

NRC Central  
OELD FF (2)  
Shapar/Engelhardt  
Christenbury/Scinto  
Olmstead/Karman  
RGoddard  
SGoldberg  
CMoon, 116C Phil.

August 4, 1980

In the Matter of  
COMMONWEALTH EDISON COMPANY  
(Byron Station, Units 1 and 2)  
Docket Nos. 50-454 and 50-455

To the Byron Service List:

Attached is a copy of the Federal Register notice (45 Fed. Reg. 49535, July 25, 1980) addressing a change in NRC regulations concerning procedural assistance in adjudicatory licensing proceedings.

Sincerely,

Myron Karman  
Counsel for NRC Staff

Enclosure  
As stated

cc w/encl.: Marshall E. Miller, Esq.  
Dr. A. Dixon Callihan  
Dr. Richard F. Cole  
Paul M. Murphy, Esq.  
Myron M. Cherry, Esq.  
Mrs. Phillip B. Johnson  
Dr. Julianne Mahler  
Kenneth F. Levin, Esq.  
Region III  
Atomic Safety and Licensing  
Board Panel  
Atomic Safety and Licensing  
Appeal Board Panel  
Docketing and Service Section

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OFFICE	OELD				
SURNAME	MKarman				
DATE	8/4/80				

as a result of an  
a decision.

EFFECTIVE DATE: July 25, 1980.

FOR FURTHER INFORMATION CONTACT:  
Carl O. Opstad, Farm Real Estate Loan  
Division, Farmers Home Administration,  
USDA, 14th and Independence Avenue,  
SW, Washington, DC 20250, Telephone:  
(202) 447-4572.

The Final Impact Statement  
describing the options considered in  
developing this final rule and the impact  
of implementing each option is available  
on request from the Office of the Chief,  
Directives Management Branch, Farmers  
Home Administration, Room 8348 South  
Agriculture Building, 14th and  
Independence Avenue, SW,  
Washington, DC 20250.

SUPPLEMENTARY INFORMATION: This  
final action has been reviewed under  
USDA procedures established in  
Secretary's Memorandum 1955 to  
implement Executive Order 12044, and  
has been classified "not significant".

This action will save time and reduce  
paperwork. If the exhibit were to stay in  
the Federal Register, each time the  
interest rate changed it would be  
necessary to bring this exhibit up-to-  
date. Removing this exhibit and making  
it available in any FmHA office is the  
most prompt way to provide information  
on interest rate changes.

The Farmers Home Administration  
amends the Table of Contents and  
section 1951.25(a)(2) and deletes Exhibit  
A from Subpart A, part 1951, Chapter  
XVIII, Title 7 in the Code of Federal  
Regulations.

It is the policy of this Department that  
rules relating to public property, loans,  
grants, benefits, or contracts shall be  
published for comment notwithstanding  
the exemption in 5 U.S.C. 553 with  
respect to such rules. This action,  
however, is not published for proposal  
rulemaking since the purpose of the  
change is administrative in nature and  
publication for comment is unnecessary.

Therefore, the Table of Contents and  
§ 1951.25(a)(2) are amended and Exhibit  
A is deleted as follows:

Table of Contents

Exhibit A—(Available in any FmHA Office)

§ 1951.25 Review of Limited Resources  
FO and OL loans.

(a) Frequency of reviews.

(1) . . . .

(2) The interest rate on FO loans will  
be increased in accordance with the  
Schedule in Exhibit A of this Subpart  
(available in any FmHA office.) The  
loans will then be reviewed at least  
once every two years, approximately 60

days prior to the anniversary date of the  
note.

#### Exhibit A (Deleted)

Note.—This document has been reviewed  
in accordance with 7 CFR Part 1901, Subpart  
G, "Environmental Impact Statements." It is  
the determination of FmHA that the proposed  
action does not constitute a major Federal  
action significantly affecting the quality of  
human environment and in accordance with  
the National Environmental Policy Act of  
1969, Pub. L. 91-190, an Environmental Impact  
Statement is not required.

(7 U.S.C. 1989 delegation of authority by the  
Sec. of Agr., 7 CFR 2.23 delegation of  
authority by the Asst. Sec. for Rural  
Development, 7 CFR 2.79.)

Dated: June 26, 1980.

Gordon Cavanaugh,  
Administrator, Farmers Home  
Administration.

(FR Doc. 80-22446 Filed 7-24-80; 9:45 am)  
BILLING CODE 3410-07-01

## NUCLEAR REGULATORY COMMISSION

### 10 CFR Part 2

#### Procedural Assistance in Adjudicatory Licensing Proceedings

AGENCY: U.S. Nuclear Regulatory  
Commission (NRC).

ACTION: Effective rule.

SUMMARY: NRC is amending its  
regulations in order to provide a one-  
year pilot program of procedural  
assistance in adjudicatory proceedings  
on applications for licenses and  
amendments thereto, except for antitrust  
proceedings, to parties other than the  
applicant by (a) upon a party's request,  
providing one transcript without charge  
to that party and (b) upon a party's  
request, copying and serving without  
charge that party's testimony (including  
attachments), proposed findings of fact  
and conclusions of law, and responses  
to discovery requests. In addition, the  
regulations are amended to require that  
parties, including an applicant, file with  
NRC an original plus two copies of each  
filing in an adjudication, rather than an  
original and twenty copies.

EFFECTIVE DATE: July 25, 1980.

FOR FURTHER INFORMATION CONTACT:  
Thomas F. Dorian, Esq., Office of the  
Executive Legal Director, U.S. Nuclear  
Regulatory Commission, Washington,  
D.C. 20555 (Telephone: (301) 492-8660).

SUPPLEMENTARY INFORMATION: In order  
to help parties assist the Commission in  
arriving at its decisions, the Commission  
on several occasions over the past  
several years has considered proposals

to reduce cost burdens for parties in  
Commission adjudicatory licensing  
proceedings on applications for licenses  
and amendments thereto. Several  
proposals were considered in the  
context of the S-3 rulemaking on the  
uranium fuel cycle. See 42 FR 13303  
(March 13, 1977), 43 FR 6915 (April 24,  
1978), and 44 FR 45382 (August 12, 1979).  
From that proceeding the Commission  
hoped to gain specific experience with  
providing free service of documents and  
free transcripts and to use the  
experience to develop general policy  
with respect to adjudicatory  
proceedings.

#### Eligibility for NRC Procedural Assistance

One alternative with respect to  
procedural assistance is to provide it to  
full participants, i.e., parties, who submit  
an affidavit to the Hearing Board  
stating, with brief factual support, that  
their ability to participate would be  
significantly impaired without this  
assistance. Under this alternative the  
Commission would have had to provide  
the Boards and parties with some  
guidance as to who would ordinarily  
qualify for assistance under this  
standard. However, offering procedural  
assistance to all intervenors without  
qualification might offer enough savings,  
from not having to decide who was  
qualified to receive assistance, to be  
worth the extra expense of assisting a  
few additional intervenors. On the other  
hand, it is incongruous to charge an  
applicant from \$50,000 to \$1 million for  
processing an application, and then to  
offer it a free transcript, worth on the  
order of \$1,000.

On balance, the Commission has  
decided that the better alternative is to  
provide procedural assistance to all  
parties other than an applicant in  
adjudicatory proceedings on  
applications for licenses and  
amendments thereto.

#### NRC Provision of Free Transcripts

Transcripts are usually expensive,  
especially when fast copy is requested.  
A typical transcript for one day of a  
proceeding runs about 200 pages. The  
original of such a transcript, provided  
the next morning, costs about \$1,000;  
supplementary copies cost about \$100.  
In the S-3 proceeding, transcripts were  
requested by most public interest  
groups, industry representatives and  
utilities. The principal conclusion that  
can be drawn from that proceeding is  
almost self-evident, namely, that NRC's  
offer to provide an expensive service  
(transcripts) is attractive to most parties.  
These parties, in turn, can better assist

the Commission in arriving at its decisions.

There is no reason why free transcripts could not be made available in adjudications to parties, other than the applicant, at the same time and location as they are made available to the NRC staff. If transcripts are mailed to the staff, they would also be mailed to intervenors. This service could replace present practice where members of the staff or the Licensing Board frequently lend an intervenor an extra copy of the transcript, although on a necessarily irregular basis. Transcripts are particularly important to the many intervenors who attempt to make their cases on cross-examination.

Therefore, the Commission has decided to initiate a one-year pilot program to provide free transcripts on the basis previously described. Licensing Boards will have the discretion to control the distribution of transcripts to parties—for example, to limit distribution to some but not all of a consolidated group of intervenors, or to only those phases of a hearing in which an intervenor intends to participate.

#### NRC Provision of Free Copying and Service

Most licensing proceedings produce dozens of filings. It should be noted that, frequently, parties in complex proceedings routinely serve more people than necessary. Particularly in those proceedings in which certain aspects of an issue have been heard before all levels of NRC adjudicatory boards, parties tend to compile service lists which reflect the entire history of the proceeding, rather than being tailored to the particular paper being filed. Random checks of service lists show that this sort of error accounts for between 3 and 7 extra copies made and distributed. The Commission wishes to emphasize that parties should be aware that service is required only on the Commission or the pertinent adjudicatory board and the parties, and that parties endeavoring to hold down their costs should carefully monitor their service lists.

In December 1977, the Commission authorized the Docketing and Service Branch to copy and serve submissions in the S-3 proceeding, if requested to do so by parties to the proceeding. Each party requesting this assistance served an original and two copies on NRC. Others followed normal procedures, namely, service on other parties and an original plus 20 copies on NRC.

The results show that the availability of free copying and service had no discernible impact on the length or frequency of filings with the

Commission. Concern had been expressed that free service would encourage abuses in the form of overlong, unedited or unnecessary filings. In general, for those who ultimately requested copying and service, there were no significant differences in length or frequency between filings copied and served by the parties themselves and those copied and served by NRC at a party's request.

This experience suggests that a program of free NRC copying and service is not likely to be abused. The Commission does not wish to assume this responsibility for all classes of documents, since this would create substantial delay. It has, however, identified several categories of documents which are bulky, but do not arise frequently. Their service by the Commission would thus relieve parties of a substantial burden without introducing substantial delay. These categories are: (1) testimony (including attachments), (2) proposed findings of fact and conclusions of law, and (3) responses to discovery requests. In relative terms, service of these documents need not be as rapid as items such as briefs or motions. A rough look at filings in licensing proceedings, indicates that these documents tend to be relatively bulky. Also, documents containing testimony and exhibits contain substantive contentions and are, in effect the "essence" of NRC proceedings. By processing them, NRC would be copying and serving a substantial amount of the number of pages filed, a service which would have high payoff in terms of reducing costs to intervenors, without substantially impeding the progress of the adjudicatory process.

Copying and service of these documents by the commission may cause some very small delay in the hearing process. A licensing proceeding may require several rounds of testimony and an opportunity to file proposed findings of fact and conclusions of law. (Responses to discovery requests are also filed, but not on a tight time schedule.)

At least five days would be required for each set of documents to reach the Commission and be copied and mailed to the parties and board members. Therefore, the rule provides that documents filed with Docketing and Service in the three categories previously described should be filed not less than five days before the date at which they are submitted to an adjudicatory board, unless the presiding officer provides otherwise.

On balance, the Commission has decided to undertake a one-year pilot

program of free copying and service. Copying and service have been requested by intervenors in a number of instances and the value of the assistance, both to intervenors and the quality of Commission decisionmaking, may be worth the modest delay entailed. A one-year pilot program would allow NRC to obtain information on this effort and on any problems such a program may present, as well as answer whether NRC copying and service of testimony is an incentive to timely filing.

#### Filing of 20 Copies with the Commission

Parties in licensing proceedings, under 10 CFR 2.703(d), file or serve documents as follows: the original and 20 copies with the Commission, and one copy on each party and on members of the hearing panel in question. The 20 copies filed with Docketing and Service are for the Commission's convenience for internal informational distribution; the appropriate Board and the parties are served separately.

These 20 copies are not adequate for internal NRC distribution needs. In practice, Docketing and Service distributes some copies upon receipt; making additional copies creates a time lag of up to several days. Since the copies Docketing and Service sends out are informational, the Commission perceives no tight time constraint on internal information distribution; the normal time lag necessary to allow NRC to do all copying of internal distribution documents would not cause inconvenience. Therefore, the Commission has decided that all parties, including applicants, need file with the Commission only an original and two copies; the original would go to the docket file, one copy would go directly to the Public Document Room, and the other copy would be used for reproduction.

#### Antitrust Proceedings

NRC will not provide free transcripts and free copying and service in antitrust proceedings. The studies of filings have been confined to health, safety, and environmental licensing proceedings. While the Commission believes that the changes would substantially assist intervenors in those proceedings without introducing substantial delay, it does not know whether these conclusions can be extended to antitrust proceedings. There may be, in fact, substantial differences in the extent and general bulk of discovery between the two kinds of proceedings. In addition, the Commission does not know whether parties in antitrust proceedings are likely to need such assistance as intervenors in health, safety, and



environmental proceedings. Consequently, the Commission will investigate this area further before making any changes.

Because these amendments relate solely to agency procedure and practice, the Commission has found that good cause exists for omitting notice of proposed rulemaking, and public procedure thereon, as unnecessary, and for making the amendments effective immediately without the customary 30 days notice.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and sections 552 and 553 of Title 5 of the United States Code, the following amendments to Title 10, Chapter 1, Code of Federal Regulations, Part 2 is published as a document subject to codification.

**PART 2—RULES OF PRACTICE FOR DOMESTIC LICENSING PROCEEDINGS**

1. Section 2.706(d) is amended to read:

§ 2.706 Formal requirements for documents.

(d) Except as otherwise provided by this part or by order, a pleading (or other document) other than correspondence shall be filed in an original and two conformed copies.

2. Section 2.712 is amended by adding a new paragraph (f) as follows:

§ 2.712 Service of papers, methods, proof.

(f) *Free copying and service.* Except in an antitrust proceeding, in any adjudicatory proceeding on an application for a license or an amendment thereto, the Commission, upon request by a party other than the applicant, will copy and serve without cost to that party that party's testimony (including attachments), proposed findings of fact and conclusions of law, and responses to discovery requests. These documents should be filed with Docketing and Service not less than five days before they are due to be submitted to an adjudicatory board, unless the presiding officer provides otherwise.<sup>1</sup>

3. Section 2.750 is amended by adding a new paragraph (c) as follows:

§ 2.750 Official reporter; transcript.

(c) Free transcript: Except in an antitrust proceeding, in any adjudicatory proceeding on an application for a

<sup>1</sup> This paragraph shall be in effect for one year from July 25, 1980 unless extended by the Commission. Notice of an extension will appear in the Federal Register.

license or an amendment thereto, the presiding officer may arrange for provision of one free transcript to a party, other than the applicant, upon request by that party. The transcript will be made available to a party at the same time and location as it is made available to the NRC staff. If a transcript is mailed to the staff, it will also be mailed to the requesting party. A presiding officer has the discretion to control the distribution of transcripts to parties.

(Sec. 161p., Pub. L. 83-703, as amended, 68 Stat. 948p., as amended (42 U.S.C. 2201p.))

Dated at Washington, D.C. this 21st day of July, 1980.

For the Nuclear Regulatory Commission,  
Samuel J. Chilk,  
Secretary of the Commission.

(FR Doc. 80-22419 Filed 7-24-80; 8:45 am)  
BILLING CODE 7530-01-8

**DEPARTMENT OF THE TREASURY**

Office of the Comptroller of the Currency

12 CFR Part 4

[Docket No. 80-4]

Description of Office, Procedures, Public Information; Forms and Instructions

AGENCY: Office of the Comptroller of the Currency.

ACTION: Final rule.

**SUMMARY:** This amendment revises 12 CFR 4.13, the regulation which identifies all forms used by the Office of the Comptroller of the Currency ("Office"). The purpose of the amendment is to update the official list of forms to reflect deletions and additions made in recent years.

**EFFECTIVE DATE:** July 25, 1980.

**FOR FURTHER INFORMATION CONTACT:** Jonathan L. Levin, Senior Attorney, Office of the Comptroller of the Currency, 490 L'Enfant Plaza East, S.W., Washington, D.C. 20219, Telephone: (202) 447-1177.

**SUPPLEMENTARY INFORMATION:** This amendment conforms to the requirement of 5 U.S.C. 552 that each agency publish in the Federal Register descriptions of agency forms and instructions which are available to, and may be obtained by the public. The amendment revises those portions of 12 CFR 4.13 which list the numbered and unnumbered forms currently used by the Office. Also, the amendment provides more specific information for obtaining copies of Office forms.

The national bank supervisory process, together with the internal administration of the Office, have undergone significant change since section 4.13 was last comprehensively reviewed in 1976. Consequently, many of the forms previously used have fallen into disuse or have been found to be of negligible value to the Office. Similarly, a number of new forms have been adopted to accommodate new statutory requirements and supervisory needs. **DRAFTING INFORMATION:** The principal drafter of this document was Jonathan L. Levin, Senior Attorney, Office of the Comptroller of the Currency.

(12 U.S.C. § 1, et seq.; 12 U.S.C. 93a; 5 U.S.C. 552)

**Adoption of Amendment:**

12 CFR 4.13 is amended to read as follows:

**§ 4.13 Forms and instructions.**

(a) *Numbered Forms.* The following numbered forms of the Office of the Comptroller of the Currency are currently in use:

- CC 1400-OX: Officers Direct and Indirect Indebtedness and/or other Banks
- CC 1422-OX: National Bank Examiner's Seal
- CC 1424-OX: Assets to be Charged Off by National Bank Examiner
- CC 1425-CE: Combined Reports of Examination
- CC 1425-CL: Examiners Checklist for Guidance in Determining Compliance
- CC 1425-CX: Commercial Report of Examination
- CC 1425-OX: Report of Examination
- CC 1426-OX: Confidential Memorandum to the Comptroller of the Currency
- CC 1427-OX: Voluntary Charge-Offs of Instalment Loans
- CC 1428-OX: Report of Visitation
- CC 1430-CP: Report of Examination—Consumer Affairs
- CC 1440-OX: Report of the Condition of the Trust Department
- CC 1450-OX: Electronic Data Processing Examination Report
- CC 1451-OX: Biographical Data Work Sheet
- CC 1457-OX: Report of National Bank Examiner for Week Ending \_\_\_\_\_
- CC 1485-OX: Investment Sheet (Trust Department)
- CC 1600-AX: Examiner's Credit Line Sheet
- CC 1601-OX: Personal, Farm or Ranch Statement
- CC 1602-AX: Fiscal Interior Statement
- CC 1602-OX: Financial Statement—Business
- CC 1603-OX: Fiscal Interim
- CC 1604-OX: Real Estate Mortgage
- CC 1605-OX: Consumer Finance Indirect Line
- CC 1606-OX: Consumer Finance—Past Due Loans
- CC 1607-OX: File Comments, Trade Checking, Credit Investigations, Average Balances, etc.
- CC 1608-OX: Bonds—Description
- CC 1609-OX: Collateral Sheet
- CC 1610-OX: Direct Lease Financing
- CC 1611-OX: Collateral Line Slip