

justified. To provide a reasonable indication, the comment must:

- (1) Identify the specific regulatory provision that is of concern;
- (2) Explain why the provision is not integral to the purpose of the rule, with supporting information as necessary; and
- (3) Demonstrate, with supporting information, that the regulatory provision is not cost-justified.

Comments that do not provide a reasonable indication need not be addressed in detail.<sup>7</sup>

A special case involves the NRC's periodic review and endorsement of new versions of the ASME Codes. Some aspects of those rulemakings are not addressed in regulatory analyses. However, for those matters that are addressed in regulatory analyses, the same principles as discussed above should be applied. Further details are provided below.

The NRC's longstanding policy has been to incorporate new versions of the ASME Codes into its regulations. Furthermore, the National Technology Transfer and Advancement Act of 1995 (Public Law 104-113) directs Federal agencies to adopt technological standards developed by voluntary consensus standard organizations. The law allows an agency to take exception to specific portions of the standard if those provisions are deemed to be inconsistent with applicable law or otherwise impractical.

ASME Codes are updated on an annual basis to reflect improvements in technology and operating experience. The NRC reviews the updated ASME Codes and conducts rulemaking to incorporate the latest versions by reference into 10 CFR 50.55a, subject to any modifications, limitations, or supplementations (i.e., exceptions) that are deemed necessary.<sup>8</sup> It is generally not necessary to address new provisions of the updated ASME Codes in the regulatory analyses for these rulemakings. However:

(1) When the NRC endorses a new provision of the ASME Code that takes a substantially different direction from the currently existing requirement, the action should be addressed in the regulatory analysis. An example was the NRC's endorsement of new Subsections IWE and IWL, which imposed containment inspection requirements on operating reactors for the first time. Since those requirements involved a substantially different direction, they were considered in the regulatory analysis, treated as backfits, and justified in accordance with the standards of 10 CFR 50.109.

(2) If the NRC takes exception to a new Code provision and imposes a requirement that is a substantial change from the currently existing requirement, the action should be addressed in the regulatory analysis.

(3) When the NRC requires implementation of a new Code provision on an expedited basis, the action should be addressed in the

regulatory analysis. This applies when implementation is required sooner than it would be required if the NRC simply endorsed the Code without any expediting language.

When the NRC takes exception to a new Code provision, but merely maintains the currently existing requirement, it is not necessary to address the action in the regulatory analysis (or to justify maintenance of the status quo on a cost-benefit basis). However, the NRC explains any exceptions to the ASME Code in the Statement of Considerations for the rule.

The NUREG reports, Commission papers, SRMs, and Regulatory Guide discussed above are available for public inspection at the Commission's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland. They are also accessible from the Agencywide Documents Assess and Management Systems (ADAMS) Public Electronic Reading Room on the internet at the NRC Web site, <http://www.nrc.gov/reading-rm/adams.html> under the following ADAMS accession numbers:

Regulatory Guide 1.174:  
ML003740133.

*Regulatory Analysis Guidelines, NUREG/BR-0058, Rev. 3:*  
ML003738939.

*Regulations Handbook, NUREG/BR-0053, Rev. 5:* ML011010183.

*Commission paper, SECY-00-0198:*  
ML003747699.

*SRM regarding SECY-00-0198:*  
ML010190405.

*Commission paper, SECY-01-0134:*  
ML011970363.

*SRM regarding SECY-01-0134:*  
ML012760353.

*Commission paper, SECY-01-0162:*  
ML012120024.

*SRM regarding SECY-01-0162:*  
ML013650390.

If you do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the NRC Public Document Room (PDR) Reference Staff at 1-800-397-4209, 301-415-4737 or by email to [pdr@nrc.gov](mailto:pdr@nrc.gov). Single copies of the documents may be obtained from the contacts listed above under the heading **FOR FURTHER INFORMATION CONTACT**.

#### Agenda for Public Meeting

9 a.m.–9:30 a.m., Introductory Remarks. 9:30 a.m.–10:30 a.m., Discussion of Preliminary Proposed Guidance by the NRC Staff.

10:30 a.m.–12:30 p.m., Public Comments and Statements.

12:30 p.m.–12:45 p.m., Concluding Remarks.

Dated at Rockville, Maryland, this 6th day of February, 2002.

For the Nuclear Regulatory Commission.

**Cynthia A. Carpenter,**

*Program Director, Policy and Rulemaking Program, Division of Regulatory Improvement Programs, Office of Nuclear Reactor Regulation.*

[FR Doc. 02-3503 Filed 2-12-02; 8:45 am]

**BILLING CODE 7590-01-P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

#### 18 CFR Chapter I

[Docket No. RM01-12-000]

#### Electricity Market Design and Structure; Notice of Availability of Strawman Discussion Paper

February 1, 2002.

**AGENCY:** Federal Energy Regulatory Commission, DOE.

**ACTION:** Availability of strawman discussion paper.

**SUMMARY:** On January 24, 2002, the Federal Energy Regulatory Commission issued a Notice of Technical Conference to discuss issues relating to the Commission's consideration of standard market design for wholesale electric power markets. The Commission is making available a strawman discussion paper for discussion by the market power mitigation panel at the technical conference and is inviting comments on this paper. This paper is being placed in the record of this rulemaking docket.

**DATES:** Comments are invited at anytime.

**ADDRESSES:** Office of the Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

**FOR FURTHER INFORMATION CONTACT:** Connie Caldwell, Office of General Counsel, (202) 208-2027.

**SUPPLEMENTARY INFORMATION:** On January 24, 2002, the Commission issued a Notice of Technical Conference. This notice was published in the **Federal Register** on January 31, 2002 (67 FR 4713).

Take notice that Chairman Pat Wood, III has distributed a strawman discussion paper for discussion by the market power mitigation panel at the technical conference scheduled for February 5-7, 2002. The purpose of the paper is to stimulate public discussion that can guide market monitoring efforts and the design of market power mitigation measures. The paper does not necessarily reflect the views of the Commissioners or the Commission staff.

<sup>7</sup> NUREG/BR-0053, Revision 5, March 2001, *United States Nuclear Regulatory Commission Regulations Handbook*, Section 7.9, provides further discussion of comments that should be treated in detail.

<sup>8</sup> NRC regulations require licensees to periodically update their inservice inspection and inservice testing programs to the latest ASME Code incorporated by reference in 10 CFR 50.55a(b).

The discussion paper is being placed in the record of this rulemaking docket and this notice will be placed in the record of the dockets listed on the attachment to this notice. The discussion paper will also be available on the Commission's website at <http://www.ferc.fed.us/Electric/RTO/mrkt-strct-comments/rm01-12-comments.htm>. Comments on this paper are invited, and may be combined with any future comments filed in this rulemaking docket. It would be helpful, but not required, to set apart comments on this paper under a separate heading or in a separate section if they are included in a single document with comments that address other aspects of the rulemaking.

**Magalie R. Salas,**  
*Secretary.*

#### Attachment

[Docket No. RT01-2-001]

PJM Interconnection, L.L.C.  
Allegheny Electric Cooperative, Inc.  
Atlantic City Electric Company  
Baltimore Gas & Electric Company  
Delmarva Power & Light Company  
Jersey Central Power & Light Company  
Metropolitan Edison Company  
PECO Energy Company  
Pennsylvania Electric Company  
PPL Electric Utilities Corporation  
Potomac Electric Power Company  
Public Service Electric & Gas Company  
UGI Utilities Inc.

[Docket No. RT01-10-000]

Allegheny Power

[Docket No. RT01-15-000]

Avista Corporation  
Montana Power Company  
Nevada Power Company  
Portland General Electric Company  
Puget Sound Energy, Inc.  
Sierra Pacific Power Company

[Docket No. RT01-34-000]

Southwest Power Pool, Inc.

[Docket No. RT01-35-000]

Avista Corporation  
Bonneville Power Administration  
Idaho Power Company  
Montana Power Company  
Nevada Power Company  
PacifiCorp  
Portland General Electric Company  
Puget Sound Energy, Inc.  
Sierra Pacific Power Company

[Docket No. RT01-67-000]

GridFlorida LLC  
Florida Power & Light Company  
Florida Power Corporation  
Tampa Electric Company

[Docket No. RT01-74-000]

Carolina Power & Light Company  
Duke Energy Corporation

South Carolina Electric & Gas Company  
GridSouth Transco, LLC

[Docket No. RT01-75-000]

Entergy Services, Inc.

[Docket No. RT01-77-000]

Southern Company Services, Inc.

[Docket No. RT01-85-000]

California Independent System Operator Corporation

[Docket No. RT01-86-000]

Bangor Hydro-Electric Company  
Central Maine Power Company  
National Grid USA  
Northeast Utilities Service Company  
The United Illuminating Company  
Vermont Electric Power Company  
ISO New England Inc.

[Docket No. RT01-87-000]

Midwest Independent System Operator

[Docket No. RT01-88-000]

Alliance Companies

[Docket No. RT01-94-000]

NSTAR Services Company

[Docket No. RT01-95-000]

New York Independent System Operator, Inc.

Central Hudson Gas & Electric Corporation

Consolidated Edison Company of New York, Inc.

Niagara Mohawk Power Corporation  
New York State Electric & Gas Corporation

Orange & Rockland Utilities, Inc.

Rochester Gas & Electric Corporation

[Docket No. RT01-98-000]

PJM Interconnection, L.L.C.

[Docket No. RT01-99-000]

Regional Transmission Organizations

[Docket No. RT01-100-000]

Regional Transmission Organizations

[Docket Nos. RT02-1-000, EL02-9-000]

Arizona Public Service Company  
El Paso Electric Company  
Public Service Company of New Mexico  
Tucson Electric Power Company  
WestConnect RTO, LLC

[Docket Nos. ER96-2495-015, ER97-4143-003, ER97-1238-010, ER98-2075-009, ER98-542-005]

AEP Power Marketing, Inc.  
AEP Service Corporation  
CSW Power Marketing, Inc.  
CSW Energy Services, Inc.  
Central and South West Services, Inc.

[Docket No. ER91-569-009]

Entergy Services, Inc.

[Docket No. ER97-4166-008]

Southern Company Energy Marketing, L.P.

[FR Doc. 02-2975 Filed 2-12-02; 8:45 am]

**BILLING CODE 6717-01-P**

## DEPARTMENT OF TRANSPORTATION

### Coast Guard

#### 33 CFR Part 165

[CGD09-96-017]

RIN 2115-AA84

#### Prevention of Collisions Between Commercial and Recreational Vessels in the South Passage of Lake Erie Western Basin

**AGENCY:** Coast Guard, DOT.

**ACTION:** Advance notice of proposed rulemaking; withdrawal.

**SUMMARY:** On December 26, 1996 the Coast Guard published an advance notice of proposed rulemaking (ANPRM) requesting public comment on proposed regulations for the prevention of collisions between commercial and recreational vessels in the South Passage of the Lake Erie Western Basin. The ANPRM sought public comment on proposed regulations in the South Passage of the Lake Erie Western Basin. There were no comments for this proposed regulation. The Coast Guard is withdrawing this advance notice of proposed rulemaking and closing this rulemaking project.

**DATES:** The December 26, 1996, advance notice of proposed rulemaking is withdrawn as of January 25, 2002.

**ADDRESSES:** Material received from the public, as well as documents indicated in this preamble as being available in the docket, are part of docket [CGD09-96-017] and are available for inspection or copying at the Marine Safety Analysis and Policy Branch, Ninth Coast Guard District, Room 2069, 1240 E. Ninth Street, Cleveland, Ohio, 44199-2060 between 7 a.m. and 3:30 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** CDR Michael Gardiner, Chief, Marine Safety Analysis and Policy Branch, Ninth Coast Guard District. The phone number is (216) 902-6047.

#### SUPPLEMENTARY INFORMATION:

##### Background and Purpose

On December 26, 1996 we published an advance notice of proposed rulemaking (ANPRM) titled Prevention of Collisions Between Commercial and Recreational Vessels in the South Passage of Lake Erie Western Basin in the **Federal Register** (61 FR 67971). We received no comments on the ANPRM. No public hearing was requested, and none was held.

This rulemaking was primarily in response to a collision between a tug and barge and a small pleasure craft.