

from 10 CFR Part 50, Appendix J, Section 11.H.4, III.C.2, and III.C.3, and for the TS changes proposed by the licensee, and concludes that the proposed actions will not increase the probability or consequences of accidents, no changes are being made in the types of any effluents that may be released offsite, and there is no significant increase in the allowable individual or cumulative occupational radiation exposure.

Regarding the exemption, the MSIV leakage, along with the containment leakage is used to calculate the maximum radiological consequences of a design basis accident. Section 15.6.5 of the LGS Updated Final Safety Analysis Report (UFSAR) identifies that standard and conservative assumptions have been used to calculate the offsite and control room doses, including the doses due to MSIV leakage, which could potentially result from a postulated LOCA. Further, the control room and offsite doses resulting from a postulated LOCA have recently been recalculated using currently accepted assumptions and methods. These analyses have demonstrated that the total leakage rate of 200 scfh results in dose exposures for the control room and offsite that remain within the requirements of 10 CFR Part 100 for offsite doses and 10 CFR Part 50, Appendix A, for the control room doses.

Regarding the TS change, deletion of the MSIV LCS will reduce the overall occupational dose exposures and reduce the generation of low level radioactive waste due to the elimination of maintenance and surveillance activities associated with the system. The dose exposure associated with deleting the system will satisfy the ALARA requirements, and will be less than the dose which would result from maintenance and surveillance activities associated with the present system, if utilized for the remainder of the plant life. Thus, radiological releases will not differ significantly from those determined previously, and the proposed amendment does not otherwise affect facility radiological effluent or occupational exposures.

Therefore, there will not be a significant increase in the types and amounts of any effluent that may be released offsite and, as such, the proposed amendment does not alter any initial conditions assumed for the design basis accidents previously evaluated and the alternate system is capable of mitigating the design basis accidents.

Furthermore, the proposed exemption will not result in a significant increase to the LOCA doses previously evaluated against offsite and main control room

dose limits contained in 10 CFR Part 100 and 10 CFR Part 50, Appendix A, General Design Criteria 19.

With regard to potential nonradiological impacts, the proposed actions involve features located entirely within the restricted area as defined in 10 CFR Part 20. They do not affect nonradiological plant effluents and have no other environmental impact. Accordingly, the Commission concludes that there are no significant nonradiological environmental impacts associated with the proposed actions.

Alternatives to the Proposed Action

Since the Commission has concluded there is no measurable environmental impact associated with the proposed actions, any alternatives with equal or greater environmental impact need not be evaluated. As an alternative to the proposed actions, the staff considered denial of the proposed actions. Denial of the application would result in no change in current environmental impacts. The environmental impacts of the proposed action and the alternative action are similar.

Alternative Use of Resources

This action does not involve the use of any resources not previously considered in the Final Environmental Statement for the LGS, Units 1 and 2.

Agencies and Persons Consulted

In accordance with its stated policy, the staff consulted with the Pennsylvania State official regarding the environmental impact of the proposed actions. The State official had no comments.

Finding of No Significant Impact

Based upon the environmental assessment, the Commission concludes that the proposed actions will not have a significant effect on the quality of the human environment. Accordingly, the Commission has determined not to prepare an environmental impact statement for the proposed actions.

For further details with respect to the proposed actions, see the licensee's letter dated January 14, 1994, as supplemented by letters dated August 1, October 25, December 13, and December 22, 1994 (two submittals), which are available for public inspection at the Commission's Public Document Room, The Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room located at the Pottstown Public Library, 500 High Street, Pottstown, PA 19464.

Dated at Rockville, Maryland, this 1st day of February 1995.

For the Nuclear Regulatory Commission.

Frank Rinaldi,

Acting Director, Project Directorate I-2, Division of Reactor Projects—I/II, Office of Nuclear Reactor Regulations.

[FR Doc. 95-2956 Filed 2-6-95; 8:45 am]

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[Docket Nos. 50-424 and 50-425]

Georgia Power Company, et al.; Notice of Withdrawal of Application for Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has granted the request of Georgia Power Company, et al. (the licensee) to withdraw its January 22, 1993, application and August 6, 1993, supplement for proposed amendments to Facility Operating License Nos. NPF-68 and NPF-81 for the Vogle Electric Generating Plant, Unit Nos. 1 and 2, located in Burke County, Georgia.

The proposed amendments would have revised the Technical Specifications to clarify and add requirements regarding the automatic load sequencers.

The Commission had previously issued a Notice of Consideration of Issuance of Amendments published in the **Federal Register** on March 31, 1993 (58 FR 16860). However, by letter dated December 29, 1994, the licensee withdrew the proposed change.

For further details with respect to this action, see the application for amendments dated January 22, 1993, as supplemented August 6, 1993, and the licensee's letter dated December 29, 1994, which withdrew the application for license amendments. The above documents are available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room located at the Burke County Library, 412 Fourth Street, Waynesboro, Georgia.

Dated at Rockville, Maryland, this 24th day of January 1995.

For the Nuclear Regulatory Commission.

Lois L. Wheeler,

Project Manager, Project Directorate II-3, Division of Reactor Projects—I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 95-2957 Filed 2-6-95; 8:45 am]

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OFFICE OF MANAGEMENT AND BUDGET

Office of Federal Procurement Policy

Policy Letter on Subcontracting Plans for Companies Supplying Commercial Items

AGENCY: Office of Federal Procurement Policy, OMB.

ACTION: The Office of Federal Procurement Policy (OFPP) is requesting comments on a proposed policy letter on subcontracting plans for companies supplying commercial items.

SUMMARY: Section 8(d) of the Small Business Act (15 U.S.C. 637(d)) requires that each contract that exceeds \$500,000 (\$1 million in the case of construction), and that offers subcontracting opportunities, include a requirement that the apparent successful offeror negotiate a subcontracting plan which shall become a material part of the contract. These requirements have been implemented by prior OFPP Policy Letters and subsequent promulgation in the Federal Acquisition Regulation (FAR).

Sections 8104 and 8203 of the Federal Acquisition Streamlining Act of 1994 (FASA), Public Law 103-355, establish a preference for the acquisition of commercial items. In establishing this preference, Congress expressed concern that implementing policies ease the burden of government-unique requirements for companies supplying commercial items. In response to this concern, the policy on subcontracting plans is being revised to reduce the burden of government-unique requirements on contractors that supply commercial items.

This proposed Policy Letter focuses on contracts and subcontracts for "commercial items" as defined in section 8001 of FASA. Annual, commercial company-wide, division-wide, or plant-wide, subcontracting plans that relate to a company's commercial and noncommercial production are authorized for:

- (a) Prime contracts for commercial items, or
- (b) Subcontractors that provide commercial items under a prime contract, whether or not the prime contractor is supplying a commercial item.

In addition, the proposed Policy Letter states that commercial company-wide plans, when authorized under the Policy Letter, shall be the preferred method of compliance with the requirements of section 8(d) of the Small Business Act. The policy letter

reinforces that these provisions for subcontracting plans for commercial item contractors do not in any way relieve contracting officers, prime contractors or subcontractors of their responsibilities for assuring that small, small disadvantaged, and women-owned small businesses have the maximum practicable opportunity to participate in contracts awarded by Federal agencies.

COMMENT DATE: Comments must be received on or before April 10, 1995.

ADDRESSES: Comments should be submitted to William Coleman, Deputy Administrator, Office of Federal Procurement Policy, New Executive Office Building, Room 9013, 725 17th Street NW., Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: William Coleman, Deputy Administrator, 202-395-3503.

Steven Kelman,
Administrator.

Policy Letter 95-
To The Heads of Executive Departments and Establishments
Subject: Subcontracting Plans for Companies Supplying Commercial Items

1. *Purpose.* The purpose of this Policy Letter is to establish policies on the requirement for subcontracting plans for companies supplying commercial items.

2. *Authority.* This Policy Letter is issued pursuant to section 6 of the Office of Federal Procurement Policy Act, as amended, 41 U.S.C. 405.

3. *Background.* Section 8(d) of the Small Business Act (15 U.S.C. 637(d)) requires that each contract that exceeds \$500,000 (\$1 million in the case of construction), and that offers subcontracting opportunities, include a requirement that the apparent successful offeror negotiate a subcontracting plan which shall become a material part of the contract. The requirement for subcontracting plans does not apply to small businesses. The above requirements have been implemented by OFPP Policy Letter 80-2 "Regulatory Guidance on Section 211 of Public Law 95-507" dated April 29, 1980, and Supplement No. 1 dated May 29, 1981, and further implemented in part 19 of the Federal Acquisition Regulation (FAR). That Policy Letter specifically authorized the use of a company-wide annual subcontracting plan that relates to the contractor's commercial and noncommercial production when the government is acquiring a commercial product.

Sections 8104 and 8203 of the Federal Acquisition Streamlining Act of 1994 (FASA), Public Law 103-355, establish a preference for the acquisition of commercial items by the Department of Defense and civilian agencies. In establishing this preference, Congress expressed concern that implementing policies ease the burden of government-unique requirements for companies supplying commercial items. The Conference Report (H.R. 103-712) recognizes the unique circumstance faced by

commercial contractors and the specific authority already provided in regulation and policy for company-wide plans rather than contract-by-contract plans.

The report cites OFPP Policy Letter 80-2, FAR 52.219-9(g), and 519.704(b) of the General Services Administration Acquisition Regulation which provide express authority for company-wide, division-wide or plant-wide plans. The Report states:

Because *contractors and subcontractors* offering commercial items tend to rely on their existing network of suppliers rather than entering new subcontracts to fill government orders, the requirements applicable to the company-wide subcontracting plans of commercial companies differ from the requirements applicable to individual subcontracting plans of noncommercial companies. See e.g. sections 519.704(c)(2), 519.705-5 and 519.705-6(b) of the GSA FAR Supplement. For example, a single company-wide plan authorized by these regulations is likely to address subcontracting opportunities at both the prime contract and subcontract levels, obviating the need for the filing of individual contract-by-contract or subcontract-by-subcontract plans. Title VIII of the bill is not intended to require any changes to such practices." (emphasis added)

In response to this concern, the policy on subcontracting plans is being revised to reduce the burdens of government-unique requirements on contractors that supply commercial items.

4. *Policy.* The following policy applies to contracts and subcontracts for "commercial items" as defined in section 8001 of FASA. (1) It is a fundamental policy of the Federal Government that a fair proportion of its contracts be placed with small businesses, small businesses owned and controlled by socially and economically disadvantaged individuals, and small businesses owned and controlled by women and that such businesses participate in subcontracting under government prime contracts.

(2) When the requirements for a subcontracting plan under section 8(d) of the Small Business Act apply, annual, commercial company-wide, division-wide, or plant-wide subcontracting plans that relate to a company's commercial and noncommercial production are authorized for:

- (a) Prime contracts for commercial items, or
- (b) Subcontractors that provide commercial items under a prime contract, whether or not the prime contractor is supplying a commercial item.

(3) Furthermore, it is the policy of the United States Government that commercial company-wide plans, when authorized under this Policy Letter, shall be the preferred method of compliance with the requirements of section 8(d) of the Small Business Act. In all solicitations expected to offer subcontracting opportunities which trigger the requirements for a subcontracting plan, the Government shall inform prospective offerors of the opportunity for themselves and/or their subcontractors to develop commercial company-wide plans if they are supplying commercial items. This would apply whether or not the prime contractor is supplying a commercial item.

(4) This policy is in addition to the existing policies cited in paragraph 3 of this Policy Letter.

(5) These provisions for subcontracting plans for commercial item contractors do not in any way relieve contracting officers, prime contractors or subcontractors of their responsibilities for assuring that small, small disadvantaged and women-owned small businesses have the maximum practicable opportunity to participate in contracts awarded by Federal agencies.

5. *Responsibilities.* The Federal Acquisition Regulatory Council shall ensure that the policies established herein are incorporated in the FAR within 210 days from the date this Policy Letter is published in the **Federal Register**. Promulgation of final regulations within the 210-day period shall be considered issuance in a "timely manner" as prescribed in 41 U.S.C. 405(b).

6. *Information Contact.* Questions regarding this Policy Letter should be directed to William Coleman, Deputy Administrator, Office of Federal Procurement Policy, 725 17th Street, NW, Washington, DC 20503, telephone 202-395-3503, facsimile 202-395-5105.

7. *Judicial Review.* This Policy Letter is not intended to provide a constitutional or statutory interpretation of any kind and it is not intended, and should not be construed, to create any right or benefit, substantive or procedural, enforceable at law by a party against the United States, its agencies, its officers, or any persons. It is intended only to provide policy guidance to agencies in the exercise of their discretion concerning Federal contracting. Thus, this Policy Letter is not intended, and should not be construed, to create any substantive or procedural basis on which to challenge any agency action or inaction on the ground that such action or inaction was not in accordance with this Policy Letter.

8. *Effective Date.* The Policy Letter is effective 30 days after the date of issuance.

Steven Kelman,
Administrator.

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OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Trade Policy Staff Committee (TPSC); Request for Comments Concerning Foreign Government Discrimination in Procurement

AGENCY: Office of the United States Trade Representative.

ACTION: Notice of request for public comments.

SUMMARY: This notice requests written submissions from the public concerning discrimination against U.S. products and services by foreign governments in their procurement practices. This information will be used in compiling the annual report on government

procurement specified by Section 305 of the Trade Agreements Act of 1979 (Trade Agreements Act), as amended by Title VII of the Omnibus Trade and Competitiveness Act of 1988 and Title III, Section 341 of the Uruguay Round Agreements Act of 1994 (19 U.S.C. 2515).

Section 305 of the Trade Agreements Act requires the President to submit an annual report on the extent to which foreign countries discriminate against U.S. products or services in making government procurement. Section 341 of the Uruguay Round Agreements Act specifies that the report also contain information about countries which employ nontransparent procurement procedures or fail to maintain effective prohibitions on bribery and other corrupt practices. Specifically, the President is required to identify any countries that:

(a) Are signatories to the GATT Agreement on Government Procurement (Agreement) and are not in compliance with the requirements of the Agreement;

(b) Are signatories to the Agreement; are in compliance with the Agreement, but maintain a significant and persistent pattern or practice of discrimination in the government procurement of products or services from the United States not covered by the Agreement, which results in identifiable harm to U.S. business; and whose products or services are acquired in significant amounts by the U.S. Government; or

(c) Are not Signatories to the Agreement and maintain a significant and persistent pattern or practice of discrimination in government procurement of products or services from the United States, which results in identifiable harm to U.S. business, and whose products or services are acquired in significant amounts by the U.S. Government; or

(d) Are not Signatories to the Agreement and fail to apply transparent and competitive procedures to its government procurement equivalent to those in the Agreement and whose products and services are acquired in significant amounts by the U.S. Government; or

(e) Are not Signatories to the Agreement and fail to maintain and enforce effective prohibitions on bribery and other corrupt practices in connection with government procurement and whose products and services are acquired in significant amounts by the U.S. Government.

The functions vested in the President under Section 305 of the Trade Agreements Act were delegated to the United States Trade Representative

(USTR) pursuant to Section 4-101 of Executive Order 12661 (54 FR 779).

DATES: Submissions containing the information described below must be received on or before March 1, 1995.

ADDRESSES: Comments must be submitted to the Executive Secretary, Trade Policy Staff Committee, Office of the United States Trade Representative, 600 17th Street, N.W., Washington, D.C. 20506, and must include not less than twenty (20) copies. Submissions will be available for public inspection by appointment with the staff of the USTR Public Reading Room, except for information granted "business confidential" status pursuant to 15 CFR 2003.6. Any business confidential material must be clearly marked as such at the top of the cover page or letter and each succeeding page and must be accompanied by a nonconfidential summary.

FOR FURTHER INFORMATION CONTACT: Elena Bryan (202-395-5097) or Mark Linscott (202-395-3063), Office of GATT Affairs, or Laura B. Sherman (202-395-3150), Office of the General Counsel, Office of the U.S. Trade Representative, 600 17th Street, NW, Washington, D.C. 20506.

SUPPLEMENTARY INFORMATION: Section 305 of the Trade Agreements Act requires an annual report to be submitted no later than April 30, 1995 to the appropriate Committees of the House of Representatives and the Senate. The USTR is required to request consultations with any countries identified in the report to remedy the procurement practices cited in the report.

USTR invites submissions from interested parties concerning foreign government procurement practices that should be considered in developing the annual report. Pursuant to Section 305(d)(5) of the Trade Agreements Act, submissions are sought from any interested parties in the United States and in countries that are signatories to the Agreement, as well as in other foreign countries whose products or services are acquired in significant amounts by the U.S. Government.

Each submission should provide, in order, the following general information: (1) The party submitting the information; (2) the foreign country or countries that are the subject of the submission and the entities of each subject country's government whose practices are being cited, and (3) the U.S. products or services that are affected by the non-compliance or discrimination.

Each submission should also provide specific information on the particular