

Terminal Co., Rt. 6 Port 50, Muskogee, OK 74401.

James H. Bayne,
Acting Secretary.

[FR Doc. 83-181 Filed 1-4-83; 8:45 am]
BILLING CODE 7035-01-M

[Finance Docket No. 30052]

**Burlington Northern Railroad Co.—
Construction Exemption**

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Exemption.

SUMMARY: The Interstate Commerce Commission exempts from the requirements of prior approval under 49 U.S.C. 10901 the construction by Burlington Northern Railroad Company (BN) of 2800 feet of rail line in and near Spokane, WA. The construction will effectuate the supplemental trackage rights agreement between BN and Union Pacific Railroad Company and Oregon-Washington Railroad & Navigation Company exempted in Finance Docket No. 27011 (Sub-No. 1).

DATES: This exemption is effective on February 4, 1983. Petitions for reconsideration must be filed by January 25, 1983. Petitions for stay must be filed by January 17, 1983.

ADDRESSES: Send pleadings to:

- (1) Rail Section, Room 5349, Interstate Commerce Commission, Washington, DC 20423
- (2) Petitioner's representative: Douglas J. Babb, 176 East Fifth Street, St. Paul, MN 55101

Pleadings should refer to Finance Docket No. 30052.

FOR FURTHER INFORMATION CONTACT: Louis E. Gitomer, (202) 275-7245.

SUPPLEMENTARY INFORMATION:

Additional information is contained in the Commission's decision. To purchase a copy of the full decision contact: TS Infosystems, Inc., Room 2227, 12th & Constitution Ave., NW., Washington, DC 20423, (202) 289-4357—DC metropolitan area, (800) 424-5403—Toll free for outside the DC area.

Decided: December 28, 1982.

By the Commission, Chairman Taylor, Vice Chairman Gilliam, Commissioners Sterrett, Andre, Simmons, and Gradison. Vice Chairman Gilliam was absent and did not participate.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 83-158 Filed 1-4-83; 8:45 am]
BILLING CODE 7035-01-M

[Finance Docket No. 27011 (Sub-1)]

**Union Pacific Railroad Co., and
Oregon-Washington Railroad and
Navigation Co.—Trackage Rights
Exemption**

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Exemption.

SUMMARY: The Interstate Commerce Commission exempts from the requirements of prior approval under 49 U.S.C. 11343 the acquisition by Union Pacific Railroad Company and Oregon-Washington Railroad and Navigation Company of trackage rights over 2,800 feet of the rail line of the Burlington Northern Railroad Company (the construction is being exempted in Finance Docket No. 30062), in and near Spokane, WA, subject to labor protective conditions.

DATES: This exemption is effective on February 4, 1983. Petitions for reconsiderations must be filed by January 25, 1983. Petitions for stay must be filed January 17, 1983.

ADDRESSES: Send pleadings to:

- (1) Rail Section, Room 5349, Interstate Commerce Commission, Washington, DC 20423
- (2) Petitioner's representative: Joseph D. Anthofer, 1416 Dodge Street, Omaha, NE 68179

Pleadings should refer to Finance Docket No. 27011 (Sub-No. 1).

FOR FURTHER INFORMATION CONTACT: Louis E. Gitomer, (202) 275-7245.

SUPPLEMENTARY INFORMATION:

Additional information is contained in the Commission's decision. To purchase a copy of the full decision contact: TS Infosystems, Inc., Room 2227, 12th & Constitution Ave., NW., Washington, DC 20423, (202) 289-4357—DC Metropolitan area, (800) 424-5403—Toll free for outside the DC area.

Decided: December 28, 1982.

By the Commission, Chairman Taylor, Vice Chairman Gilliam, Commissioners Sterrett, Andre, Simmons, and Gradison. Vice Chairman Gilliam was absent and did not participate.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 83-157 Filed 1-4-83; 8:45 am]
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[Finance Docket No. 30079]

**Wyandotte Terminal Railroad Co.—
Abandonment Exemption—Wyandotte,
MI**

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: The Commission exempts from the requirement of prior approval under 49 U.S.C. 10903 *et seq.*, the abandonment by the Wyandotte Terminal Railroad Company of 8.93 miles of track in Wyandotte, MI.

DATES: This exemption will be effective on December 30, 1982. Petitions to reopen must be filed by January 19, 1983.

ADDRESSES: Send pleadings to:

Rail Section Room 5349, Interstate Commerce Commission, Washington, DC 20423

Petitioner's representative: Edwin L. Stenzel, 1609 Biddle Avenue, Wyandotte, MI

Pleadings should refer to Finance Docket No. 30079.

FOR FURTHER INFORMATION CONTACT: Louis E. Gitomer, (202) 275-7245.

SUPPLEMENTARY INFORMATION:

Additional information is contained in the Commission's decision. To purchase a copy of the full decision contact: TS Infosystems, Inc., Room 2227, 12th & Constitution Ave., NW., Washington, DC 20423, (202) 289-4357—DC metropolitan area, (800) 424-5403—Toll free for outside the DC area.

Decided: December 27, 1982.

By the Commission, Chairman Taylor, Vice Chairman Gilliam, Commissioners Sterrett, Andre, Simmons, and Gradison. Vice Chairman Gilliam and Commissioner Andre were absent and did not participate.

James H. Bayne,
Acting Secretary.

[FR Doc. 83-156 Filed 1-4-83; 8:45 am]
BILLING CODE 7035-01-M

LEGAL SERVICES CORPORATION

Recipient Fund Balances; Instruction

AGENCY: Legal Services Corporation.

ACTION: Instruction on Recipient Fund Balances.

SUMMARY: The Legal Services Corporation was established pursuant to the Legal Services Corporation Act of 1974, Pub. L. 93-355(a) 88 Statute 378, 42 U.S.C. 2996 *et seq.*, as amended, Pub. L. 95-222 (December 28, 1977). Section 1008(e) of the Legal Services Corporation Act provides:

(e) The Corporation shall afford notice and reasonable opportunity for comment to interested parties prior to issuing rules, regulations, and guidelines, and it shall publish in the Federal Register at least 30 days prior to guidelines, and instructions.

The Legal Services Corporation hereby publishes its Instruction on Recipient Fund Balances.

EFFECTIVE DATE: February 4, 1983.

FOR FURTHER INFORMATION CONTACT:
Hulett H. Askew, Acting Director, Office
of Field Services, Legal Services
Corporation, 733 15th Street, NW.,
Washington, D.C. 20005, (202) 272-4080.

Donald P. Bogard,
President.

Instruction

I. Purpose

The purpose of this instruction is to provide notice and direction to recipients of Legal Services Corporation funding in meeting the terms of a Special condition regarding recipient fund balances to be placed upon 1983 grant awards. The objective is to ensure the timely allocation of Corporation funds for the effective and economical provision of high quality legal assistance to eligible clients. To that end recipients will henceforth be permitted to maintain and reprogram from year to year fund balances of no more than 10% of their Legal Services Corporation funding.

A waiver of this provision to a maximum of 25% may be obtained upon a satisfactory showing of good cause by the recipient. Funds carried over in excess of 10% or the level permitted by a specific waiver will be set-off against the succeeding year's grant award.

II. Special Condition

The Special Condition to be placed upon all 1983 annualized grant awards will provide:

Consistent with the Instruction on Recipient Fund Balances to be published by the Corporation, unexpended funds in excess of 10% of the recipient's 1982 support from the Legal Services Corporation, carried forward as a fund balance at the close of the recipient's 1982 fiscal year shall be set off against this grant award.

A waiver of this provision to a maximum of 25% may be sought by application to the appropriate Regional Office within 90 days of the close of the recipient's fiscal year.

III. Definitions

A. For purposes of this instruction the term "fund balance" shall be as defined on page 2-11 of the Corporation's *Audit and Accounting Guide for Recipients and Auditors*, to wit:

"Any excess of support over expenses represents, as a general policy, a fund balance to be carried over to the next period or returned to LSC if grant or contract conditions are not complied with or if funding is terminated."

B. "Support" shall be defined as the sum of: (1) The recipient's LSC fund balance, if any, carried forward from the

previous period; (2) its annualized LSC grant award for the period in question; and (3) any investment income attributable to such funds.

C. The "fund balance amount" shall be determined solely by reference to the recipient's annual audit and shall be limited to LSC support (as defined in (B) above) and LSC expenses.

D. The "fund balance percentage" shall be determined by expressing the fund balance amount as a percentage of the recipient's LSC support for the period in question (as defined in (B) above *except that it shall exclude the recipient's fund balance, if any, carried forward from the previous period*).

IV. Policy

A. In the absence of a waiver from the Corporation, any fund balance amount in excess of 10% shall be set off against the recipient's annualized grant award for the next period by pro rata deductions from the remaining monthly allocations to the recipient.

B. After receipt and review of the recipient's annual audit, written notice regarding any such deduction shall be provided to the recipient 30 days prior to such deduction being made.

C. In no way shall any such deduction be construed to affect the annualized funding level of such recipient.

D. A waiver of the 10% ceiling may be sought where the recipient can show good cause that a higher level should be permitted. Such waivers may be granted by the Regional Office to a maximum of 25%.

V. Process

A. Not later than 90 days after the close of its fiscal year, a recipient shall determine (pursuant to Section III(D) of this Instruction) and submit to the appropriate Regional Office of the Corporation a statement of the fund balance which has occurred according to the annual audit required by Section 1009(c)(1) of the Legal Services Act, as amended.

B. Should the recipient expect its audit figures to show a fund balance in excess of 10% of its Corporation support during the previous fiscal year it may, not later than 90 days after the close of its fiscal year, apply to the appropriate Regional Office for a waiver of the 10% ceiling.

Such application must specify:

(1) The fund balance amount which is expected to occur according to the recipient's annual audit;

(2) The reason that such level has been maintained;

(3) The recipient's plan for the disposition or reserve of such fund balance amount; and,

(4) The level of fund balance projected to be carried forward at the close of the recipient's then current period.

C. The decision of the Regional Office regarding the granting of a waiver shall be guided by the statutory mandate requiring the provision of the highest quality services in the most effective and economical manner. In addition, the Regional Office shall consider:

(1) Emergencies, unusual occurrences, or other circumstances giving rise to the existence of a short-term fund balance in excess of 10%;

(2) Management decisions related to the general funding of the recipient, the dictates of professional responsibility in the jurisdiction(s) within which the recipient operates, or other factors giving rise to the need to maintain operating or contingent reserves in excess of 10%; and/or,

(3) The special needs of eligible clients in the recipient's service area giving rise to the need to extend the spend down of a recipient's excess fund balance into the succeeding period.

D. The decision of the Regional Office shall be communicated to the recipient within 30 days of the receipt of the request for a waiver and shall set forth the level of fund balance amount in excess of 10%, which shall not be subject to the set off provision of this policy.

E. The decision of the Regional Office may be appealed to the Director of the Office of Field Services who, upon independent inquiry and consideration of the criteria set out above, shall make the final decision, after consultation with the President of LSC.

[FR Doc. 83-167 Filed 1-4-83; 8:45 am]
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NUCLEAR REGULATORY COMMISSION

Abnormal Occurrence Report; Section 208 Report Submitted to the Congress

Notice is hereby given that pursuant to the requirements of Section 208 of the Energy Reorganization Act of 1974, as amended, the Nuclear Regulatory Commission (NRC) has published and issued the periodic report to Congress on abnormal occurrences (NUREG-0090, Vol. 5, No. 2).

Under the Energy Reorganization Act of 1974, which created the NRC, an abnormal occurrence is defined as "an unscheduled incident or event which the Commission (NRC) determines is significant from the standpoint of public health or safety." The NRC has made a determination, based on criteria

published in the *Federal Register* (42 FR 10950) on February 24, 1977, that events involving an actual loss or significant reduction in the degree of protection against radioactive properties of source, special nuclear, and byproduct materials are abnormal occurrences.

This report to Congress is for the second calendar quarter of 1982. The report identifies the occurrences or events that the Commission determined to be significant and reportable; the remedial actions that were undertaken are also described. The report states that there were no abnormal occurrences at the nuclear power plants licensed to operate. There were no abnormal occurrences for the other NRC licensees. The Agreement States reported no abnormal occurrences to the NRC.

The report also contains information updating some previously reported abnormal occurrences. Some of the updates have been given more generalized titles (as compared to their former specific titles) to include some new events which are associated in some respects to previously reported abnormal occurrences.

Interested persons may review the report at the NRC's Public Document Room, 1717 H Street, NW., Washington, D.C., or at any of the nuclear power plant Local Public Document Rooms throughout the country. Single copies of the report, designated NUREG-0090, Vol. 5, No. 2, may be purchased from the National Technical Information Service, Springfield, Va. 22161.

A year's subscription to the NUREG-0090 series publication, which consists of four issues, is available from the NRC/GPO Sales Program, Division of Technical Information and Document Control, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Microfiche of single copies of the publication are also available from this source.

Dated at Washington, D.C., this 30th day of December, 1982.

For the Nuclear Regulatory Commission,
Samuel J. Chilk,
Secretary of the Commission.

[FR Doc. 83-233 Filed 1-4-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-369 and 50-370]

Duke Power Co.; Granting of Relief From Certain Requirements of ASME Code Section XI Inservice (Testing) Requirements

The U.S. Nuclear Regulatory Commission (the Commission) has granted relief from certain requirements

of the ASME Code, Section XI, "Rules and Inservice Inspection of Nuclear Power Plant Components" to the Duke Power Company (the licensee). The relief relates to the preservice hydrostatic tests for the McGuire Nuclear Station, Units 1 and 2 (the facilities) located in Mecklenburg County, North Carolina. The ASME Code requirements are incorporated by reference into the Commission's rules and regulations in 10 CFR Part 50. The relief is effective as of its date of issuance.

The relief relates to certain preservice examination requirements, pursuant to the Commission's regulations in 10 CFR 50.55a(g)(6)(i) for Unit 1 and 10 CFR 50.55a(a)(2)(i) for Unit 2. In lieu of hydrostatic tests, the licensee will perform nondestructive examinations consisting of radiography, ultrasonic testing, and surface examination of the welds.

The requests for relief comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the related Safety Evaluation Report.

The Commission has determined that the granting of relief will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this action.

For further details with respect to this action, see (1) the licensee's letters dated September 14 and October 19, 1982, (2) the Commission's letter to the licensee dated December 29, 1982, and, (3) the Commission's related Safety Evaluation Report. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20555 and at the Atkins Library, University of North Carolina, Charlotte, UNCC Station, North Carolina 28223. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 29th day of December 1982.

For the Nuclear Regulatory Commission,
Elinor G. Adensam,*
Chief, Licensing Branch No. 4, Division of Licensing.

[FR Doc. 83-234 Filed 1-4-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-334]

Duquesne Light Co., Ohio Edison Co., and Pennsylvania Power Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 60 to Facility Operating License No. DPR-66 issued to Duquesne Light Company, Ohio Edison Company, and Pennsylvania Power Company (the licensees), which revised Technical Specifications for operation of the Beaver Valley Power Station, Unit No. 1 (the facility) located in Beaver County, Pennsylvania. The amendment is effective as of the date of issuance.

The amendment modifies Table 3.3-10 to reflect the fire detection instruments that have been added to Beaver Valley Unit No. 1.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since this amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) and environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated February 11, 1982, (2) Amendment No. 60 to License No. DPR-66 and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the B. F. Jones Memorial Library, 663 Aliquippa, Pa. 15001. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.