two categories: (1) recommendations for voluntary customer action; (2) internal instructions to postal employees. Other identified material not relating to mail classification included post office discontinuances, delivery policies, and philatelic procedures.

Pending the transfer of these rules and procedures to other documents, the Postal Service on July 1, 1993, published the identified material in a separate part of the DMM titled the Domestic Mail Manual Transition Book (DMMT). In creating the DMMT, the Postal Service provided that the rules included in that document remain in full force through June 30, 1994.

The purpose of that 1-year period was to allow the Postal Service to decide whether to rescind the rules in the DMMT or to incorporate them into other documents. As the following table shows, several changes have been made to the DMMT since its publication; however, the evaluation process is not yet complete.

The Postal Service rescinded the June 30, 1994, expiration date of the DMMT in a notice published in the June 20, 1994, Federal Register (59 FR 31655–31656) and in Postal Bulletin 21870 (6–23–94). Additional time will be required to complete the transfer of the remaining material.

Table I shows the DMMT sections removed or transferred, the effective date, and if applicable, the sections of POM Issue 7 or title 39 of the Code of Federal Regulations (CFR) into which such material was transferred.

Table II shows the DMMT sections that are still in force until further notice. Most of these remaining sections contain internal procedures for processing mailer applications.

Stanley F. Mires,

Chief Counsel, Legislative.

TABLE I.—DISPOSITION OF MATERIAL FROM DMMT

DMMT	Action	Effective date	Final disposition
113.1	Transfer	08–01–96	POM 123.1
113.2	Transfer	08–01–96	POM 123.6
113.3	Transfer	08–01–96	POM 123.7
113.4	Transfer	08–01–96	POM 123.8
113.5	Transfer	08–01–96	POM 123.41
113.6	Transfer	08–01–96	POM 123.13
113.7	Transfer	08–01–96	POM 126.4
113.8	Transfer	08–01–96	POM 125.36