

recognition is limited to certain products;

CSA must inform OSHA as soon as possible, in writing, of any change of ownership, facilities, or key personnel, and of any major changes in its operations as an NRTL, including details;

CSA will continue to meet all the terms of its recognition and will always comply with all OSHA policies pertaining to this recognition;

CSA will continue to meet the requirements for recognition in all areas where it has been recognized; and

CSA will always cooperate with OSHA to assure compliance with the spirit as well as the letter of its recognition and 29 CFR 1910.7.

Signed at Washington, DC this 27th day of October 1999.

Charles N. Jeffress,

Assistant Secretary.

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NUCLEAR REGULATORY COMMISSION

[Docket Nos. STN-454, STN-455, STN-456 and STN 50-457]

Commonwealth Edison Company; Byron Station, Units 1 and 2; Braidwood Station, Units 1 and 2; Notice of Withdrawal of Application for Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has granted the request of Commonwealth Edison Company (the licensee) to withdraw its May 29, 1998, application for proposed amendments to Facility Operating License Nos. NPF-37 and NPF-66 for the Byron Station, Units 1 and 2, located in Ogle County, Illinois; and Facility Operating License Nos. NPF-72 and NPF-77 for the Braidwood Station, Units 1 and 2, in Will County, Illinois.

The proposed amendments would have revised the technical specifications to credit the automatic function of the pressurizer power operated relief valves (PORVs) for providing mitigation for inadvertent safety injection at power accident. The limiting condition for operation and surveillance requirements for the PORVs would also have been revised.

The Commission had previously issued a Notice of Consideration of Issuance of Amendments to Facility Operating Licenses, Proposed No Significant Hazards Consideration Determination, and Opportunity for a

Hearing published in the **Federal Register** on July 15, 1998 (63 FR 38199). However, by letter dated July 16, 1999, the licensee withdrew the proposed change.

For further details with respect to this action, see the application for amendment dated May 29, 1998, and the licensee's letter dated July 16, 1999, which withdrew the application for license amendments. The above documents 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 rooms: for Byron, the Byron Public Library District, 109 N. Franklin, P.O. Box 434, Byron Illinois 61010; for Braidwood, the Wilmington Public Library, 201 S. Kankakee Street, Wilmington, Illinois 60481.

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

For the Nuclear Regulatory Commission.

George F. Dick, Jr.,

Project Manager, Section 2, Project Directorate III, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 99-28865 Filed 11-3-99; 8:45 am]

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NUCLEAR REGULATORY COMMISSION

[Docket No. 50-482]

Kansas Gas and Electric Company Kansas City Power and Light Company, Wolf Creek Nuclear Operating Corporation (Wolf Creek Generating Station, Unit No. 1); Order Approving Transfer of License and Conforming Amendment

I

Wolf Creek Nuclear Operating Corporation (WCNOC) is authorized to act as agent for the three joint owners of the Wolf Creek Generating Station, Unit 1 (WCGS) and has exclusive responsibility and control over the physical construction, operation and maintenance of the facility as reflected in Facility Operating License No. NPF-42. Kansas Gas and Electric Company (KGE) and Kansas City Power and Light Company (KCPL) each hold 47 percent possessory interests in WCGS. Kansas Electric Power Cooperative, Inc. (KEPCo) holds a 6 percent possessory interest. The Nuclear Regulatory Commission issued Facility Operating License No. NPF-42 on June 4, 1985, pursuant to Part 50 of Title 10 of the Code of Federal Regulations (10 CFR

Part 50). The facility is located in Coffey County, Kansas.

II

By letter dated October 27, 1998, WCNOC forwarded an application requesting approval of the proposed transfer of KGE's and KCPL's rights under the WCGS operating license, and requesting approval of a conforming license amendment to reflect the transfer. The initial application was supplemented on November 10, 1998 (collectively referred to as the application unless otherwise noted).

According to the application, KGE and KCPL have agreed to sell each of their 47 percent ownership interests (94 percent in total) in WCGS to Westar Energy, Inc., subject to obtaining all necessary regulatory approvals. WCNOC would remain as the Managing Agent for the joint owners of the facility and would continue to have exclusive responsibility for the management, operation and maintenance of WCGS. The conforming amendment would remove KGE and KCPL from the facility operating license, including the antitrust license conditions, and would add Westar Energy, Inc. in their place.

Approval of the transfer and conforming license amendment 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 January 29, 1999 (64 FR 4726). A supplemental correction notice was published on February 8, 1999 (64 FR 6119), clarifying that hearing requests concerning the application were due by February 18, 1999. On that date, KEPCo filed a hearing request. The Commission denied the request on June 18, 1999. *Kansas Gas and Electric Company, et al.* (Wolf Creek Generating Station, Unit 1), CLI-99-19, 49 NRC 441 (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 give its consent in writing. Upon review of the information submitted in the application, and other information before the Commission, the NRC staff has determined that Westar Energy, Inc. is qualified to hold the license to the extent now held by KGE and KCPL, and that the transfer of the license, to the extent held by KGE and KCPL, to Westar Energy, Inc., is otherwise consistent with applicable provisions of law, regulations, and orders issued by the Commission, subject to the conditions set forth below. The NRC staff has further found that the application for

amendment to Facility Operating License No. NPF-42 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 amendment 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 amendment 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 amendment is in accordance with 10 CFR Part 51 of the Commission's regulations and all applicable requirements have been satisfied.

The findings set forth above are supported by a safety evaluation which is Enclosure 3 to the staff's letter dated October 29, 1999.

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 transfer referenced above is approved, subject to the following conditions:

(1) Westar Energy, Inc. shall, prior to the completion of the subject merger and transfer, provide the Director, Office of Nuclear Reactor Regulation, satisfactory documentary evidence that Westar Energy, Inc. has obtained the appropriate amount of insurance required of licensees under 10 CFR Part 140 of the Commission's regulations.

(2) After receipt of all required regulatory approvals of the transfer of KGE's and KCPL's interests in WCGS to Westar Energy, Inc., KGE, KCPL, and WCNO shall inform the Director, Office of Nuclear Reactor Regulation, in writing of such receipt within five business days, and of the date of the closing of the transfer no later than seven business days prior to the date of closing. Should the transfer not be completed by October 30, 2000, this Order shall become null and void, provided, however, on application and for good cause shown, such date may be extended.

It Is Further Ordered that, consistent with 10 CFR 2.1315(b), a license amendment that makes changes, as indicated in Enclosures 2 and 3 of the staff's letter dated October 29, 1999, to conform the license to reflect the subject

license transfer is approved. Such amendment shall be issued and made effective at the time the proposed license transfer is completed.

This Order is effective upon issuance.

For further details with respect to this Order, see the initial application dated October 27, 1998, supplement dated November 10, 1998, and staff's letter dated October 29, 1999, with enclosures, which 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 Emporia State University, William Allen White Library, 1200 Commercial Street, Emporia, Kansas 66801, and the Washburn University School of Law Library, Topeka, Kansas 66621.

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

For the Nuclear Regulatory Commission.

Samuel J. Collins,

Director, Office of Nuclear Reactor Regulation.

[FR Doc. 99-28863 Filed 11-3-99; 8:45 am]

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NUCLEAR REGULATORY COMMISSION

[IA 99-047]

Order Prohibiting Involvement in NRC-Licensed Activities (Effective Immediately)

I

In the Matter of Jasen Mallahan.

Mr. Jasen Mallahan (Mr. Mallahan) was employed as a radiographer by Professional Service Industries, Inc. (PSI or Licensee). The Licensee is the holder of License No. 12-16941-03 issued by the Nuclear Regulatory Commission (NRC or Commission) pursuant to 10 CFR Parts 30 and 34 on September 13, 1995. The license authorizes possession and use of sealed sources in the conduct of industrial radiography in accordance with the conditions specified therein.

II

On April 6, 1999, an investigation was initiated by the NRC Office of Investigations (OI) to determine if a radiographer and a radiographer's assistant, employees of an NRC licensee, deliberately violated NRC requirements at a jobsite in Pocatello, Idaho. Mr. Mallahan and a radiographer's assistant conducted radiographic operations at a plant in Idaho during the evening of September 14 and early morning of September 15, 1998. A radiography camera containing a sealed source of

about 60 curies of cobalt-60 was being used to complete panoramic radiographic testing of a large steel tank. The tank had four welded seams and each one required a one-hour shot and about 36 pieces of film. After the last shot, two plant employees breached the boundary set by the PSI workers. The plant employees became concerned that they may have received radiation exposures. However, it was determined that the source had been returned to its shielded position and locked prior to the employees' entry into the barricaded area. Therefore, the individuals did not receive a radiation exposure. As a result of this incident, OI determined that several violations of NRC requirements occurred during the third and fourth radiographic shots and that two violations occurred because of the deliberate actions of Mr. Mallahan. The violations include failure to supervise the radiographer's assistant (10 CFR 34.46) and to follow the two-person rule (10 CFR 34.41). Specifically, after the third one-hour shot was started, Mr. Mallahan began developing film in the dark room, leaving the assistant alone to maintain constant surveillance of the barricaded area. At the conclusion of the shot, Mr. Mallahan came out of the dark room and retracted the source into the device. After the fourth shot was started, Mr. Mallahan returned to the dark room, as before, leaving the assistant to maintain constant surveillance of the barricaded area. Upon completion of the 4th shot, Mr. Mallahan remained in the dark room and the assistant retracted the source, completed surveys of the device and guide tube, locked the device, and removed the key. According to the interview with OI, Mr. Mallahan acknowledged receiving radiation safety training which included the requirement for two-person surveillance during the conduct of radiographic operations. He further acknowledged receiving training on the prohibition of allowing a radiographer's assistant to conduct radiographic operations without direct supervision of a radiographer.

III

Based on the above, the NRC has determined that Mr. Mallahan, an employee of the Licensee, engaged in deliberate misconduct in violation of 10 CFR 30.10(a)(1), causing the Licensee to be in violation of 10 CFR 34.41(a) and 34.46. Specifically, the NRC has concluded that Mr. Mallahan deliberately failed to observe the two-person rule and failed to supervise a radiographer's assistant at a temporary jobsite on September 14 and 15, 1998. The NRC must be able to rely on the