

Activity for Which Permit Is Requested: Taking.

The applicant proposes to continue seabird research during the Antarctic Pack Ice Seals cruise in the eastern Ross and Amundsen Seas. The objectives are to: (1) Survey bird molt habitat and determine bird density; (2) conduct bird counts for general distribution and density from line transects along the route of the ship, and from helicopter survey tracks; (3) determine prey type from stomach samples collected from approximately 20 birds; (4) determine foraging behavior by attaching TDR's to Emperor penguins, then recovering the TDR's using VHF locating transmitters; and (5) attach Platform Transmitter Terminals (PTT) to approximately 10 birds to obtain tracks of post-molt birds. In order to achieve objectives 3, 4 and 5, up to 20 Emperor penguins will be captured, then released.

Diet studies of large penguins that range widely are usually accomplished after a long journey back to the colony. This will be one of the few, if not the only, study to conduct a diet analysis at the foraging site concurrent with a study of prey distribution and abundance. Also, Emperor penguins have never been tracked from the molt area back to the colony to determine the favored foraging areas. As one of the most important top predators in the Ross Sea, this information will be valuable for an ecosystem analysis of the Ross Sea.

Location: Ross and Amundsen Seas pack ice.

Dates: December 15, 1999 to April 01, 2000.

7. *Applicant:* John L. Bengtson, National Marine Mammal Laboratory, National Marine Fisheries Service, NOAA, 7600 Sand Point Way, N.E., Seattle, WA 98115.

Permit Application No.: 2000-021.

Activity for Which Permit Is Requested: Taking; Import into the U.S. and Export from the U.S.

The applicant is a participant in the Antarctic Pack Ice Seals project that consists of penniped studies in the circumpolar pack ice zone and land-based studies at selected sites around the continent. A primary objective is to study the feeding ecology, seasonal movements, diving patterns, reproduction, and population dynamics of Antarctic seals and to examine their role in the marine ecosystem.

The applicant plans to capture and release up to 500 Crabeater seals, 300 Leopard and Weddell seals, and 100 Ross, Antarctic fur and Southern elephant seals for purposes of attaching time-depth recorders and radio transmitters to monitor their feeding

and diving behavior. In addition, selected individuals may be tagged to assist in identification and to monitor migrations. Seals will also be marked, weighed, measured, and tissue samples collected. Tissue specimens may also be collected from dead seals. Aerial surveys will be conducted to assess the abundance and distribution of pinnipeds in various habitats. To optimize the use of specimen materials collected, the applicant proposes to exchange specimens with researchers in various countries. The collected materials will be imported into the U.S., then exported to collaborating investigators in other countries.

Location: Circumpolar pack ice areas.

Dates: January 01, 2000 to December 31, 2003.

Nadene G. Kennedy,

Permit Officer, Office of Polar Programs.

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NUCLEAR REGULATORY COMMISSION

[Docket No. 50-341]

Detroit Edison Company; Fermi 2; Notice of Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 134 to Facility Operating License No. NPF-43 issued to the Detroit Edison Company (the licensee), for operation of Fermi 2, located in Monroe County, Michigan.

The amendment is effective as of the date of issuance and shall be implemented within 90 days. The implementation of the amendment includes two license conditions that are being added to Section 2.C of the operating license as part of the amendment.

The amendment replaces, in its entirety, the current Technical Specifications (TSs) with a set of improved TSs based on (1) NUREG-1433, "Standard Technical Specifications, General Electric Plants BWR/4," Revision 1, dated April 1995, including subsequent approved changes to the standard TSs, (2) guidance provided in the Commission's "Final Policy Statement on Technical Specifications Improvements for Nuclear Power Reactors," published on July 22, 1993 (58 FR 39132), and (3) 10 CFR 50.36, "Technical Specifications," as amended July 19, 1995 (60 FR 36953). In addition, the amendment added two license conditions to Section 2.C of the operating license that (1) require the

relocation of certain current TS requirements into licensee-controlled documents, and (2) provide the schedule for the first performance of surveillance requirements that are new or revised in the amendment.

The application for the amendment, as supplemented, complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I.

Notice of Consideration of Issuance of Amendment and Opportunity for Hearing in connection with this action was published in the **Federal Register** on August 10, 1999 (64 FR 43408). No request for a hearing or petition for leave to intervene was filed following this notice.

The Commission has prepared an Environmental Assessment related to the action and has determined not to prepare an environmental impact statement. Based upon the environmental assessment, the Commission has concluded that the issuance of the amendment will not have a significant effect on the quality of the human environment beyond that described in the Final Environmental Statement related to the operation of Fermi 2 dated August 1981, and in the addendum to the Final Environmental Statement dated March 1982. The Environmental Assessment was published in the **Federal Register** on September 30, 1999 (64 FR 52800).

For further details with respect to the action, see (1) the application for amendment dated April 3, 1998, as supplemented by letters dated September 28, October 19, and December 10, 1998, and January 8, January 26, February 24, March 30, April 8, April 30, May 7, June 2, June 24, June 30, July 7, July 13, July 26, August 4, August 17, August 25, and September 8, 1999, (2) Amendment No. 134 to License No. NPF-43, (3) the Commission's related Safety Evaluation and (4) the Commission's Environmental Assessment. All of these items 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 Monroe County Library System, Ellis Reference and Information Center, 3700 South Custer Road, Monroe, Michigan 48161.

Dated at Rockville, Maryland, this 30th day of September 1999.

For the Nuclear Regulatory Commission.
Andrew J. Kugler,
*Project Manager, Section 1, Project
 Directorate III, Division of Licensing Project
 Management, Office of Nuclear Reactor
 Regulation.*

[FR Doc. 99-26142 Filed 10-6-99; 8:45 am]

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NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-334 and 50-412]

Duquesne Light Co., FirstEnergy Nuclear Operating Co., Pennsylvania Power Co., (Beaver Valley Power Station, Units 1 and 2), Order Approving Transfer of Licenses and Conforming Amendments

I

The Duquesne Light Company (DLC), Ohio Edison Company, and Pennsylvania Power Company (Penn Power) are the licensees of the Beaver Valley Power Station, Unit 1 (BVPS-1). DLC, Ohio Edison Company, The Cleveland Electric Illuminating Company (CEI), and Toledo Edison Company are the licensees of the Beaver Valley Power Station, Unit 2 (BVPS-2). DLC acts as agent for the licensees and has exclusive responsibility for, and control over, the physical construction, operation, and maintenance of BVPS-1 and BVPS-2 as reflected in Operating Licenses Nos. DPR-66 and NPF-73. With the exception of DLC, Penn Power and each of the remaining licensees are wholly owned subsidiaries of FirstEnergy Corporation (FE). The U.S. Nuclear Regulatory Commission (NRC) issued Operating License No. DPR-66 on July 2, 1976, and Operating License No. NPF-73 on August 14, 1987, pursuant to Part 50 of Title 10 of the Code of Federal Regulations (10 CFR Part 50). The facility is located in Beaver County, Pennsylvania.

II

Under cover of a letter dated May 5, 1999, DLC and FirstEnergy Nuclear Operating Company (FENOC), acting for itself and on behalf of Penn Power, jointly submitted an application requesting license transfer approvals with respect to Operating Licenses DPR-66 and NPF-73 in connection with the proposed transfer of DLC's 47.5-percent ownership interest in BVPS-1 and DLC's 13.74-percent ownership interest in BVPS-2 to Penn Power; approval of the transfer of DLC's operating authority under licenses to FENOC; and approval of conforming amendments to reflect the transfers. Supplemental information was provided

by DLC under cover of letters dated June 22 and July 30, 1999 (collectively with the application of May 5, 1999, referred to hereinafter as the "application").

No physical changes will be made to BVPS-1 or BVPS-2 as a result of the proposed transfers, and there will be no significant change in the operations of BVPS-1 or BVPS-2, according to the application. FENOC would become the agent for the joint owners of the facility and would have exclusive responsibility for the management, operation, maintenance, and eventual decommissioning of BVPS-1 and BVPS-2. The conforming amendments would remove DLC from the facility operating licenses, reflect Penn Power as a co-owner of BVPS-2, and indicate that FENOC is the authorized operator of BVPS-1 and BVPS-2.

Approval of the proposed license transfers and conforming license amendments was requested pursuant to 10 CFR 50.80 and 50.90. Notice of the application for approval and an opportunity for a hearing was published in the **Federal Register** on June 14, 1999 (64 FR 31880). Before such notice was published, the Commission received a Petition to Intervene dated June 3, 1999, from Local 29, International Brotherhood of Electrical Workers (Local 29). DLC and FE each filed an answer to the petition on June 16, 1999. Local 29 filed its reply to the DLC and FE answers on June 23, 1999, requesting that the Commission deny the DLC and FE answers and grant Local 29's Petition to Intervene as of right. The Commission issued a Memorandum and Order ¹ on July 23, 1999, denying Local 29's Petition to Intervene and referred Local 29's comments to the NRC staff for consideration during review of the license transfer application. Subsequently, on September 15, 1999, Local 29 filed a Petition to Waive Time Limits in 10 CFR 2.1305 and Supplemental Comments. FE filed an answer to this second petition on September 21, 1999, and DLC filed an answer on September 23, 1999. The Commission issued a Memorandum and Order ² on September 24, 1999, which granted Local 29 a waiver of the 10 CFR 2.1305 time limits for filing comments and referred Local 29's comments to the NRC staff for consideration during review of the license transfer application. Local 29's comments are

¹ Duquesne Light Company, et al. (Beaver Valley Power Station, Units 1 and 2), CLI-99-23, 59 NRC ____ slip. op. (July 23, 1999).

² Duquesne Light Company, et al. (Beaver Valley Power Station, Units 1 and 2), CLI-99-25, 59 NRC ____ slip. op. (September 24, 1999).

addressed in the staff's safety evaluation dated September 30, 1999.

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 contained in the application and other information before the Commission, the NRC staff has determined that Penn Power and FENOC are qualified to hold the licenses as proposed in the application, and that the transfer of the licenses, to the extent proposed in the application, is otherwise consistent with applicable provisions of law, regulations, and orders issued by the Commission, subject to the conditions set forth herein. The NRC staff has further found that the application for the proposed license amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations set forth in 10 CFR Chapter I; the facility will operate in conformity with the application, the provisions of the Act, and the rules and regulations of the Commission; there is reasonable assurance that the activities authorized by the proposed license amendments can be conducted without endangering the health and safety of the public and that such activities will be conducted in compliance with the Commission's regulations; the issuance of the proposed license amendments will not be inimical to the common defense and security or to the health and safety of the public; and the issuance of the proposed amendments will be in accordance with 10 CFR Part 51 of the Commission's regulations, and all applicable requirements have been satisfied. The foregoing findings are supported by a safety evaluation dated September 30, 1999.

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 license transfers referenced above are approved, subject to the following conditions:

(1) All decommissioning funding arrangements pertaining to the transfer of DLC's ownership interests to Penn Power, as set forth in the application and the safety evaluation supporting this Order, shall be implemented and fulfilled.

(2) Penn Power and FENOC shall, prior to completion of the subject transfers, provide the Director, Office of Nuclear Reactor Regulation, satisfactory documentary