

reactors/operating/licensing/power-uprates.html. Persons who do not have access to ADAMS or who encounter problems accessing the document in ADAMS should contact the NRC PDR Reference staff by telephone at 1-800-397-4209, (301) 415-4737, or by e-mail to [pdr@nrc.gov](mailto:pdr@nrc.gov).

**FOR FURTHER INFORMATION CONTACT:**

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**SUPPLEMENTARY INFORMATION:** The process of increasing the licensed power level at a commercial nuclear power plant is called a "power uprate." Power uprates can be classified into three categories based on the magnitude of the power increase and the methods used to achieve the increase. Measurement uncertainty recapture power uprates result in power level increases that are less than 2 percent and are achieved by implementing enhanced techniques for calculating reactor power. Stretch power uprates typically result in power level increases that are up to 7 percent and do not generally involve major plant modifications. Extended power uprates (EPUs) result in power level increases that are greater than stretch power uprates, have been approved for increases as high as 20 percent, and usually require significant modifications to major plant equipment. RS-001 is applicable to EPUs.

RS-001 establishes standardized review guidance for the staff's reviews of EPU applications to enhance the consistency, quality, and completeness of the reviews. It serves as a tool for the staff's use when processing EPU applications in that it provides detailed references to various NRC documents containing specific information related to the areas of review.

RS-001 also makes available to licensees the guidance used by the staff for reviewing and accepting EPU applications. Making this information available should help licensees prepare complete EPU applications that address the topics needed for the NRC staff's review. By addressing the areas in the review standard, a licensee could minimize the NRC staff's need for requests for additional information and thereby improve the efficiency of the staff's review.

Dated at Rockville, Maryland, this 15th day of January, 2004.

For the Nuclear Regulatory Commission.

**Ledyard B. Marsh,**

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

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## OFFICE OF MANAGEMENT AND BUDGET

### Public Availability of Fiscal Year (FY) 2003 Agency Inventories Under the Federal Activities Inventory Reform Act of 1998 (Public Law 105-270) ("FAIR Act")

**AGENCY:** Office of Management and Budget, Executive Office of the President.

**ACTION:** Notice of public availability of agency inventory of activities that are not inherently governmental and of activities that are inherently governmental.

**SUMMARY:** In accordance with the FAIR Act, agency inventories of activities that are not inherently governmental are now available to the public from the agencies listed below for FY 2003. The FAIR Act requires that OMB publish each fiscal year an announcement of public availability of agency inventories of activities that are not inherently governmental. After review and consultation with OMB, agencies are required to make their inventories available to the public. Agencies have also included activities that are inherently governmental. This is the second release of the FAIR Act inventories for FY 2003. Interested parties who disagree with the agency's initial judgment can challenge the inclusion or the omission of an activity on the list of activities that are not inherently governmental and, if not satisfied with this review, may demand a higher agency review/appeal.

The Office of Federal Procurement Policy has made available a FAIR Act User's Guide through its Internet site: <http://www.whitehouse.gov/OMB/procurement/fair-index.html>. This User's Guide will help interested parties review FY 2003 FAIR Act inventories and gain access to agency inventories through agency Web site addresses.

**Joshua B. Bolten,**  
*Director.*

## SECOND FAIR ACT RELEASE 2003

American Battle Monuments Commission .....	Mr. William Athas, (703) 696-6869, <a href="http://www.abmc.gov">www.abmc.gov</a> .
Arlington National Cemetery .....	Mr. Rory Smith, (703) 614-5060, <a href="http://www.arlingtoncemetery.org">www.arlingtoncemetery.org</a> .
Armed Forces Retirement Home .....	Mr. Steve McManus, (202) 730-3533, <a href="http://www.afrh.com">www.afrh.com</a> .
Broadcasting Board of Governors .....	Mr. Stephen Smith, (202) 619-1088, <a href="http://www.bbg.gov">www.bbg.gov</a> .
Department of Defense .....	Mr. Paul Soloman, (703) 602-3666, <a href="http://web.lmi.org/fairnet">web.lmi.org/fairnet</a> .
Department of Defense (Inspector General) .....	Major Eric Kase, (703) 604-9744, <a href="http://www.dodig.osd.mil">www.dodig.osd.mil</a> .
Department of Energy .....	Mr. Dennis O'Brien, (202) 586-1690, <a href="http://www.doe.gov">www.doe.gov</a> .
Department of Health and Human Services .....	Mr. Michael Colvin, (202) 690-7887, <a href="http://www.hhs.gov/ogam/oam/fair/">www.hhs.gov/ogam/oam/fair/</a> .
Department of Homeland Security .....	Mr. David Childs, (202) 772-9785, <a href="http://www.dhs.gov/dhspublic/display?theme=37">http://www.dhs.gov/dhspublic/display?theme=37</a> .
Department of Labor .....	Mr. Al Stewart, (202) 693-4028, <a href="http://www.dol.gov">www.dol.gov</a> .
Department of State .....	Mr. Eugene Batt (202) 663-2308, <a href="http://www.state.gov">www.state.gov</a> .
Department of Transportation (IG) .....	Ms. Jackie Weber, (202) 366-1495, <a href="http://www.oig.dot.gov">www.oig.dot.gov</a> .
Environmental Protection Agency .....	Ms. Barbara Stearrett, (202) 564-4496, <a href="http://www.epa.gov">www.epa.gov</a> .
Environmental Protection Agency (Inspector General) .....	Ms. Elissa Karpf, (202) 566-2604, <a href="http://www.epa.gov/oigearth">www.epa.gov/oigearth</a> .
Farm Credit Administration .....	Mr. Philip Shebest, (703) 883-4146, <a href="http://www.fca.gov">www.fca.gov</a> .
Federal Retirement Thrift Investment Board .....	Mr. Richard White, (202) 942-1633, <a href="http://www.tsp.gov">www.tsp.gov</a> .
General Services Administration .....	Mr. Paul Boyle, (202) 501-0324, <a href="http://www.gsa.gov">www.gsa.gov</a> .
Intelligence Agencies .....	Mr. Jim Meehan, (703) 482-5886, No website available.
International Trade Commission .....	Mr. Stephen McLaughlin, (202) 205-3131, <a href="http://www.usitc.gov">www.usitc.gov</a> .

## SECOND FAIR ACT RELEASE 2003—Continued

Kennedy Center .....	Mr. Jared Barlage, (202) 416-8731, <a href="http://www.kennedy-center.org">www.kennedy-center.org</a> .
National Transportation Safety Board .....	Ms. Barbara Czech, (202) 314-6169, <a href="http://www.nts.gov">www.nts.gov</a> .
Office of Personnel Management .....	Mr. Alfred Chatterton III, (202) 606-1004, <a href="http://www.opm.gov">www.opm.gov</a> .
Office of the U.S. Trade Representative .....	Ms. Susan Buck, (202) 395-9412, <a href="http://www.ustr.gov">www.ustr.gov</a> .
Peace Corps .....	Mr. George Schutter, (202) 692-1630, <a href="http://www.peacecorps.gov">www.peacecorps.gov</a> .
Railroad Retirement Board .....	Mr. Henry Valiulus, (312) 751-4520, <a href="http://www.rrb.gov">www.rrb.gov</a> .
Railroad Retirement Board (Inspector General) .....	Ms. Henrietta Shaw, (312) 751-4345, <a href="http://www.rrb.gov/oig/Rrboig.htm">www.rrb.gov/oig/Rrboig.htm</a> .
Selective Service System .....	Mr. Calvin Montgomery, (703) 605-4038, <a href="http://www.sss.gov">www.sss.gov</a> .
Small Business Administration .....	Mr. Robert J. Moffitt, (202) 205-6610, <a href="http://www.sba.gov">www.sba.gov</a> .
Small Business Administration (Inspector General) .....	Ms. Janis Coughlin, (202) 205-7373, <a href="http://www.sba.gov/ig">www.sba.gov/ig</a> .
U.S. Trade Development Agency .....	Ms. Barbara Bradford, (703) 875-4357, <a href="http://www.tda.gov">www.tda.gov</a> .

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**SECURITIES AND EXCHANGE COMMISSION****[Release No. 34-49078; File No. SR-CBOE-2003-58]****Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by the Chicago Board Options Exchange, Inc. Relating to Its Summary Fine Schedule for Position Limit Violations**

January 14, 2004.

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 December 10, 2003, the Chicago Board Options Exchange, Inc. (“CBOE” 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 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 CBOE proposes to amend its summary fine schedule for position limit violations. The text of the

proposed rule change is below.

Additions are *italicized*; deletions are in brackets.

\* \* \* \* \*

**Chapter XVII—Discipline****Rule 17.50 Imposition of Fines for Minor Rule Violations**

(a)–(f) No change.

(g) The following is a list of the rule violations subject to, and the applicable fines that may be imposed by the Exchange pursuant to, this Rule:

(1) Violation of position limit rules. (Rule 4.11)

(a) For violations occurring in the accounts of non-member customers (*i.e.*, customers that are not Exchange members):

Number of Cumulative Violations In Any Twelve (12) Month Rolling Period*.	Fine Amount (imposed on Exchange member firm).
<i>First Offense</i> [1–6] .....	Letter of Caution[, up to 5% in excess of the applicable limit; above that level, \$1 per contract].
<i>Second Offense</i> [7–12] .....	\$500 [1 per contract over limit].
<i>Third Offense</i> [13+] .....	\$1,000 [5 per contract over limit].
<i>Fourth and Each Subsequent Offense</i> .....	\$2,500.

(b) For violations occurring in all other accounts:

Number of Cumulative Violations In Any Twelve (12) Month Rolling Period*.	Fine Amount.
<i>First Offense</i> [1–3*] .....	Letter of Caution[, up to 5% in excess of the applicable limit; above that level, \$1 per contract].
<i>Second Offense</i> [4–6] .....	\$1,000 [1 per contract over limit].
<i>Third Offense</i> [7–9] .....	\$2,500 [2.50 per contract over limit].
<i>Fourth and Each Subsequent Offense</i> [10+] .....	\$5,000 [5 per contract over limit].

\*A violation [in this category] that consists of (i) a 1 trade date overage, (ii) a consecutive string of trade date overage violations where the position does not change or where a steady reduction in the overage occurs, or (iii) a consecutive string of trade date overage violations resulting from other mitigating circumstances, may be deemed to constitute one offense, provided that the violations are inadvertent. [or a 2 consecutive trade date overage will be counted as a single violation. At staff’s discretion, an informal Staff Interview may be conducted rather than a Letter of Caution issued for the 3rd violation.]

[Fines imposed for violations of Rule 4.11 shall be in the minimum amount of \$100.]

(2)–(10) No change.

\* \* \* \* \*

**Interpretations and Policies:**

.01 [(a) Violations of the position limit rule that continue over

consecutive business days will be subject to a separate fine, pursuant to subsection (g)(1) of this Rule and except as provided in the footnote to (g)(1)(b) for member accounts, for each day

during which the violation occurs and is continuing.] For purposes of subsection (g)(1)(a), all accounts of non-member broker-dealers will be treated as customer accounts. In calculating fine

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

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