

CP&L in its application, as supplemented, and other information before the Commission, the NRC staff has determined that the proposed restructuring of CP&L will not affect the qualifications of CP&L as holder of the licenses referenced above, and that the indirect transfer of the licenses, to the extent effected by the restructuring, is otherwise consistent with applicable provisions of law, regulations, and orders issued by the Commission subject to the conditions set forth herein. These findings are supported by a Safety Evaluation dated December 29, 1999.

### III

Accordingly, pursuant to Sections 161b, 161i, 161o, and 184 of the Atomic Energy Act of 1954, as amended, 42 USC 2201(b), 2201(i), 2201(o) and 2234; and 10 CFR 50.80 and 72.50, *It is hereby ordered* that the application regarding the subject indirect transfers is approved, subject to the following conditions:

(1) CP&L shall provide the Director of the Office of Nuclear Reactor Regulation a copy of any application, at the time it is filed, to transfer (excluding grants of security interests or liens) from CP&L to its proposed parent or to any other affiliated company, facilities for the production, transmission, or distribution of electric energy having a depreciated book value exceeding ten percent (10%) of CP&L's consolidated net utility plant, as recorded on CP&L books of account, and

(2) should the restructuring of CP&L not be completed by December 30, 2000, this Order shall become null and void, provided, however, on application and for good cause shown, such date may be extended.

This order is effective upon issuance.

For further details with respect to this action, see the initial application dated September 15, 1999, and supplements dated October 8, and November 10, 1999, and the Safety Evaluation dated December 29, 1999, which are available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and accessible electronically through the ADAMS Public Electronic Reading Room link at the NRC Website (<http://www.nrc.gov>).

Dated at Rockville, Maryland, this 29th day of December 1999.

For the Nuclear Regulatory Commission.

**Samuel A. Collins,**

*Director, Office of Nuclear Reactor Regulation.*

[FR Doc. 00-253 Filed 1-6-00; 8:45 am]

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## UNITED STATES NUCLEAR REGULATORY COMMISSION

### Virginia Electric and Power Company

[Docket Nos. 50-338 and 50-339]

#### Notice of Partial Denial of Amendment to Facility Operating License and Opportunity for Hearing

The U.S. Nuclear Regulatory Commission (the Commission) has denied part of a request by Virginia Electric and Power Company, (the licensee) for amendments to Facility Operating License Nos. NPF-4 and NPF-7, issued to the licensee for operation of the North Anna Power Station, Unit Nos. 1 and 2, located in Louisa County, Virginia. Notice of Consideration of Issuance of Amendments was published in the **Federal Register** on December 16, 1998 (63 FR 69349).

The licensee's application of November 18, 1998, as supplemented October 22, 1999, proposed several changes to the Technical Specifications (TS) relating to allowable groundwater elevation at the service water reservoir dike and monitoring of the groundwater level. The amendments authorize these changes except for one to remove the monitor device numbers from the TS. The proposal to eliminate device numbers from the TS was denied because the device numbers help to indicate the location of the piezometer within the zone of interest.

The NRC staff has concluded that this portion of the licensee's proposed change is unacceptable and is denied. The licensee was notified of the Commission's denial by letter dated December 29, 1999.

By February 7, 2000, the licensee may demand a hearing with respect to the denial described above. Any person whose interest may be affected by this proceeding may file a written petition for leave to intervene.

A request for hearing or petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC, 20555-0001, Attention: Rulemakings and Adjudications Staff, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, by the above date.

A copy of any petitions should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC, 20555-0001, and to Donald P. Irwin, Esquire, Hunton and Williams, Riverfront Plaza, East Tower, 951 E. Byrd Street,

Richmond, Virginia 23219, attorney for the licensee.

For further details with respect to this action, see (1) the application for amendment dated November 18, 1998, as supplemented October 22, 1999, and (2) the Commission's letter to the licensee dated December 29, 1999.

These documents are available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555. A copy of item (2) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Attention: Document Control Desk, or accessed electronically through the ADAMS Public Electronic Reading Room link at the NRC Web site (<http://www.nrc.gov>).

Dated at Rockville, Maryland, this 29th day of December 1999.

For the Nuclear Regulatory Commission.

**Richard L. Emch, Jr.,**

*Chief, Section 1, Project Directorate II, Division of Licensing Project Management, Office of Nuclear Regulatory Commission.*

[FR Doc. 00-342 Filed 1-6-00; 8:45 am]

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## UNITED STATES NUCLEAR REGULATORY COMMISSION

### The Power Authority of the State of New York

[Docket No. 50-286]

#### Indian Point Nuclear Generating Unit No. 3; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (NRC) is considering issuance of an amendment to the Technical Specifications for Facility Operating License No. DPR-64, issued to the Power Authority of the State of New York (the licensee), for operation of the Indian Point Nuclear Generating Unit No. 3, located in Westchester County, New York.

#### Environmental Assessment

##### Identification of the Proposed Action

The proposed action would implement the Radiological Effluent Technical Specifications guidance of Generic Letter (GL) 89-01 and make changes that are necessary to implement the revised 10 CFR Part 20.

The proposed action is in accordance with the licensee's application for amendment dated February 19, 1998, as supplemented by letter dated July 28, 1999.

*The Need for the Proposed Action*

The proposed amendment is needed to allow the licensee to implement the programmatic controls of GL 89-01, to implement the revised 10 CFR Part 20, to make editorial changes to the Radioactive Effluent Release Report in accordance with 10 CFR 50.36a, and to allow an annual submittal for the Radioactive Effluent Release Report.

*Environmental Impacts of the Proposed Action*

The NRC has completed its evaluation of the proposed action and concludes that there are no adverse environmental impacts associated with the proposed action.

The proposed action will not significantly increase the probability or consequences of accidents, no changes are being made in the types of any effluents that may be released off site, and there is no significant increase in occupational or public radiation exposure; therefore, there are no significant radiological environmental impacts associated with the proposed action.

With regard to potential nonradiological impacts, the proposed action does not involve any historic sites. It does not affect nonradiological plant effluents and has no other environmental impact. Therefore, there are no significant nonradiological environmental impacts associated with the proposed action.

Accordingly, the NRC concludes that there are no significant environmental impacts associated with the proposed action.

*Alternatives to the Proposed Action*

As an alternative to the proposed action, the staff considered denial of the proposed action (*i.e.*, the "no-action" alternative). 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 similar.

*Alternative Use of Resources*

This action does not involve the use of any resources not previously considered in the Final Environmental Statement for the Indian Point Nuclear Generating Unit No. 3.

*Agencies and Persons Consulted*

In accordance with its stated policy, on November 1, 1999, the staff consulted with the New York State official, Jack Spath, of the New York State Energy Research and Development Authority, regarding the environmental

impact of the proposed action. The State official had no comments.

**Finding of No Significant Impact**

On the basis of the environmental assessment, the NRC concludes that the proposed action will not have a significant effect on the quality of the human environment. Accordingly, the NRC 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 February 19, 1998, as supplemented by letter dated July 28, 1999, which are available for public inspection at the Commission's Public Document Room, The Gelman Building, 2120 L Street, NW., Washington, DC. Publicly available records will be accessible electronically from the ADAMS Public Library component on the NRC Web site, <http://www.nrc.gov> (the Electronic Reading Room).

Dated at Rockville, Maryland, this 29th day of December 1999.

For the Nuclear Regulatory Commission

**George F. Wunder,**

*Project Manager, Section 1, Project Directorate I, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.*

[FR Doc. 00-343 Filed 1-6-00; 8:45 am]

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**NUCLEAR REGULATORY COMMISSION**

**Memorandum of Understanding Between the U.S. Nuclear Regulatory Commission, Office of Nuclear Material Safety and Safeguards, and the U.S. Department of Energy, Office of Waste Management, Concerning the Management of Sealed Sources**

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Notice.

**SUMMARY:** This notice is to advise the public of the issuance of a Memorandum of Understanding (MOU) between the Nuclear Regulatory Commission (NRC) and the Department of Energy (DOE). The purpose of the MOU is to address the problem of unwanted and uncontrolled radioactive materials, often referred to as "orphan sources". The MOU defines the agreed-upon roles and responsibilities of the NRC and DOE in situations involving orphan sources where the NRC is responsible for leading the Federal response, where immediate health and safety hazards have been addressed, and where assistance with the transfer of the

radioactive material is determined to be necessary for continued protection of public health and safety and the environment.

**EFFECTIVE DATE:** June 18, 1999.

**ADDRESSES:** Copies of all NRC documents are available for public inspection, and copying for a fee, in the NRC Public Document Room, 2120 L Street, NW (Lower Level), Washington, DC. The NRC Public Document Room is open from 7:45 a.m. to 4:15 p.m., Monday through Friday (except Federal holidays). Telephone service is provided from 8:30 a.m. to 4:15 p.m. at 202-634-3273 or toll-free at 1-800-397-4209.

**FOR FURTHER INFORMATION CONTACT:**

Douglas A. Broaddus, NMSS, Mail Stop T8-F5, U.S. Nuclear Regulatory Commission, Washington, DC 20005-0001. Telephone: (301) 415-5847; Fax: (301) 415-5369; e-mail: [dab@nrc.gov](mailto:dab@nrc.gov).

Dated at Rockville, Maryland, this 23rd day of December 1999.

For the Nuclear Regulatory Commission.

**Donald A. Cool,**

*Director, Division of Industrial and Medical Nuclear Safety, Office of Nuclear Material Safety and Safeguards.*

**Memorandum of Understanding Between the U.S. Nuclear Regulatory Commission, Office of Nuclear Material Safety and Safeguards and the U.S. Department of Energy, Office of Waste Management, Concerning Management of Sealed Sources**

*I. Introduction*

The Federal Radiological Emergency Response Plan (FRERP) provides guidance for the response of Federal agencies in peacetime radiological emergencies that have actual, potential, or perceived radiological consequences within the United States, its Territories, possessions, or territorial waters. Although the FRERP encompasses a broad range of radiological emergencies, it does not provide specific actions that each agency must take when a radiological emergency is identified. This Memorandum of Understanding (MOU) defines the roles and responsibilities between the U.S. Nuclear Regulatory Commission (NRC) and the Department of Energy (DOE) in situations where the NRC is responsible for the Federal response to a radiological emergency, but that does not require an immediate response (*i.e.*, activation of the NRC Incident Response Plan as described in NRC Management Directive 8.2), and where the transfer of licensed source, special nuclear, or byproduct radioactive material—as defined under the Atomic Energy Act of