

**3.0 Regulatory Analysis**

**3.1 No Significant Hazards Consideration Determination**

[LICENSEE] has reviewed the proposed no significant hazards consideration determination (NSHCD) published in the **Federal Register** as part of the CLIP. [LICENSEE] has concluded that the proposed NSHCD presented in the Federal Register notice is applicable to [PLANT] and is hereby incorporated by reference to satisfy the requirements of 10 CFR 50.91(a).

**3.2 Verification and Commitments**

As discussed in the notice of availability published in the **Federal Register** on [DATE] for this TS improvement, plant-specific verifications were performed as follows:

The licenses has established TS Bases for [LCO 3.0.4 and SR 3.0.4] which state that use of the TS mode change limitation flexibility established by [LCO 3.0.4 and SR 3.0.4] is not to be interpreted as endorsing the failure to exercise the good practice of restoring systems or components to operable status before entering an associated mode or other specified condition in the TS Applicability.

The modification also includes changes to the bases for [LCO 3.0.4 and SR 3.0.4] that provide details on how to implement the new requirements. The bases changes provide guidance for changing Modes or other specified conditions in the Applicability when an LCO is not met. The bases changes describe in detail how: [LCO 3.0.4.a] allows entry into a MODE or other specified condition in the Applicability with the LCO not met when the associated ACTIONS to be entered

permit continued operation in the MODE or other specified condition in the Applicability for an unlimited period of time; [LCO 3.0.4.b] allows entry into a MODE or other specified condition in the Applicability with the LCO not met after performance of a risk assessment addressing inoperable systems and components, consideration of the results, determination of the acceptability of entering the MODE or other specified condition in the Applicability, and establishment of risk management actions, if appropriate; and [LCO 3.0.4.c] allows entry into a MODE or other specified condition in the Applicability with the LCO not met based on a Note in the Specification, which is typically applied to Specifications which describe values and parameters (e.g., [Containment Air Temperature, Containment Pressure, MCPR, Moderator Temperature Coefficient]), though it may be applied to other Specifications based on NRC plant-specific approval. The bases also state that any risk impact should be managed through the program in place to implement 10 CFR 50.65(a)(4) and its implementation guidance, NRC Regulatory Guide 1.182. "Assessing and Managing Risks Before Maintenance Activities at Nuclear Power Plants," and that the results of the risk assessment shall be considered in determining the acceptability of entering the MODE or other specified condition in the Applicability, and any corresponding risk management actions. In addition, the bases state that upon entry into a Mode or other specified condition in the Applicability with the LCO not met, LCO 3.0.1 and LCO 3.0.2 require entry in to the applicable Conditions and Required Actions for no more than the

duration of the applicable Completion Time or until the LCO is met or the unit is not within the Applicability of the TS. The bases also state that SR 3.0.4 does not restrict changing MODES or other specified conditions of the Applicability when a Surveillance has not been performed within the specified Frequency, provided the requirement to declare the LCO not met has been delayed in accordance with SR 3.0.3. Finally, the licensee is expected to have a bases control program consistent with Section 5.5 of the STS, and the equivalent of STS SR 3.0.1 and associated bases.

**4.0 Environmental Evaluation**

[LICENSEE] has reviewed the environmental evaluation included in the model safety evaluation dated [DATE] as part of the CLIP. [LICENSEE] has concluded that the staff's findings presented in that evaluation are applicable to [PLANT] and the evaluation is hereby incorporated by reference for this application.

**Attachment 2—Proposed Technical Specification Changes (Mark-Up)**

**Attachment 3—Proposed Technical Specification Pages**

**Attachment 4—List of Regulatory Commitments**

The following table identifies those actions committed to by [LICENSEE] in this document. Any other statements in this submittal are provided for information purposes and are not considered to be regulatory commitments. Please direct questions regarding these commitments to [CONTACT NAME].

Regulatory commitments	Due date/event
[LICENSEE] will establish the Technical Specification Bases for TS 3.0.3 as adopted with the applicable license amendment.	[Complete, implemented with amendment OR within X days of implementation of amendment]

**Attachment 5—Proposed Changes to Technical Specification Bases Pages**

[FR Doc. 03-8203 Filed 4-3-03; 8:45 am]

BILLING CODE 7590-01-P

**OVERSEAS PRIVATE INVESTMENT CORPORATION**

**Submission for OMB Review; Comment Request**

**AGENCY:** Overseas Private Investment Corporation (OPIC).

**ACTION:** Request for comments.

**SUMMARY:** Under the provision of the Paperwork Reduction Act (44 U.S.C. Chapter 35), agencies are required to publish a Notice in the **Federal Register** notifying the public that Agency is preparing an information collection request for OMB review and approval and to request public review and comment on the submission.

At OPIC's request, OMB is reviewing this information collection for emergency processing for 90 days, under OMB control number 3420-0015.

Comments are being solicited on the need for the information, its practical utility, the accuracy of the Agency's burden estimate, and on ways to

minimize the reporting burden, including automated collection techniques and uses of other forms of technology. The proposed form under review is summarized below.

**DATES:** Comments must be received within 30 calendar days of this notice.

**ADDRESSES:** Copies of the subject form and the request for review prepared for submission to OMB may be obtained from the Agency submitting officer. Comments on the form should be submitted to the Agency Submitting Officer.

**FOR FURTHER INFORMATION CONTACT:** OPIC Agency Submitting Officer: Bruce

Campbell, Record Manager, Overseas Private Investment Corporation, 1100 New York Avenue, NW., Washington, DC 20527; 202-336-8563.

### Summary Form Under Review

*Type of Request:* Revised form.

*Title:* Application for Financing.

*Form Number:* OPIC 115.

*Frequency of Use:* Once per investor per project.

*Type of Respondents:* Business or other institution (except farms); individuals.

*Standard Industrial Classification Codes:* All.

*Description of Affected Public:* U.S. companies or citizens investing overseas.

*Reporting Hours:* 3.5 hours per project.

*Number of Responses:* 300 per year.

*Federal Cost:* \$15,750.

*Authority for Information Collection:* Sections 231, 234(a), 239(d), and 240A of the Foreign Assistance Act. of 1961, as amended.

*Abstract (Needs and Uses):* The application is the principal document used by OPIC to determine the investor's and the project's eligibility for debt financing, assess the environmental impact and developmental effects of the project, measure the economic effects for the U.S. and the host country economy, and collect information for underwriting analysis.

Dated: March 12, 2003.

**Eli Landy,**

*Senior Counsel and FOIA Director.*

[FR Doc. 03-8224 Filed 4-3-03; 8:45 am]

BILLING CODE 3210-01-M

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-47596; File No. SR-CSE-2003-03]

### Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by the Cincinnati Stock Exchange, Inc., To Extend its Liquidity Provider Fee and Rebate Pilot Program

March 28, 2003.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),<sup>1</sup> and rule 19b-4 thereunder,<sup>2</sup> notice is hereby given that on March 27, 2003, the Cincinnati Stock Exchange, Inc. ("CSE" or "Exchange") filed with the Securities and Exchange Commission ("Commission") the

proposed rule change as described in items I, II, and III below, which Items have been prepared by the Exchange. The Exchange has filed this proposal pursuant to section 19(b)(3)(A) of the Act<sup>3</sup> and rule 19b-4(f)(6)<sup>4</sup> thereunder, which renders the proposal effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

#### I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to extend its pilot program for the Liquidity Provider Fee and Rebate ("Program") through September 30, 2003. The Program, as originally proposed in SR-CSE-2002-16,<sup>5</sup> is set to expire on March 31, 2003. The CSE proposes no substantive changes to the Program, other than extending its operation through September 30, 2003. The text of the proposed rule change is available at the CSE and at the Commission.

#### II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

##### A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

###### 1. Purpose

The CSE proposes to extend the Program through September 30, 2003. Under the Program, the Exchange amended CSE rule 11.10A(g)(1) by adding subparagraph (B) to charge the liquidity taker, *i.e.*, the party executing against a previously displayed quote/order, \$0.004 per share. The Exchange then passes on to the liquidity provider, *i.e.*, the party providing the displayed quote/order, \$0.003 per share, with the Exchange retaining \$0.001 per share.

###### 2. Statutory Basis

The Exchange believes the proposed rule change is consistent with section 6(b) of the Act<sup>6</sup> in general, and furthers the objectives of section 6(b)(5)<sup>7</sup> in particular, in that it is designed to promote just and equitable principles of trade and to remove impediments to and perfect the mechanism of a free and open market and a national market system and, generally, in that it protects investors and the public interest. The CSE believes that the proposed rule change is also consistent with section 6(b)(4) of the Act,<sup>8</sup> in that it is designed to provide for the equitable allocation of reasonable dues, fees, and other charges among CSE members by crediting members on a pro rata basis.

##### B. Self-Regulatory Organization's Statement on Burden on Competition

The CSE does not believe that the proposed rule change will impose any inappropriate burden on competition.

##### C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others

No written comments were solicited or received in connection with the proposed rule change.

#### III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not:

(i) significantly affect the protection of investors or the public interest;

(ii) impose any significant burden on competition; and

(iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to section 19(b)(3)(A) of the Act<sup>9</sup> and rule 19b-4(f)(6)<sup>10</sup> thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

The Exchange has requested that the Commission waive the 30-day operative delay. The Commission believes that waiving the 30-day operative delay is consistent with the protection of

<sup>3</sup> 15 U.S.C. 78s(b)(3)(A).

<sup>4</sup> 17 CFR 240.19b-4(f)(6).

<sup>5</sup> Securities Exchange Act Release No. 46848 (November 19, 2002), 67 FR 70793 (November 26, 2002).

<sup>6</sup> 15 U.S.C. 78f(b).

<sup>7</sup> 15 U.S.C. 78f(b)(5).

<sup>8</sup> 15 U.S.C. 78f(b)(4).

<sup>9</sup> 15 U.S.C. 78s(b)(3)(A).

<sup>10</sup> 17 CFR 240.19b-4(f)(6).

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b-4.