

*Southern Nuclear Operating Company, Inc., Docket Nos. 50-348 and 50-364, Joseph M. Farley Nuclear Plant, Units 1 and 2, Houston County, Alabama*

*Date of amendments request:* August 29, 2003, as supplemented by letters dated November 11, 2003, and May 5, June 10, August 5, August 25, and September 27, 2004.

*Brief Description of amendments:* The amendments revised Technical Specifications Limiting Condition of Operation 3.9.3, "Containment Penetrations." The changes allow the equipment hatch to be open during core alterations and/or during movement of irradiated fuel assemblies within containment.

*Date of issuance:* September 30, 2004.

*Effective date:* As of the date of issuance and shall be implemented within 30 days from the date of issuance.

*Amendment Nos.:* 165 and 157.

*Facility Operating License Nos. NPF-2 and NPF-8:* Amendments revise the Technical Specifications.

*Date of initial notice in Federal Register:* November 12, 2003 (68 FR 64137).

The supplements dated November 11, 2003, and May 5, June 10, August 5, August 25, and September 27, 2004, provided clarifying information that did not change the scope of the August 29, 2003, application nor the initial proposed no significant hazards consideration determination.

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated September 30, 2004.

*No significant hazards consideration comments received:* No.

*Southern Nuclear Operating Company, Inc., Docket Nos. 50-348 and 50-364, Joseph M. Farley Nuclear Plant, Units 1 and 2, Houston County, Alabama*

*Date of amendments request:* August 25, 2004, as supplemented by letter dated September 27, 2004.

*Brief Description of amendments:* The amendments address the control room habitability guidance of Regulatory Guide 1.196, "Control Room Habitability at Light-Water Nuclear Power Reactors," by revising Limiting Condition for Operation 3.7.10, "Control Room Emergency Filtration/Pressurization System (CREFS)" and TS 5.5.11, "Ventilation Filter Testing Program. The amendments also add a new section, TS 5.5.18, "Control Room Integrity Program (CRIP)."

*Date of issuance:* September 30, 2004.

*Effective date:* As of the date of issuance and shall be implemented

within 30 days from the date of issuance.

*Amendment Nos.:* 166, 158.

*Facility Operating License Nos. NPF-2 and NPF-8:* Amendments revise the Technical Specifications.

*Date of initial notice in Federal Register:* August 31, 2004 (69 FR 53095). The supplement dated September 27, 2004, provided clarifying information that did not change the scope of the August 25, 2004, application nor the initial proposed no significant hazards consideration determination.

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated September 30, 2004.

*No significant hazards consideration comments received:* No.

*Union Electric Company, Docket No. 50-483, Callaway Plant, Unit 1, Callaway County, Missouri*

*Date of application for amendment:* April 8, 2004, as supplemented by letter dated September 24, 2004.

*Brief description of amendment:* The amendment revises requirements in the technical specifications to adopt the provisions of Industry/Technical Specification Task Force (TSTF) change TSTF-359, "Increase Flexibility in Mode Restraints." The availability of TSTF-359 for adoption by licensees was announced in the **Federal Register** on April 4, 2003 (68 FR 16579).

*Date of issuance:* October 8, 2004.

*Effective date:* October 8, 2004, and shall be implemented within 90 days of the date of issuance.

*Amendment No.:* 164.

*Facility Operating License No. NPF-30:* The amendment revised the Technical Specifications.

*Date of initial notice in Federal Register:* May 11, 2004 (69 FR 26194).

The additional information provided in the supplemental letter dated September 24, 2004, does not expand the scope of the application as noticed and does not change the NRC staff's original proposed no significant hazards consideration determination.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated October 8, 2004.

*No significant hazards consideration comments received:* No.

*Wolf Creek Nuclear Operating Corporation, Docket No. 50-482, Wolf Creek Generating Station, Coffey County, Kansas*

*Date of amendment request:* February 9, 2004, as supplemented by the letter dated September 14, 2004.

*Brief description of amendment:* The amendment revises requirements in the

technical specifications to adopt the provisions of Industry/Technical Specification Task Force (TSTF) change TSTF-359, "Increase Flexibility in Mode Restraints."

*Date of issuance:* October 7, 2004.

*Effective date:* October 7, 2004, and shall be implemented within 90 days of the date of issuance.

*Amendment No.:* 155.

*Facility Operating License No. NPF-42:* The amendment revised the Technical Specifications.

*Date of initial notice in Federal Register:* March 16, 2004 (69 FR 12373).

The additional information provided in the supplemental letter dated September 14, 2004, does not expand the scope of the application as noticed and does not change the NRC staff's original proposed no significant hazards consideration determination.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated October 7, 2004.

*No significant hazards consideration comments received:* No.

Dated in Rockville, Maryland, this 18th day of October 2004.

For the Nuclear Regulatory Commission.

**Ledyard B. Marsh,**

*Director, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.*

[FR Doc. 04-23664 Filed 10-25-04; 8:45 am]

BILLING CODE 7590-01-P

## NUCLEAR REGULATORY COMMISSION

[NUREG-1600]

### Revision of the NRC Enforcement Policy

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Policy Statement: revision.

**SUMMARY:** The Nuclear Regulatory Commission (NRC or Commission) is publishing a revision to its General Statement of Policy and Procedure for NRC Enforcement Actions (NUREG-1600) (Enforcement Policy or Policy) to address the requirements of the Federal Civil Penalties Inflation Adjustment Act of 1990, as amended by the Debt Collection Improvement Act of 1996. The Act requires Federal agencies to adjust civil monetary penalties to reflect inflation.

**DATES:** This action is effective on November 26, 2004. Comments on this revision should be submitted on or before December 27, 2004, and will be considered by the NRC before the next

Enforcement Policy revision. The Commission will apply the modified Policy to violations that occur after the effective date.

**ADDRESSES:** Submit written comments to: Michael T. Lesar, Chief, Rules and Directives Branch, Division of Administrative Services, Office of Administration, Mail Stop: T6D59, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001. Hand deliver comments to: 11555 Rockville Pike, 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, Room O1F21, 11555 Rockville Pike, Rockville, MD. You may also e-mail comments to [nrcprep@nrc.gov](mailto:nrcprep@nrc.gov).

The NRC maintains the current Enforcement Policy on its Web site at <http://www.nrc.gov>, select What We Do, Enforcement, then Enforcement Policy.

**FOR FURTHER INFORMATION CONTACT:** Renée Pedersen, Senior Enforcement Specialist, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, (301) 415-2742, e-mail [rmp@nrc.gov](mailto:rmp@nrc.gov).

**SUPPLEMENTARY INFORMATION:** Section 234 of the Atomic Energy Act of 1954, as amended, (AEA) limits the maximum civil penalty amount that the NRC may issue for violations of the AEA at \$100,000 per violation, per day. The Federal Civil Monetary Penalties Inflation Adjustment Act of 1990 (as amended by the Debt Collection Improvement Act of 1996 (the Act)) requires that the head of each agency adjust by regulation the civil monetary penalties (CMPs) provided by law within the jurisdiction of the agency for inflation at least once every four years.

On November 3, 2000 (See 65 FR 59270; October 4, 2000), the NRC adjusted the aforementioned maximum civil penalty amount to \$120,000. Thus, the NRC is required to adjust this civil penalty by November 3, 2004.

The inflation adjustment mandated by the Act results in a seven percent increase to the maximum CMPs.<sup>1</sup> Increases are to be rounded to the nearest multiple of \$10,000 in the case of penalties greater than \$100,000, but less than or equal to \$200,000.

After this mandatory adjustment for inflation and the rounding mandated by statute, the new maximum civil penalty amount will be \$130,000 per violation, per day. Concurrent with this change, the NRC is publishing a change to 10 CFR 2.205 in the **Federal Register** to reflect the new maximum CMP mandated by the Act. The new maximum civil penalty applies only to violations that occur after the date that the increase takes effect.

The changes mandated by the Act apply to the maximum CMP. This is also the amount that, under the Enforcement Policy approved by the Commission, is assigned as the base civil penalty for power reactors and gaseous diffusion plants for a Severity Level I violation (considered the most significant severity level). Also as a matter of policy, the Commission has approved use of lesser amounts for other types of licensees, primarily materials licensees, and for violations that are assessed at lower severity levels. This approach is set out in Tables 1A and 1B of the Enforcement Policy. Although the 1996 Act does not mandate changes to these lesser civil penalty amounts, the NRC is modifying Table 1A of the Enforcement Policy by increasing each

amount to maintain the same proportional relationships between the penalties. These changes apply to violations occurring after the effective date of this Policy Statement.

**Paperwork Reduction Act**

This final 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, the NRC Enforcement Policy is revised to read as follows:

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

**VI. Disposition of Violations**

*C. Civil Penalty*

1. Base Civil Penalty

TABLE 1A.—BASE CIVIL PENALTIES

a. Power reactors and gaseous diffusion plants .....	\$130,000
b. Fuel fabricators authorized to possess Category I or II quantities of SNM .....	65,000
c. Fuel fabricators, industrial processors, <sup>1</sup> and independent spent fuel and monitored retrievable storage installations .....	32,500
d. Test reactors, mills and uranium conversion facilities, contractors, waste disposal licensees, industrial radiographers, and other large material users .....	13,000
e. Research reactors, academic, medical, or other small material users <sup>2</sup> .....	6,500
f. Loss, abandonment, or improper transfer or disposal of a sealed source or device, regardless of the use or type of licensee: <sup>3</sup>	
1. Sources or devices with a total activity greater than 3.7 × 10 <sup>4</sup> MBq (1 Curie), excluding hydrogen-3 (tritium) .....	50,000
2. Other sources or devices containing the materials and quantities listed in 10 CFR 31.5(c)(13)(i) .....	16,000
3. Sources and devices not otherwise described above .....	6,500

<sup>1</sup> Large firms engaged in manufacturing or distribution of byproduct, source, or special nuclear material.

<sup>2</sup> This applies to nonprofit institutions not otherwise categorized in this table, mobile nuclear services, nuclear pharmacies, and physician offices.

<sup>3</sup> These base civil penalty amounts have been determined to be approximately three times the average cost of disposal. For specific cases, NRC may adjust these amounts to correspond to three times the actual expected cost of authorized disposal.

<sup>1</sup> Adjustment for inflation = Consumer Price Index (CPI) for June 2003—CPI for June 2000.

## 2. Civil Penalty Assessment

## d. Exercise of Discretion

As provided in Section VII, "Exercise of Discretion," discretion may be exercised by either escalating or mitigating the amount of the civil penalty determined after applying the civil penalty adjustment factors to ensure that the proposed civil penalty reflects all relevant circumstances of the particular case. However, in no instance will a civil penalty for any one violation exceed \$130,000 per day.

**VII. Exercise of Discretion***A. Escalation of Enforcement Sanctions*

The NRC considers violations categorized at Severity Level I, II, or III to be of significant regulatory concern. The NRC also considers violations associated with findings that the Reactor Oversight Process's Significance Determination Process evaluates as having low to moderate, or greater safety significance (*i.e.*, white, yellow, or red) to be of significant regulatory concern. If the application of the normal guidance in this policy does not result in an appropriate sanction, with the approval of the Deputy Executive Director and consultation with the EDO and Commission, as warranted, the NRC may apply its full enforcement authority where the action is warranted. NRC action may include: (1) escalating civil penalties; (2) issuing appropriate orders; and (3) assessing civil penalties for continuing violations on a per day basis, up to the statutory limit of \$130,000 per violation, per day.

## 3. Daily Civil Penalties

In order to recognize the added significance for those cases where a very strong message is warranted for a significant violation that continues for more than one day, the NRC may exercise discretion and assess a separate violation and attendant civil penalty up to the statutory limit of \$130,000 for each day the violation continues. The NRC may exercise this discretion if a licensee was aware of or clearly should have been aware of a violation, or if the licensee had an opportunity to identify and correct the violation but failed to do so.

Dated in Rockville, Maryland, this 6th day of October 2004.

For the Nuclear Regulatory Commission.

**Luis A. Reyes,**

*Executive Director for Operations.*

[FR Doc. 04-23900 Filed 10-25-04; 8:45 am]

**BILLING CODE 7590-01-P**

**PENSION BENEFIT GUARANTY CORPORATION****Submission of Information Collection for OMB Review; Comment Request; Disclosure to Participants**

**AGENCY:** Pension Benefit Guaranty Corporation.

**ACTION:** Notice of request for extension of OMB approval.

**SUMMARY:** The Pension Benefit Guaranty Corporation ("PBGC") is requesting that the Office of Management and Budget ("OMB") extend approval, under the Paperwork Reduction Act, of a collection of information in its regulation on Disclosure to Participants (29 CFR part 4011) (OMB control number 1212-0050). This notice informs the public of the PBGC's request and solicits public comment on the collection of information.

**DATES:** Comments should be submitted by November 26, 2004.

**ADDRESSES:** Comments should be mailed to the Office of Information and Regulatory Affairs of the Office of Management and Budget, Attention: Desk Officer for Pension Benefit Guaranty Corporation, Washington, DC 20503.

Copies of the request for extension (including the collection of information) may be obtained by writing to the PBGC's Communications and Public Affairs Department, suite 240, 1200 K Street, NW., Washington, DC 20005-4026, or by visiting that office or calling 202-326-4040 during normal business hours. (TTY and TDD users may call the Federal relay service toll-free at 1-800-877-8339 and ask to be connected to 202-326-4040.) The regulation on Disclosure to Participants can be accessed on the PBGC's Web site at <http://www.pbgc.gov>.

**FOR FURTHER INFORMATION CONTACT:** Catherine B. Klion, Attorney, Office of the General Counsel, Pension Benefit Guaranty Corporation, 1200 K Street, NW., Washington, DC 20005-4026, 202-326-4024. (For TTY and TDD, call 800-877-8339 and request connection to 202-326-4024).

**SUPPLEMENTARY INFORMATION:** Section 4011 of the Employee Retirement Income Security Act of 1974 requires plan administrators of certain underfunded single-employer pension plans to provide an annual notice to plan participants and beneficiaries of the plan's funding status and the limits on the PBGC's guarantee.

The PBGC's regulation implementing this provision (29 CFR part 4011) prescribes which plans are subject to the

notice requirement, who is entitled to receive the notice, and the time, form, and manner of issuance of the notice. The notice provides recipients with meaningful, understandable, and timely information that will help them become better informed about their plans and assist them in their financial planning.

The collection of information under the regulation has been approved by OMB under control number 1212-0050 (expires November 30, 2004). The PBGC is requesting that OMB extend its approval for three years. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

The PBGC estimates that an average of 3,917 plan administrators per year will respond to this collection of information. The PBGC further estimates that the average annual burden of this collection of information is 2.15 hours and \$148 per plan administrator, with an average total annual burden of 8,428 hours and \$579,425.

Issued in Washington, DC, this 20th day of October, 2004.

**Stuart A. Sirkin,**

*Director, Corporate Policy and Research Department.*

[FR Doc. 04-23937 Filed 10-25-04; 8:45 am]

**BILLING CODE 7708-01-P**

**SECURITIES AND EXCHANGE COMMISSION****Issuer Delisting; Notice of Application of AmNet Mortgage, Inc., To Withdraw Its Common Stock, \$.01 Par Value, From Listing and Registration on the American Stock Exchange LLC File No. 1-13485**

October 20, 2004.

On September 23, 2004, AmNet Mortgage, Inc., a Maryland corporation ("Issuer") filed an application with the Securities and Exchange Commission ("Commission"), pursuant to section 12(d) of the Securities Exchange Act of 1934 ("Act")<sup>1</sup> and Rule 12d2-2(d) thereunder,<sup>2</sup> to withdraw its common stock, \$.01 par value ("Security"), from listing and registration on the American Stock Exchange LLC ("Amex" or "Exchange").

The Board of Directors ("Board") of the Issuer approved resolutions on January 22, 2004, to withdraw the Security from listing and registration on the Amex and to list the Security on the Nasdaq National Market System

<sup>1</sup> 15 U.S.C. 78j(d).

<sup>2</sup> 17 CFR 240.12d2-2(d).