

the Commission in accordance with 10 CFR 2.730(f) early in the proceeding. In addition, boards are encouraged to certify novel legal or policy questions related to admitted issues to the Commission as early as possible in the proceeding. The Commission may also exercise its authority to direct certification of such particular questions under 10 CFR 2.718(i). The Commission, however, will evaluate any matter put before it to ensure that interlocutory review is warranted.

4. Discovery Management

Efficient management of the pre-trial discovery process is critical to the overall progress of a proceeding. Because a great deal of information on a particular application is routinely placed in the agency's public document rooms, Commission regulations already limit discovery against the staff. See, e.g., 10 CFR 2.720(h), 2.744. Under the existing practice, however, the staff frequently agrees to discovery without waiving its rights to object to discovery under the rules, and refers any discovery requests it finds objectionable to the board for resolution. This practice remains acceptable.

Application in a particular case of procedures similar to provisions in the 1993 amendments to Rule 26 of the Federal Rules of Civil Procedure or informal discovery can improve the efficiency of the discovery process among other parties. The 1993 amendments to Rule 26 provide, in part, that a party shall provide certain information to other parties without waiting for a discovery request. This information includes the names and addresses, if known, of individuals likely to have discoverable information relevant to disputed facts and copies or descriptions, including location, of all documents or tangible things in the possession or control of the party that are relevant to the disputed facts. The Commission expects the licensing boards to order similar disclosure (and pertinent updates) if appropriate in the circumstances of individual proceedings. With regard to the staff, such orders shall provide only that the staff identify the witnesses whose testimony the staff intends to present at hearing. The licensing boards should also consider requiring the parties to specify the issues for which discovery is necessary, if this may narrow the issues requiring discovery.

Upon the board's completion of rulings on contentions, the staff will establish a case file containing the application and any amendments to it, and, as relevant to the application, any NRC report and any correspondence

between the applicant and the NRC. Such a case file should be treated in the same manner as a hearing file established pursuant to 10 CFR 2.1231. Accordingly, the staff should make the case file available to all parties and should periodically update it.

Except for establishment of the case file, generally the licensing board should suspend discovery against the staff until the staff issues its review documents regarding the application. Unless the presiding officer has found that starting discovery against the staff before the staff's review documents are issued will expedite the hearing, discovery against the staff on safety issues may commence upon issuance of the SER, and discovery on environmental issues upon issuance of the FES. Upon issuance of an SER or FES regarding an application, and consistent with such limitations as may be appropriate to protect proprietary or other properly withheld information, the staff should update the case file to include the SER and FES and any supporting documents relied upon in the SER or FES not already included in the file.

The foregoing procedures should allow the boards to set reasonable bounds and schedules for any remaining discovery, e.g., by limiting the number of rounds of interrogatories or depositions or the time for completion of discovery, and thereby reduce the time spent in the prehearing stage of the hearing process. In particular, the board should allow only a single round of discovery regarding admitted contentions related to the SER or the FES, and the discovery respective to each document should commence shortly after its issuance.

III. Conclusion

The Commission reiterates its long-standing commitment to the expeditious completion of adjudicatory proceedings while still ensuring that hearings are fair and produce an adequate record for decision. The Commission intends to monitor its proceedings to ensure that they are being concluded in a fair and timely fashion. The Commission will take action in individual proceedings, as appropriate, to provide guidance to the boards and parties and to decide issues in the interest of a prompt and effective resolution of the matters set for adjudication.

Dated at Rockville, Maryland, this 28th day of July, 1998.

For the Nuclear Regulatory Commission.
Annette Vietti-Cook,
Assistant Secretary of the Commission.
[FR Doc. 98-20781 Filed 8-4-98; 8:45 am]
BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION

Documents Containing Reporting or Recordkeeping Requirements: Office of Management and Budget Review

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of the Office of Management and Budget review of information collection and solicitation of public comment.

SUMMARY: The Nuclear Regulatory Commission (NRC) has recently submitted to the Office of Management and Budget (OMB) for review the following proposals for the collection of information under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35).

1. *Type of submission, new, revision, or extension:* Revision.
2. *Title of the information collection:* Proposed Rule, Conformance to National Policies for Access to and Protection of Classified Information, 10 CFR Parts 10, 11, 25, and 95.
3. *The form number if applicable:* Not applicable.
4. *How often the collection is required:* On occasion.
5. *Who will be required or asked to report:* NRC regulated facilities and other organizations requiring access to NRC classified information or special nuclear material.
6. *An estimate of the number of responses:*

10 CFR Part 10—0
10 CFR Part 11—0
10 CFR Part 25—0
10 CFR Part 95—14
NRC Form 237—(12)

7. *The estimated number of annual respondents:*
- 10 CFR Part 10—0
10 CFR Part 11—0
10 CFR Part 25—0
10 CFR Part 95—8
NRC Form 237—4

8. *An estimate of the total number of hours needed to complete the requirement or request:*

10 CFR Part 10—0
10 CFR Part 11—0
10 CFR Part 25—0
10 CFR Part 95—144
NRC Form 237—(2.4)

9. An indication of whether Section 3507(d), Pub. L. 104-13 applies: Applicable.

10. *Abstract*:—The Nuclear Regulatory Commission is amending 10 CFR Parts 10, 11, 25 and 95 to conform the requirements for the protection of and access to classified information to new national security policy documents, to conform the addressee for some reporting requirements to reflect the results of a reorganization within the NRC Office of Administration, and to reflect the reassignment of some responsibilities from the Executive Director for Operations to the Deputy Executive Director for Management Services. The proposed mandatory requirements are necessary to ensure that classified information in the possession of NRC licensees and others under the NRC's regulatory requirements is protected in accordance with current national policies. The change in addressee is necessary to ensure proper receipt of reports from regulated entities, and the change in responsibilities is necessary to accurately reflect which NRC official is responsible for certain decisions.

Submit, by September 4, 1998, comments that address the following questions:

1. Is the proposed collection of information necessary for the NRC to properly perform its functions? Does the information have practical utility?
2. Is the burden estimate accurate?
3. Is there a way to enhance the quality, utility, and clarity of the information to be collected?
4. How can the burden of the information collection be minimized, including the use of automated collection techniques or other forms of information technology?

A copy of the submittal may be viewed free of charge at the NRC Public Document Room, 2120 L Street NW, (lower level), Washington, DC. You may also review the submittal and provide comments via the NRC's interactive rulemaking web site through the NRC home page (<http://www.nrc.gov>). From the home page, select "Rulemaking" from the tool bar. The interactive rulemaking website can then be accessed by selecting "Rulemaking Forum." This site provides the ability to upload comments as files (any format), if your web browser supports that function. For information about the interactive rulemaking web site, contact Ms. Carol Gallagher, (301) 415-5905; e-mail CAG@nrc.gov.

Comments and questions should be directed to the OMB reviewer by September 4, 1998:

Erik Godwin, Office of Information and Regulatory Affairs (3150-0047, and 3150-0050) NEOB-10202 Office of Management and Budget, Washington, D.C. 20503.

Comments can also be submitted by telephone at (202) 395-3084.

The NRC Clearance Officer is Brenda Jo Shelton, (301) 415-7233.

Dated at Rockville, Maryland, this 31st day of 1998.

For the Nuclear Regulatory Commission.

Keith R. Shaw,

Acting NRC Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 98-20882 Filed 8-4-98; 8:45 am]

BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION

Houston Lighting & Power Company and City Public and Service Board of San Antonio, et al.; Notice of Consideration of Approval of Application Regarding Proposed Merger

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) is considering approval, by issuance of an order under 10 CFR 50.80, of an application concerning a proposed merger between Central and South West Corporation (CSW) and American Electric Power Company, Inc. (AEP). CSW is the parent holding company of Central Power and Light Company (CPL), Houston Lighting & Power Company, City Public Service Board of San Antonio, Central Power and Light Company, City of Austin, Texas, and STP Nuclear Operating Company are holders of Facility Operating Licenses Nos. NPF-76 and NPF-80, issued on March 22, 1988, and March 28, 1989, respectively. Facility Operating Licenses Nos. NPF-76 and NPF-80 authorize the holders to possess the South Texas Project, Units 1 and 2 (STP), and authorize STP Nuclear Operating Company to use and operate STP in accordance with the procedures and limitations set forth in the operating licenses. By application dated June 16, 1998, submitted under cover of a letter dated June 19, 1998, as supplemented by letter dated June 23, 1998, and enclosures thereto, the Commission was informed that CSW and AEP have entered into a merger agreement under which CSW would become a wholly-owned subsidiary of AEP with CPL remaining a wholly-owned subsidiary of CSW. The application seeks approval of the indirect transfer of control of the interest held by CPL in the STP

operating licenses to AEP to the extent effected by the proposed merger.

According to the application, the merger will have no adverse effect on either the technical management or operation of STP since STP Nuclear Operating Company, responsible for the operation and maintenance of STP, is not involved in the merger. Houston Lighting & Power Company, City Public Service Board of San Antonio, Central Power and Light Company, City of Austin, Texas, and STP Nuclear Operating Company will remain licensees responsible for their possessory interests and related obligations. No direct transfer of the license will result from the merger.

Pursuant to 10 CFR 50.80, the Commission may consent to the transfer of control of a license after notice to interested persons. Such consent is contingent upon the Commission's determination that the holder of the license following the transfer is qualified to hold the license and that the transfer is otherwise consistent with applicable provisions of law, regulations, and orders of the Commission.

For further details with respect to this proposed action, see the application from CPL dated June 16, 1998, submitted under cover of a letter dated June 19, 1998, from Shaw, Pittman, Potts, and Trowbridge, counsel for CPL, and supplemental letter dated June 23, 1998, and enclosures thereto. These documents are available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555, and at the local public document room located at the Wharton County Junior College, J.M. Hodges Learning Center, 911 Boling Highway, Wharton, TX 77488.

Dated at Rockville, Maryland, this 30th day of July 1998.

For the Nuclear Regulatory Commission.

Thomas W. Alexion,

Project Manager, Project Directorate IV-1, Division of Reactor Projects III/IV, Office of Nuclear Reactor Regulation.

[FR Doc. 98-20881 Filed 8-4-98; 8:45 am]

BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-387 and 50-388]

Pennsylvania Power and Light Company; Notice of Issuance of Amendment to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (Commission) has issued