

prepare an environmental impact statement for the proposed action.

For further details with respect to this action, see the application for exemption dated February 4, 1999, which is 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 Athens Public Library, 405 E. South Street, Athens, Alabama.

Dated at Rockville, Maryland, this 29th day of July 1999.

For the Nuclear Regulatory Commission.

**William O. Long,**

*Senior Project Manager, Section 2, Project Directorate II, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.*

[FR Doc. 99-20399 Filed 8-6-99; 8:45 am]

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## NUCLEAR REGULATORY COMMISSION

### Texas Utilities Electric Company

[Docket Nos. 50-445 and 50-446]

### Comanche Peak Steam Electric Station, Units 1 and 2; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of license amendments to Facility Operating Licenses Nos. NPF-87 and NPF-89, issued to Texas Utilities Electric Company (TU Electric, or the licensee), for operation of the Comanche Peak Steam Electric Station (CPSES), Units 1 and 2, located in Somervell County, Texas.

#### Environmental Assessment

##### Identification of the Proposed Action

The proposed action would change the licenses to reflect the change of the name of the CPSES licensee from "Texas Utilities Electric Company."

##### The Need for the Proposed Action

The proposed action is needed to accurately reflect the legal name of the licensee. The CPSES licensee has already changed its name for business purposes.

##### Environmental Impacts of the Proposed Action

The Commission has completed its evaluation of the proposed action and concludes that the proposed action is solely administrative in nature and will not increase the probability or

consequences of accidents, no changes are being made in the types of any effluents that may be released off site, and there is no significant increase in occupational or public radiation exposure. Therefore, there are no significant radiological environmental impacts associated with the proposed action.

With regard to potential nonradiological impacts, the proposed action does not involve any historic sites. It does not affect nonradiological plant effluents and has no other environmental impact. Therefore, there are no significant nonradiological environmental impacts associated with the proposed action.

Accordingly, the Commission concludes that there are no significant environmental impacts associated with the proposed action.

##### Alternatives to the Proposed Action

As an alternative to the proposed action, the staff considered denial of the proposed action (*i.e.*, the "no-action" alternative). 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 CPSES, Units 1 and 2.

##### Agencies and Persons Consulted

In accordance with its stated policy, on June 24, 1999, the staff consulted with the Texas State official, Arthur C. Tate, of the Texas Department of Health, Bureau of Radiation Control, regarding the environmental impact of the proposed action. The State official had no comments.

##### Finding of No Significant Impact

On the basis of the environmental assessment, the Commission concludes that the proposed action 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 action.

For further details with respect to the proposed action, see the licensee's application dated May 14, 1999, which is 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 University of Texas at Arlington Library,

702 College, P.O. Box 19497, Arlington, Texas.

Dated at Rockville, Maryland, this 2nd day of August, 1999.

For the Nuclear Regulatory Commission.

**Robert A. Gramm,**

*Chief, Section 1, Project Directorate IV and Decommissioning Division of Licensing Project Management, Office of Nuclear Reactor Regulation.*

[FR Doc. 99-20398 Filed 8-6-99; 8:45 am]

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## NUCLEAR REGULATORY COMMISSION

[NUREG-1600, Rev. 1]

### Interim Enforcement Policy for Use During the NRC Power Reactor Oversight Process Pilot Plant Study

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Policy statement: Amendment.

**SUMMARY:** The Nuclear Regulatory Commission (NRC) is amending its "General Statement of Policy and Procedure for NRC Enforcement Actions," NUREG-1600, Rev. 1, by adding Appendix F. This amendment revises the treatment of violations of 10 CFR Part 50 and associated license conditions during the pilot plant study of the new NRC power reactor oversight process. The Commission is applying this new oversight process to the nine reactor sites that are part of a pilot plant study scheduled to begin in June 1999.

**DATES:** This amendment becomes effective on (the implementation date of the pilot plant study). Comments on this amendment should be submitted by September 8, 1999 and will be considered by the NRC as it evaluates lessons learned from the pilot plant study.

**ADDRESSES:** Submit written comments to: David L. Meyer, Chief, Rules and Directives Branch, Division of Administrative Services, Office of Administration, Mail Stop: T6D59, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Hand deliver comments to: 11545 Rockville, Maryland, between 7:30 a.m. and 4:15 p.m., Federal workdays. Copies of comments received may be examined at the NRC Public Document Room, 2120 L Street, NW, (Lower Level), Washington, DC.

**FOR FURTHER INFORMATION CONTACT:** R. William Borhardt, Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555-0001, (301) 415-2741.

**SUPPLEMENTARY INFORMATION:** As described in NUREG-1600, Revision 1, "General Statement of Policy and Procedures for NRC Enforcement Actions," the purpose of the Commission's current enforcement program is to support the NRC's overall safety mission in protecting the public and the environment. The Enforcement Policy provides that prompt and vigorous enforcement action should be taken when dealing with licensees, contractors, and their employees who did not achieve the necessary attention to detail and did not achieve the high standards of compliance that the Commission expects. Enforcement actions have been used as a deterrent to emphasize the importance of compliance with requirements and to encourage prompt identification and prompt, comprehensive correction of violations.

The current Enforcement Policy successfully focuses attention on compliance issues to improve safety. The process uses enforcement to—

- (1) Assess the safety significance of individual inspection findings and events;
- (2) Formulate the appropriate agency response to these findings and events;
- (3) Emphasize good performance and compliance;
- (4) Provide incentives for performance improvement; and
- (5) Provide public notification of the Commission's views on licensees' performance and actions.

The Commission has made substantial changes to the Enforcement Policy since 1980. However, the Commission has continued to employ a basic theory of using sanctions, including the use of civil penalties, to deter noncompliance. Escalated enforcement actions have provided regulatory messages to encourage improved licensee performance. However, the Commission has not always integrated decision making in the performance assessment program with the enforcement program. This has resulted in mixed regulatory messages regarding performance and approaches to improve it. Further, the enforcement process has been criticized as being difficult to understand, subjective, inconsistent, unpredictable, and not being sufficiently risk-informed. Licensees have indicated that this has resulted in setting high priorities for issues of low risk significance at the expense of more risk-significant items.

The Commission has developed a new reactor oversight process and is applying it to nine reactor sites as part of a pilot plant study scheduled to begin in June 1999. The new reactor oversight process which includes a structured

performance assessment process and evaluates the significance of individual findings provides an opportunity to reconsider the existing Enforcement Policy. In considering a new approach to enforcement, the Commission is not suggesting that the existing policy which used civil penalties has not served the agency or is ineffective. However, because of the new oversight process, a greater agency focus on risk and performance, and the overall improved industry performance, an opportunity now exists to better integrate the enforcement policy and the reactor oversight process. Based on the following, the new assessment process and the current Enforcement Policy provides similar functions:

- Both the current enforcement and the new oversight processes result in formulating NRC responses to violations and performance issues. The enforcement process uses sanctions such as citations and penalties. Both use actions such as meetings to discuss performance, 10 CFR 50.54(f) letters, Demands for Information, Confirmatory Action Letters, and Orders as NRC responses.

- They evaluate individual compliance findings for significance under each process.
- Both processes provide incentives to improve performance, compliance and deterrence since licensees normally strive to avoid regulatory actions and enforcement sanctions.

- Both approaches give the public the Commission's views on the status of licensee's performance and compliance.

Given the similarities in the purpose of the two programs, the Commission seeks to discontinue having two separate and independent processes. The interim Enforcement Policy will complement the assessment program by focusing on individual violations. The Agency Action Matrix<sup>1</sup> will dictate the Commission's response to declining performance whether caused by violations or other concerns. The result will be a unified agency approach for determining and responding to performance issues of a licensee that—

- (a) Maintains a focus on safety and compliance;
- (b) Is more consistent with predictable results;
- (c) Is more effective and efficient;
- (d) Is easily understandable; and

<sup>1</sup> The Agency Action Matrix as described in SECY-99-007, "Recommendations for Reactor Oversight Process Improvements," provides guidance for consistent agency action in response to licensee performance. These actions are graded across the range of licensee performance and are triggered by threshold assessments of the performance indicators and inspection findings.

(e) Decreases unnecessary regulatory burden.

In most cases, this approach should provide similar deterrence to that provided by issuing civil penalties. Having a more consistent approach should also promote public confidence in the regulatory process.

The new assessment process will use a Significance Determination Process (SDP) to characterize inspection findings based on their risk significance and performance impact. The SDP will assign a color band of green, white, yellow, or red to each violation (or plant issue) to reflect its significance. To support a unified approach to significance, the Enforcement Policy will use the results of the SDP, where applicable, to disposition violations.

The enforcement approach for the pilot program divides violations into two groups. The first group includes violations that the SDP can evaluate, where the Agency Action Matrix will determine appropriate action. The second group includes violations associated with actual consequences; violations that the SDP does not evaluate, such as willful violations; and those that may impact the regulatory process for oversight of reactors.

#### **I. Violations Evaluated by the Significance Determination Process**

The first group consists of those violations that the SDP evaluates, where the Agency Action Matrix will determine appropriate action. Violations will be either cited or non-cited. Normally, severity levels and civil penalties will not be used.

##### *A. Violations of Low Significance*

Violations that the SDP has evaluated as of low significance (*i.e.*, green) will be information for the assessment process and considered within the licensee response band according to the Agency Action Matrix. These violations will be documented in inspection reports as Non-Cited Violations (NCVs). However, a Notice of Violation (NOV) will be issued for the following three exceptions:

- (1) The licensee fails to restore compliance within a reasonable time after identification of the violation;
- (2) The licensee fails to place the violation into the corrective action program; or
- (3) The violation was willful. An NCV may be appropriate if the violation meets the criteria in Section VII.B.1.(d) of the Enforcement Policy which addresses the exercise of enforcement discretion for certain willful violations.

The guidance of Appendix C: Interim Enforcement Policy for Severity Level

IV Violations Involving Activities of Power Reactor Licensees (64 FR 6388; February 9, 1999), is applicable to these three exceptions.

#### B. Significant Violations

Violations that the SDP evaluates as risk significant (*i.e.*, white, yellow, or red) will be information for the assessment process and considered in the regulatory response band according to the Agency Action Matrix. Such violations, being risk significant, will result in issuing a formal NOV requiring a written response, unless sufficient information is already on the docket. The Agency Action Matrix and not the Enforcement Policy will guide the agency response, to determine root causes if warranted, and to emphasize the need to improve performance for safety significant violations. The Agency Action Matrix will specify whether regulatory conferences and other actions will be taken if merited by the specific violations or overall licensee performance. The Commission reserves the use of discretion for particularly significant violations (*e.g.* an accidental criticality) to assess civil penalties in accordance with Section 234 of the Atomic Energy Act of 1954, as amended.

#### II. Violations Not Evaluated by the SDP and Those Having Actual Consequences

The current Enforcement Policy will be applied for the second group of violations. This includes the use of severity levels to characterize the significance of violations and the use of civil penalties or other appropriate enforcement action. Three categories of violations are within this group:

(A) Violations that involve willfulness including discrimination;

(B) Violations that may impact the NRC's ability for oversight of licensee activities, such as those associated with reporting requirements; failure to obtain NRC approvals, such as required by 10 CFR 50.59, 10 CFR 50.54(a), 10 CFR 50.54(p); and failure to provide the NRC with complete and accurate information or to maintain complete and accurate records; and

(C) Violations that involve actual consequences. These violations include an overexposure to the public or plant personnel, the failure to make the required notifications that impact the ability of federal, state and local agencies to respond to an actual emergency preparedness or transportation event, or a substantial release of radioactive material.

The guidance in Appendix C: Interim Enforcement Policy for Severity Level IV Violations Involving Activities of Power Reactor Licensees, will be

applicable to Severity Level IV violations in this group.

#### Paperwork Reduction Act

This policy statement does not contain a new or amended information collection requirement subject to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). Existing requirements were approved by the Office of Management and Budget, approval number 3150-0136.

#### Public Protection Notification

If a means used to impose an information collection does not display a currently valid OMB control number, the NRC may not conduct or sponsor, and a person is not required to respond to, the information collection.

#### Small Business Regulatory Enforcement Fairness Act

In accordance with the Small Business Regulatory Enforcement Fairness Act of 1996, the NRC has determined that this action is not a "major" rule and has verified this determination with the Office of Information and Regulatory Affairs, Office of Management and Budget.

Accordingly, adding Appendix F amends the NRC Enforcement Policy as follows:

#### General Statement of Policy and Procedure for NRC Enforcement Actions

\* \* \* \* \*

#### Appendix F: Interim Enforcement Policy for Use During the NRC Power Reactor Oversight Process Pilot Plant Study

The Commission is issuing this Appendix to revise the Policy and Procedure for NRC Enforcement Actions (Enforcement Policy) NUREG 1600, Rev. 1. The Appendix affects violations of the requirements of 10 CFR Part 50 and associated license conditions at nine power reactor sites participating in the NRC reactor oversight process pilot plant study beginning in June 1999. The Commission is issuing as an appendix to the Enforcement Policy and characterizing this policy amendment as interim because the Commission may make additional changes to the Enforcement Policy following a review of the results from the pilot plant study. Then, assuming an acceptable outcome from the pilot plant study, the Enforcement Policy for all power reactors will be changed. This Appendix revises the NRC's Enforcement Policy for the plants participating in the pilot plant study by dividing identified violations into two groups.

#### I. Violations Evaluated by the Significance Determination Process

The first group consists of those violations that the Reactor Oversight Program's Significance Determination Process (SDP)

can evaluate. For these violations, the SDP will determine the significance of the violation and the Agency Action Matrix will determine the appropriate agency response. These violations will be cited or non-cited. Normally, no severity levels and civil penalties will be used to characterize these violations.

#### A. Violations of Low Significance

Violations that the SDP evaluates as not being risk significant (*i.e.*, green) will be described in inspection reports as Non-Cited Violations (NCVs) and be categorized by the assessment process within the licensee response band. However, a Notice of Violation (NOV) will be issued:

(1) The licensee fails to restore compliance within a reasonable time after they identified the violation;

(2) The licensee fails to place the violation into the corrective action program; or

(3) The violation was willful. An NCV may be appropriate if the violation meets the criteria in Section VII.B.1. (d) of the Enforcement Policy.

The three exceptions are consistent with items (1), (2), and (4) of Appendix C: Interim Enforcement Policy for Severity Level IV Violations Involving Activities of Power Reactor Licensees (64 FR 6388; February 9, 1999).

#### B. Significant Violations

Violations that the SDP evaluates as risk significant (*i.e.*, white, yellow, or red) will be assigned a color band related to its significance for use by the assessment process. Because of being risk significant, an NOV will be issued requiring a formal written response unless sufficient information is already on the docket. The Commission reserves the use of discretion for particularly significant violations (*e.g.* an accidental criticality) to assess civil penalties in accordance with Section 234 of the Atomic Energy Act of 1954, as amended.

#### II. Violations Not Evaluated by the SDP and Those Having Actual Consequences

In the second group of violations, the Enforcement Policy will be retained, along with severity levels and the potential for the imposition of civil penalties or other appropriate enforcement action. Three categories of violations are within this group:

(A) Violations that involve willfulness including discrimination,

(B) Violations that may impact the NRC's ability for oversight of licensee activities such as those associated with reporting issues, failure to obtain NRC approvals such as for changes to the facility as required by 10 CFR 50.59, 10 CFR 50.54(a), 10 CFR 50.54(p), and failure to provide the NRC with complete and accurate information or to maintain accurate records, and

(C) Violations that involve actual consequences such as an overexposure to the public or plant personnel, failure to make the required notifications that impact the ability of federal, state and local agencies to respond to an actual emergency preparedness or transportation event, or a substantial release of radioactive material.

To the extent the above does not modify the NRC Enforcement Policy, the

Enforcement Policy remains applicable to power reactor licensees.

Dated at Rockville, Maryland, this 3rd day of August, 1999.

For the Nuclear Regulatory Commission.

**Annette L. Vietti-Cook,**

*Secretary of the Commission.*

[FR Doc. 99-20396 Filed 8-6-99; 8:45 am]

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## SECURITIES AND EXCHANGE COMMISSION

### Submission for OMB Review; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of Filings and Information Services, Washington, DC 20549

Extension:

Rule 17f-2(d), SEC File No. 270-36, OMB Control No. 3235-0028

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.), the Securities and Exchange Commission ("Commission") has submitted to the Office of Management and Budget a request for approval of extension on the following rule:

Rule 17f-2(d) was adopted on March 16, 1976, and was last amended on November 18, 1982. Paragraph (d) of rule (i) requires that records produced pursuant to the fingerprinting requirements of Section 17(f)(2) of the Securities Exchange Act of 1934 ("Exchange Act") be maintained, (ii) permits the designating examining authorities of broker-dealers or members of exchanges, under certain circumstances, to store and to maintain records required to be kept by this rule, and (iii) permits the required records to be maintained on microfilm.

The general purposes for Rule 17f-2 are: (i) To identify security risk personnel; (ii) to provide criminal record information so that employers can make fully informed employment decisions; and (iii) to deter persons with criminal records from seeking employment or association with covered entities.

Retention of fingerprint records, as required under paragraph (d) of the Rule, enables the Commission or other examining authority to ascertain whether all required persons are being fingerprinted and whether proper procedures regarding fingerprinting are being followed. Retention of these records for the term of employment of all personnel plus three years ensures that law enforcement officials will have

easy access to fingerprint cards on a timely basis. This in turn acts as an effective deterrent to employee misconduct.

Approximately 9,614 respondents are subject to the recordkeeping requirements of the rule. Each respondent keeps approximately 32 new records per year, which takes approximately 2 minutes per record for the respondent to maintain, for an annual burden of 64 minutes per respondent. All records subject to the rule must be retained for the term of employment plus 3 years. The Commission estimates that the total annual cost to submitting entities is approximately \$196,850. This figure reflects estimated costs of labor and storage of records.

Written comments regarding the above information should be directed to the following persons: (i) Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th St., NW., Washington, DC 20503; and (ii) Michael E. Bartell, Associate Executive Director, Office of Information Technology, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Comments must be submitted to OMB within 30 days of this notice.

Dated: July 30, 1999.

**Margaret H. McFarland,**

*Deputy Secretary.*

[FR Doc. 99-20412 Filed 8-6-99; 8:45 am]

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## SECURITIES AND EXCHANGE COMMISSION

### Issuer Delisting; Application To Withdraw From Listing and Registration; (Tektronix, Inc., Common Stock, No Par Value, and Attached Preferred Stock Purchase Rights) File No. 1-4837

August 2, 1999.

Tektronix, Inc. ("Company") has filed an application with the Securities and Exchange Commission ("Commission"), pursuant to Section 12(d) of the Securities Exchange Act of 1934 ("Act") and Rule 12d2-2(d) promulgated thereunder, to withdraw the above specified securities ("Securities") from listing and registration on the Pacific Exchange, Inc. ("PCX" or "Exchange").

The reasons cited in the application for withdrawing the Securities from listing and registration include the following:

The Securities are currently listed for trading on the PCX and the New York

Stock Exchange ("NYSE"). In making the decision to withdraw its Securities from listing and registration on the PCX, the Company has considered all the direct and indirect costs and expenses arising from maintaining dual listings. The Company has determined that there is no particular advantage to having its Securities listed simultaneously on two exchanges and has accordingly sought to withdraw them from listing on the PCX and maintain their listing on the NYSE.

The Company has complied with the rules of the PCX by filing with the Exchange a certified copy of resolutions adopted by the Company's Board of Directors authorizing withdrawal of its Securities from listing on the PCX as well as correspondence setting forth in detail to the Exchange the reasons for such proposed withdrawal, and the facts in support thereof.

The Exchange has informed the Company that it has no objection to the withdrawal of the Company's Securities from listing on the PCX.

This application relates solely to the withdrawal by the Company of the Securities' listing on the PCX and shall have no effect upon the continued listing of such Securities on the NYSE. By reason of Section 12(b) of the Act and the rules and regulations of the Commission thereunder, the Company shall continue to be obligated to file reports under Section 13 of the Act with the Commission and the NYSE.

Any interested person may, on or before August 23, 1999, submit by letter to the Secretary of the Securities and Exchange Commission, 450 Fifth Street, NW, Washington, DC 20549-0609, facts bearing upon whether the application has been made in accordance with the rules of the Exchange and what terms, if any, should be imposed by the Commission for the protection of investors. The Commission, based on the information submitted to it, will issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

**Jonathan G. Katz,**

*Secretary.*

[FR Doc. 99-20413 Filed 8-6-99; 8:45 am]

BILLING CODE 8010-01-M