

For the Nuclear Regulatory Commission.
George Dick, Jr.,
*Project Manager, Project Directorate III-2,
 Division of Reactor Projects—III/IV, Office of
 Nuclear Reactor Regulation.*
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NUCLEAR REGULATORY COMMISSION

Policy Statement on Cooperation With States at Commercial Nuclear Power Plants and Other Production or Utilization Facilities: Notice of Approval

On February 22, 1989 (54 FR 7530) as revised on February 25, 1992 (57 FR 6462), the NRC published a policy statement addressing cooperation between the NRC and States concerning commercial nuclear power plants and other utilization facilities. The NRC has received a renewal of the clearance from the Office of Management and Budget (OMB) for the information collection requirements under the provisions of the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. Chapter 35). The policy statement is approved under OMB control number 3150-0163.

Dated at Rockville, Maryland this 15th day of December, 1997.

For the Nuclear Regulatory Commission.
Brenda Jo. Shelton,
*NRC Clearance Officer, Office of the Chief
 Information Officer.*
 [FR Doc. 97-33220 Filed 12-18-97; 8:45 am]
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NUCLEAR REGULATORY COMMISSION

State of New Mexico Relinquishment of Sealed Source and Device Evaluation and Approval Authority and Reassumption by the Commission

AGENCY: Nuclear Regulatory
 Commission.

ACTION: Notice of reassumption of sealed
 source and device evaluation and
 approval authority from the State of
 New Mexico.

SUMMARY: Notice is hereby given that effective January 1, 1998, the Nuclear Regulatory Commission will reassume regulatory authority for sealed source and device evaluations and approvals in the Agreement State of New Mexico in response to a request from the Governor of the State of New Mexico to relinquish this authority.

EFFECTIVE DATE: January 1, 1998.

FOR FURTHER INFORMATION CONTACT: Ms. Cardelia H. Maupin, Senior Project Manager, Office of State Programs, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone (301) 415-2312, Internet: CHM@NRC.GOV.

SUPPLEMENTARY INFORMATION: Currently, the State of New Mexico has an Agreement with the Nuclear Regulatory Commission (NRC) which grants the State authority to regulate specific categories of radioactive materials formerly regulated by the NRC. This Agreement was entered into on May 1, 1974, pursuant to Section 274b of the Atomic Energy Act of 1954, as amended.

Recently, the NRC received a letter from New Mexico Governor Gary E. Johnson (September 8, 1997) requesting relinquishment of the State's authority to evaluate and approve sealed source and devices, and assumption of this authority by NRC. The requested action would involve reassertion of regulatory authority by NRC over activities currently regulated by New Mexico pursuant to its Agreement with NRC.

The Governor of New Mexico noted there are two manufacturers in the State and there has been no sealed source and device evaluations conducted since 1988. Governor Johnson indicated that it would not be cost effective to fund and maintain staff to conduct sealed source and device evaluations.

The Commission has agreed to the request and has notified New Mexico that effective January 1, 1998, the NRC will reassume authority to evaluate and approve sealed source and device applications within the State of New Mexico. The State of New Mexico will retain authority to regulate the manufacture and use of sealed sources and devices within the State in accordance with its Section 274b Agreement with the NRC.

Dated at Rockville, Maryland this 12th day of December, 1997.

For the Nuclear Regulatory Commission.
John C. Hoyle,
Secretary of the Commission.
 [FR Doc. 97-33218 Filed 12-18-97; 8:45 am]
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RAILROAD RETIREMENT BOARD

Privacy Act of 1974, Proposed Changes to System of Records

AGENCY: Railroad Retirement Board.
ACTION: Notice of a proposed routine use.

SUMMARY: The purpose of this document is to give notice of a proposed routine use to one of the RRB's Privacy Act systems of records.

DATES: The new routine use will be effective 30 calendar days from the date of this publication unless comments are received before this date which would result in a contrary determination.

ADDRESSES: Send comments to Beatrice Ezerski, Secretary to the Board, Railroad Retirement Board, 844 North Rush Street, Chicago, Illinois 60611-2092.

FOR FURTHER INFORMATION CONTACT: LeRoy Blommaert, Privacy Act Officer, Railroad Retirement Board, 844 North Rush Street, Chicago, Illinois 60611-2092, (312) 751-4548.

SUPPLEMENTARY INFORMATION:

I. Discussion of Proposed Routine Use

Pursuant to Public Law 104-193, the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, the Railroad Retirement Board (RRB) will disclose data from its system of records RRB-19, Payroll Record System, to the Office of Child Support Enforcement, Administration for Children and Families, Department of Health and Human Services (HHS) for use in the National Database of New Hires, part of the Federal Parent Locator System (FPLS) and Federal Tax Offset System, DHHS/OCSE No. 09-90-0074. A description of the Federal Parent Locator Service may be found at 62 FR 51663 (October 2, 1997).

FPLS is a computerized network through which States may request location information from Federal and State agencies to find non-custodial parents and/or their employers for purposes of establishing paternity and securing support. On October 1, 1997, the FPLS was expanded to include the National Directory of New Hires, a database containing information on employees recently hired, quarterly wage data on private and public sector employees, and information on unemployment compensation benefits. On October 1, 1988, the FPLS will be expanded further to include a Federal Case Registry. The Federal Case Registry will contain abstracts on all participants involved in child support enforcement cases. When the Federal Case Registry is instituted, its files will be matched on an ongoing basis against the files in the National Directory of New Hires to determine if an employee is a participant in a child support case anywhere in the country. If the FPLS identifies a person as being a participant in a State child support case, that State will be notified. State requests to the FPLS for location information will also continue to be processed after October 1, 1998.

When individual are hired by the RRB, we may disclose to the FPLS their

names, social security numbers, home addresses, dates of birth, dates of hire, and information identifying us as the employer. We may also disclose to the FPLS names, social security numbers, and quarterly earnings of each RRB employee within one month of the end of the quarterly reporting period.

Information submitted by the RRB to the FPLS will be disclosed by the Office of Child Support Enforcement to the Social Security Administration for verification to ensure that the social security number provided is correct. The data disclosed by the RRB to the FPLS will also be disclosed by the Office of Child Support Enforcement to the Secretary of the Treasury for use in verifying claims for the advance payment of the earned income tax credit or to verify a claim of employment on a tax return.

II. Compatibility of Proposed Routine Use

We are proposing this routine use in accordance with the Privacy Act (5 U.S.C. 552a(b)(3)). The Privacy Act permits the disclosure of information about individuals without their consent for a routine use where the information will be used for a purpose which is compatible with the purpose for which the information was originally collected. The Office of Management and Budget has indicated that a "compatible" use is a use which is necessary and proper. Since the proposed uses of the data are required by Public Law 104-193, they are clearly necessary and proper uses, and therefore "compatible" uses which meet the requirement of the Privacy Act.

III. Altered System Report

On December 11, 1997, the Railroad Retirement Board filed an altered system report for this system with the chairman of the designated Senate and House committees and with the Office of Management and Budget. This was done to comply with Section 3 of the Privacy Act of 1974 and OMB Circular No. A-130, Appendix I.

By Authority of the Board.

Beatrice Ezerski,

Secretary to the Board.

RRB-19

SYSTEM NAME: PAYROLL RECORD SYSTEM—RRB

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ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

* * * * *

Paragraph "j" is added to read as follows:

j. The names, social security numbers, home addresses, dates of birth, dates of

hire, quarterly earnings, employer identifying information, and State of hire of employees may be disclosed to the Office of Child Support Enforcement, Administration for Children and Families, Department of Health and Human Services for the purpose of locating individuals to establish paternity, establishing and modifying orders of child support, identifying sources of income, and for other child support enforcement actions as required by the Personal Responsibility and Work Opportunity Reconciliation Act (Welfare Reform Act, Pub. L. 104-193).

[FR Doc. 97-33202 Filed 12-18-97; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-39444; File Nos. SR-DTC-97-16, SR-NSCC-97-08, SR-Philadep-97-04, SR-SCCP-97-04]

Self-Regulatory Organizations; The Depository Trust Company; National Securities Clearing Corporation; Philadelphia Depository Trust Company; Stock Clearing Corporation of Philadelphia; Order Granting Partial Permanent Approval and Partial Temporary Approval of Proposed Rule Changes Relating to a Decision by the Philadelphia Stock Exchange, Incorporated to Withdraw From The Securities Depository Business and to Restructure and Limit its Clearance and Settlement Business

December 11, 1997.

In August and September, 1997, The Depository Trust Company ("DTC"), National Securities Clearing Corporation ("NSCC"), Philadelphia Depository Trust Company ("Philadep"), and Stock Clearing Corporation of Philadelphia ("SCCP") filed with the Securities and Exchange Commission ("Commission") proposed rule changes pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),¹ concerning the decision by the Philadelphia Stock Exchange, Incorporated ("PHLX") to withdraw from the securities depository business and to restructure its clearance and settlement business.² Notices of the

¹ 15 U.S.C. 78s(b)(1).

² On August 5, 1997, DTC filed its proposed rule change with the Commission (File No. SR-DTC-97-16). On August 6, 1997, NSCC filed with the Commission and on August 28, 1997, amended its proposed rule change (File No. SR-NSCC-97-08). On September 25, 1997, Philadep filed its proposed rule change with the Commission (File No. SR-Philadep-97-04). On September 30, 1997, SCCP

proposals were published in the **Federal Register** on October 15 and 16, 1997.³ The Commission received one comment letter, which pertained to DTC and which expressed concern that PHLX's decision to withdraw from the clearance and settlement and securities depository businesses reduced competition in the market.⁴ The Commission also received DTC's letter responding to the comment letter.⁵ For the reasons discussed below, the Commission is approving the proposed rule changes.

I. Description

PHLX is withdrawing from the securities depository business currently offered through its wholly owned subsidiary, Philadep, and is restructuring and limiting its clearance and settlement business currently offered through its wholly owned subsidiary, SCCP. DTC, NSCC, PHLX, Philadep, and SCCP have entered into an agreement dated as of June 18, 1997, governing arrangements relating to PHLX's decision ("Agreement"). Pursuant to the Agreement, as discussed below, most of the current day-to-day depository and clearance services of Philadep and SCCP will now be provided by DTC and NSCC.

A. Agreement

Under the Agreement, the parties are working to assure an orderly transition with respect to the cessation of Philadep's operations and the restructuring of SCCP's operations. Philadep and DTC have agreed to assist sole Philadep participants in becoming DTC participants to the extent that they meet DTC qualifications and desire to become DTC participants. Philadep and DTC also have agreed to cooperate in the transfer of securities from the custody of Philadep to the custody of DTC.

After the closing date of the Agreement, SCCP no longer will maintain its continuous net settlement ("CNS") system for conducting

filed its proposed rule change with the Commission (File No. SR-Philadep-97-04).

PHLX submitted a rule filing on November 14, 1997 (File No. SR-PHLX-97-59) in connection with its withdrawal from the clearance and settlement and securities depository businesses. PHLX's rule filing is being addressed in a separate notice and order.

³ Securities Exchange Act Release Nos. 39222 (October 8, 1997), 62 FR 53847 (DTC); 39220 (October 8, 1997), 62 FR 53848 (NSCC); 39223 (October 8, 1997), 62 FR 53681 (SCCP); 39221 (October 8, 1997), 62 FR 53681 (Philadep).

⁴ Letter from P. Howard Edelstein, President, Electronic Settlements Group, Thomson Financial Services, Inc., (November 4, 1997).

⁵ Letter from Richard B. Nesson, Executive Vice President and General Counsel, DTC (November 14, 1997).