specific allegations set forth in the government's complaint, whether the decree is sufficiently clear, whether enforcement mechanisms are sufficient, and whether the decree may positively harm third parties. *See United States* v. *Microsoft*, 56 F.3d 1448, 1461–62 (D.C. Cir. 1995).

In conducting this inquiry, ''[t]he Court is nowhere compelled to go to trial or to engage in extended proceedings which might have the effect of vitiating the benefits of prompt and less costly settlement through the consent decree process.'' [4] Rather,

[a]bsent a showing of corrupt failure of the government to discharge its duty, the Court, in making its public interest finding, should * * * carefully consider the explanations of the government in the competitive impact statement and its responses to comments in order to determine whether those explanations are reasonable under the circumstances.

United States v. *Mid-America Dairymen, Inc.*, 1977–1 Trade Cas. ¶ 61,508, at 71,980 (W.D. Mo. 1977).

Accordingly, with respect to the adequacy of the relief secured by the decree, a court may not ''engage in an unrestricted evaluation of what relief would best serve the public.'' *United States* v. *BNS, Inc.*, 858 F.2d 456, 462 (9th Cir. 1988), *citing United States* v. *Bechtel Corp.*, 648 F.2d 660, 666 (9th Cir.), *cert. denied*, 454 U.S. 1083 (1981); see also *Microsoft*, 56 F.3d at 1460–62. Precedent requires that

the balancing of competing social and political interests affected by a proposed antitrust consent decree must be left, in the first instance, to the discretion of the Attorney General. The court's role in protecting the public interest is one of insuring that the government has not breached its duty to the public in consenting to the decree. The court is required to determine not whether a particular decree is the one that will best serve society, but whether the settlement is ''within the reaches of the public interest.'' More elaborate requirements might undermine the effectiveness of antitrust enforcement by consent decree.[5]

The proposed Final Judgment, therefore, should not be reviewed under a standard of whether it is certain to eliminate every anticompetitive effect of a particular practice or whether it mandates certainty of free competition in the future. Court approval of a final judgment requires a standard more flexible and less strict than the standard required for a finding of liability. ''[A] proposed decree must be approved even if it falls short of the remedy the court would impose on its own, as long as it falls within the range of acceptability or is 'within the reaches of public interest.' '' [6]

VIII. Determinative Documents

There are no determinative materials or documents within the meaning of the APPA that were considered by the United States in formulating the proposed Final Judgment.

Respectfully submitted,

Donald J. Russell,

Chief, Telecommunications Task Force, U.S. Department of Justice, Antitrust Division, 555 4th Street, NW., Room 8104, Washington, DC 20001, (202) 514–5621.

Dated: November 5, 1996.

[FR Doc. 96–29320 Filed 11–15–96; 8:45 am]

BILLING CODE 4410–01–M

Federal Bureau of Investigation

RIN 1105–AA39

Agency Information Collection Activities: Proposed Collection; Comments Requested

AGENCY: Federal Bureau of Investigation, DOJ.

ACTION: Correction.

In notice document 96–28703, beginning on page 57901, in the issue of Friday, November 8, 1996, make the following corrections:

On page 57901, in the first paragraph of the notice, ''April 10, 1996'' should read ''May 10, 1996.''

On page 57901, in the second paragraph of the notice, ''January 7, 1996'' should read ''December 8, 1996.''

Dated: November 14, 1996.

Robert B. Briggs,

Department Clearance Officer, United States Department of Justice.

[FR Doc. 96–29574 Filed 11–15–96; 8:45 am]

BILLING CODE 4410–02–M

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–489 AND 50–499]

Houston Lighting and Power Company; City Public Service Board of San Antonio; Central Power and Light Company; City of Austin, Texas and South Texas Project, Units 1 and 2; Environmental Abssessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering approval under 10 CFR 50.80 of the transfer of Facility Operating License Nos. NPF–76 and NPF–80, issued to Houston Lighting & Power Company, et al., (HL&P, the licensee) with respect to operating authority thereunder for the South Texas Project, located in Matagorda County, Texas, and considering issuance of conforming amendments under 10 CFR 50.90.

Environmental Assessment

Identification of the Proposed Action

The proposed action would approve the transfer of operating authority under the licenses to a new operating company to allow it to use and operate South Texas Project Units 1 and 2 (STP) and to possess and use related licensed nuclear materials in accordance with the same conditions and authorizations included in the current operating licenses. The proposed action would also approve issuance of license amendments reflecting the transfer of operating authority. The operating company would be formed by the owners to become the licensed operator for STP and would have exclusive control over the operation and maintenance of the facility.

Under the proposed arrangement, ownership of STP will remain unchanged with each owner retaining its current ownership interest. The new operating company will not own any portion of STP. Likewise, the owners' entitlement to capacity and energy from STP will not be affected by the proposed change in operating responsibility for STP from HL&P to the new operating company. The owners will continue to provide all funds for the operation, maintenance, and decommissioning by the operating company of STP. The

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[4] 119 Cong. Rec. 24598 (1973). See *United States* v. *Gillette Co.*, 406 F. Supp. 713, 715 (D. Mass. 1975). A ''public interest'' determination can be made properly on the basis of the Competitive Impact Statement and Response to Comments filed pursuant to the APPA. Although the APPA authorizes the use of additional procedures, 15 U.S.C. § 16(f), those procedures are discretionary. A court need not invoke any of them unless it believes that the comments have raised significant issues and that further proceedings would aid the court in resolving those issues. *See* H.R. Rep. 93–1463, 93rd Cong. 2d Sess. 8–9 (1974), reprinted in U.S.C.C.A.N. 6535, 6538.

[5] Bechtel, 648 F.2d at 666 (emphasis added); see *BNS*, 858 F.2d at 463; *United States* v. *National Broadcasting Co.*, 449 F. Supp. 1127, 1143 (C.D. Cal. 1978), *Gillette*, 406 F. Supp. at 716. See also *Microsoft*, 56 F.3d at 1461 (whether ''the remedies [obtained in the decree are] so inconsonant with the allegations charged as to fall outside of the 'reaches of the public interest' '').

[6] *United States* v. *American Tel. and Tel Co.*, 552 F. Supp. 131, 151 (D.D.C. 1982), aff'd sub nom., *Maryland* v. *United States*, 460 U.S. 1001 (1983), quoting *Gillette Co.*, 406 F. Supp. at 716, *United States* v. *Alcan Aluminum, Ltd.*, 605 F. Supp. 619, 622 (W.D. Ky. 1985).

responsibility of the owners will include funding for any emergency situations that might arise at STP.

The proposed action is in accordance with the licensee's application dated August 23, 1996, as supplemented by letters dated October 1 and 15, 1996, for approval of transfer of licenses and conforming amendments.

Need for the Proposed Action

The proposed action is needed to enable HL&P to transfer operating authority to an operating company as discussed above. HL&P has submitted that this will enable it to enhance the already high level of public safety, operational efficiency, and cost-effective operations at STP.

Environmental Impacts of the Proposed Action

The Commission has completed its evaluation of the proposed action and concludes that there will be no physical or operational changes to STP. The technical qualifications of the new operating company to carry out its responsibilities under the Operating Licenses for STP, as amended, will be equivalent to the present technical qualifications of HL&P. The operating company will assume responsibility for, and control over, operation and maintenance of the facility. The present plant organization, the oversight organizations, and the engineering and support organizations will be transferred essentially intact from HL&P to the new operating company. The technical qualifications of the proposed operating company organization, therefore, will be at least equivalent to those of the existing organization.

The Commission has evaluated the environmental impact of the proposed action and has determined that the probability or consequences of accidents would not be increased and that post-accident radiological releases would not be greater than previously determined. Further, the Commission has determined that the proposed action would not affect routine radiological plant effluents and would not increase occupational radiological exposure. Accordingly, the Commission concludes that there are no significant radiological environmental impacts associated with the proposed action.

With regard to potential nonradiological impacts, the proposed action would not affect nonradiological plant effluents and would have no other environmental impact. Therefore, the Commission concludes that there are no significant nonradiological environmental impacts associated with the proposed action.

Alternative to the Proposed Action

Since the Commission concluded that there are no significant environmental effects that would result from the proposed action, any alternative with equal or greater environmental impacts need not be evaluated.

The principal alternative would be to deny the requested action. 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 identical.

Alternative Use of Resources

This action does not involve the use of any resources not previously considered in the ''Final Environmental Statement related to the operation of South Texas Project, Units 1 and 2,'' dated August 1986.

Agencies and Persons Contacted

In accordance with its stated policy, on October 17, 1996, the staff consulted with the Texas State official, Arthur C. Tate, of the Bureau of Radiation Control, Texas Department of Health, regarding the environmental impact of the proposed action. The State official had no comments.

Finding of No Significant Impact

Based upon 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 letter dated August 23, 1996, as supplemented by letters dated October 1 and 15, 1996, which are 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 Wharton County Junior College, J. M. Hodges Learning Center, 911 Boling Highway, Wharton, Texas 77488.

Dated at Rockville, Maryland, this 8th day of November 1996.

For the Nuclear Regulatory Commission.

Thomas W. Alexion,

Project Manager, Project Directorate IV–1, Division of Reactor Projects—III/IV, Office of Nuclear Reactor Regulation.

[FR Doc. 96–29460 Filed 11–15–96; 8:45 am]

BILLING CODE 7590–01–P

All Nuclear Power Plants; Issuance of Director's Decision Under 10 CFR 2.206

Notice is hereby given that the Director, Office of Nuclear Reactor Regulation, has taken action with regard to a Petition dated March 5, 1996, by Mr. C. Morris. The Petition pertains to all operating nuclear power plants.

In the Petition, the Petitioner requested that the operating licenses of all nuclear power plants be suspended within 90 days and remain suspended until such time as the licensees of those plants discovered the reason for what the Petitioner asserts are repeated errors in the undervoltage relay (UVR) setpoints (SPs) and electrical distribution system (EDS) designs and provided convincing evidence that these deficiencies had finally been corrected. Since the Petitioner had requested action within 90 days, the request was treated as a request for immediate relief. The Petitioner also requested that the aforementioned evidence be reviewed by a competent third party, in addition to the staff of the U.S. Nuclear Regulatory Commission (NRC), and that if the NRC concludes that plants may safely operate with UVRs that cannot be properly set for long periods, the NRC should reach these conclusions by way of a public meeting.

The Director of the Office of Nuclear Reactor Regulation has denied the Petition. The reasons for this denial are explained in the ''Director's Decision Under 10 CFR 2.206'' (DD–96–12), the complete text of which follows this notice and is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC.

A copy of the decision will be filed with the Secretary of the Commission for the Commission's review in accordance with 10 CFR 2.206(c) of the Commission's regulations. As provided by this regulation, the decision will constitute the final action of the Commission 25 days after issuance unless the Commission, on its own motion, institutes review of the decision in that time.

Dated at Rockville, Maryland, this 26th day of September 1996.