

Information Resources, U.S. Department of Labor, Mine Safety and Health Administration, Room 719, 4015 Wilson Boulevard, Arlington, VA 22203-1984. Ms. Hill can be reached at dhill@msha.gov (Internet E-mail), (703) 235-1470 (voice), or (703) 235-1563 (facsimile).

#### SUPPLEMENTARY INFORMATION:

##### I. Background

Title 30 CFR 45.3 provides that independent contractors may voluntarily obtain a permanent MSHA identification number by submitting to MSHA their trade name and business address, a telephone number, an estimate of the annual hours worked by the contractor on mine property for the previous calendar year, and the address of record for service of documents upon the contractor. Independent contractors performing services or construction at mines are subject to the Federal Mine Safety and Health Act and are responsible for violations of the Act committed by them or their employees.

Although independent contractors are not required to apply for the identification number, they will be assigned one by MSHA the first time they are cited for a violation of the Mine Act. MSHA uses the information to issue a permanent MSHA identification number to the independent contractor.

##### II. Desired Focus of Comments

Currently, the Mine Safety and Health Administration (MSHA) is soliciting comments concerning the proposed extension of the information collection related to Identification of Independent Contractors. MSHA is particularly interested in comments which:

- evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- enhance the quality, utility, and clarity of the information to be collected; and
- minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

MSHA uses the information to issue a permanent MSHA identification

number to the independent contractor. This number allows MSHA to keep track of a contractor's violation history so that appropriate civil penalties can be assessed for violations of the Mine Act or its accompanying mandatory health and safety standards.

##### III. Current Actions

MSHA is requesting that the approval be extended for three years.

*Type of Review:* Extension.

*Agency:* Mine Safety and Health Administration.

*Title:* Identification of Independent Contractors.

*OMB Number:* 1219-0043.

*Affected Public:* Business or other for-profit institutions.

*Cite/Reference/Form/etc:* 30 CFR 45.3.

*Total Respondents:* 1,687.

*Frequency:* On occasion.

*Total Responses:* 1,687.

*Average Time per Response:* 11 minutes.

*Estimated Total Burden Hours:* 191 hours.

*Estimated Total Burden Cost:* \$368.

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

Dated: February 16, 2000.

**George M. Fresak,**

*Director, Program Evaluation and Information Resources.*

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## NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-254 and 50-265]

### Commonwealth Edison Company and MidAmerican Energy Company (Quad Cities Nuclear Power Station, Units 1 and 2); Order Approving Application Regarding Change in Shareholders of MidAmerican Energy Holdings Company

#### I

MidAmerican Energy Company (MidAmerican) owns a 25-percent interest in Quad Cities Nuclear Power Station, Units 1 and 2 (Quad Cities). Commonwealth Edison Company (ComEd) owns the remaining 75-percent share of Quad Cities. In connection therewith, MidAmerican and ComEd hold Facility Operating Licenses Nos. DPR-29 and DPR-30 for Quad Cities issued by the U.S. Atomic Energy Commission pursuant to Part 50 of Title 10 of the Code of Federal Regulations

(10 CFR Part 50) on December 14, 1972. Under these licenses, only ComEd, acting for itself and as agent and representative of MidAmerican, has the authority to operate Quad Cities. Quad Cities is located in Rock Island County, Illinois.

#### II

By application transmitted under two cover letters dated November 15, 1999, as supplemented on January 3, January 5, and February 14, 2000, and which cross referenced a submittal dated November 2, 1999, MidAmerican and ComEd submitted a request for approval by the U.S. Nuclear Regulatory Commission (NRC or Commission) to the extent a proposed change in the shareholders of MidAmerican Energy Holdings Company (MEHC), the parent company of MidAmerican, would effect an indirect transfer of the Quad Cities licenses, as held by MidAmerican, within the scope of 10 CFR 50.80. The change involves the acquisition of all of the now publicly traded, widely held stock of MEHC, by a small group of investors. This group of investors consists of Berkshire Hathaway, Inc., and/or subsidiaries thereof (Berkshire); David L. Sokol, the Chairman and Chief Executive Officer of MEHC; and Walter Scott, MEHC's largest individual shareholder, and/or certain Scott family interests; and potentially other members of MEHC's management. The application indicates that following the proposed change in MEHC shareholders, Berkshire's investment in MEHC voting common stock will be 9.9% of shares outstanding, the investment associated with Mr. Scott will be approximately 88.1%, and Mr. Sokol will hold approximately 2% of the voting common stock of MEHC; the latter two percentages being subject to slight variation in the event of participation by other members of MEHC management. The overall equity holdings, taking into account convertible preferred stock, would be approximately 81% for Berkshire and 18% for Mr. Scott and associates, with less than 1% for all others. Mr. Scott will be able to appoint four directors to the MEHC board, while Berkshire will be able to appoint two directors to the board, which will comprise ten members. According to the application, following the change in MEHC shareholders MidAmerican would continue to be a 25 percent minority owner and possession-only licensee of Quad Cities and would remain an "electric utility" as defined in 10 CFR 50.2, engaged in the generation, transmission, and distribution of electric energy for wholesale and retail.

Notice of the application and an opportunity for a hearing was published in the **Federal Register** on December 29, 1999 (64 FR 73079). No hearing requests or written comments on the application were filed.

Under 10 CFR 50.80, no license, or any right thereunder, shall be transferred, directly or indirectly, through transfer of control of the license, unless the Commission shall give its consent in writing. Upon review of the information in the application, the supplemental information and other information before the Commission, the NRC staff has determined that the above proposed shareholder transaction involving MEHC stock will not affect the qualifications of MidAmerican as a holder of the licenses, and that the indirect transfer of the licenses, as held by MidAmerican, to the extent such would be effected under 10 CFR 50.80 by the proposed shareholder transaction, would be otherwise consistent with applicable provisions of law, regulations, and orders issued by the Commission. These findings are supported by a Safety Evaluation dated February 15, 2000.

### III

Accordingly, pursuant to Sections 161b, 161i, and 184 of the Atomic Energy Act of 1954, as amended, 42 U.S.C. 2201(b), 2201(i), and 2234; and 10 CFR 50.80, *it is hereby ordered* that the application regarding the proposed shareholder transaction is approved, subject to the following condition: Should the proposed shareholder transaction not be completed by December 31, 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.

### IV

For further details with respect to this Order, see the application for consent concerning the proposed shareholder transaction submitted under two cover letters dated November 15, 1999, as supplemented on January 3, January 5, and February 14, 2000, and the related Safety Evaluation dated February 15, 2000, 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 Web site (<http://www.nrc.gov>).

Dated at Rockville, Maryland, this 15th day of February 2000.

For the Nuclear Regulatory Commission.

**Samuel J. Collins,**

*Director, Office of Nuclear Reactor Regulation.*

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## NUCLEAR REGULATORY COMMISSION

[Docket No. 50-263; License No. DPR-22]

### Northern States Power Company (Monticello, Unit No. 1); Exemption

#### I

Northern States Power Company (NSP or the licensee) is the holder of Facility Operating License No. DPR-22, which authorizes operation of the Monticello Nuclear Generating Plant (the facility) at steady state core power levels not in excess of 1775 megawatts thermal. The facility consists of a boiling water reactor, located in Wright County at the licensee's site in Wright and Sherburne Counties, Minnesota. The license provides, among other things, that Monticello is subject to all rules, regulations, and orders of the Commission now or hereafter in effect.

#### II

Pursuant to 10 CFR 55.59(a)(1), each licensed operator is required to successfully complete a requalification program developed by the licensee that has been approved by the Commission. This program is to be conducted for a continuous period not to exceed 24 months in duration and, upon its conclusion, must be promptly followed by a successive requalification program. In addition, pursuant to 10 CFR 55.59(a)(2), each licensed operator must also pass a comprehensive requalification written examination and an annual operating test.

#### III

By letter dated January 19, 2000, NSP requested an exemption under 10 CFR 55.11 from the requirements of 10 CFR 55.59(a)(2). The schedular exemption requested will extend the current Monticello requalification program from March 9, 2000, to May 12, 2000. The requested exemption would constitute a one-time extension of the requalification program duration.

The regulation at 10 CFR 55.11 states that "The Commission may, upon application by an interested person, or upon its own initiative, grant such exemptions from the requirements of the regulations in this part as it determines are authorized by law and will not endanger life or property and are otherwise in the public interest."

### IV

The Commission has determined that, pursuant to 10 CFR 55.11, granting an exemption to NSP from the requirements in 10 CFR 55.59(a)(1) and (a)(2) is authorized by law and will not endanger life or property and is otherwise in the public interest. To require scheduling of the comprehensive examination of the licensee's operators and staff in order to support the 24-month requalification cycle could have a detrimental effect on the public interest, because it could prolong the current plant refueling outage without a net benefit to safety. Further, this one-time exemption will allow additional operator support during plant shutdown conditions, which will provide a safety enhancement during plant shutdown operations and post-maintenance testing. The affected licensed operators will continue to demonstrate and possess the required levels of knowledge, skills, and abilities needed to safely operate the plant throughout the transitional period via continuation of the current satisfactory licensed operator requalification program. Accordingly, the Commission hereby grants NSP an exemption, on a one-time only basis, from the schedular requirements of 10 CFR 55.59(a)(1) and (a)(2) to allow the current Monticello requalification program to be extended beyond 24 months, not to exceed 27 months, and to expire on May 12, 2000.

Pursuant to 10 CFR 51.32, the Commission has also determined that the issuance of the exemption will have no significant impact on the environment. An Environmental Assessment and Finding of No Significant Impact was noticed in the **Federal Register** on February 16, 2000 (65 FR 7897).

This exemption is effective upon issuance. This exemption expires on May 12, 2000.

Dated at Rockville, Maryland this 16th day of February 2000.

For the Nuclear Regulatory Commission.

**Bruce A. Boger,**

*Directory, Division of Inspection Program Management, Office of Nuclear Reactor Regulation.*

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