

For further details with respect to this action, see the application for amendment dated October 8, 1998, which is 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 Maud Preston Palenske Memorial Library, 500 Market Street, St. Joseph, MI 49085.

Dated at Rockville, Maryland, this 20th day of October 1998.

For the Nuclear Regulatory Commission.

John F. Stang Jr.,

Sr. Project Manager, Project Directorate III-1, Division of Reactor Projects—III/IV, Office of Nuclear Reactor Regulation.

[FR Doc. 98-28746 Filed 10-26-98; 8:45 am]

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NUCLEAR REGULATORY COMMISSION

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

MidAmerican Energy Co.; Quad Cities Nuclear Power Station, Units 1 and 2; Notice of Indirect Transfer of Licenses

Notice is hereby given that the United States Nuclear Regulatory Commission (Commission) is considering the issuance of an order approving under 10 CFR 50.80 the indirect transfer of the licenses to the extent held by MidAmerican Energy Company (MidAmerican) with respect to its 25 percent ownership interest in Quad Cities Nuclear Power Station, Units 1 and 2, effectively to CalEnergy Company (CalEnergy). By letters dated September 10, 1998, Commonwealth Edison Company (ComEd), CalEnergy, and MidAmerican informed the Commission that CalEnergy and MidAmerican Energy Holdings Company (MAHC), the parent holding company of MidAmerican, have entered into a merger agreement, under which CalEnergy effectively will acquire MAHC. MidAmerican will become a wholly-owned subsidiary of what is essentially CalEnergy and remain as a Commission licensee as described in the existing facility operating licenses for Quad Cities.

Pursuant to 10 CFR 50.80, no license shall be transferred, directly or indirectly, through transfer of control of the license, unless the Commission consents in writing after notice to interested persons. Such approval is contingent upon the Commission's determination that the holder of the license following the transfer of the control is qualified to hold the license and that the transfer is otherwise

consistent with applicable provisions of law, regulations and orders of the Commission. MidAmerican has requested consent under 10 CFR 50.80 for the indirect transfer of the licenses to the extent effected by the merger described above.

For further details with respect to this action, see the application and respective cover letters dated September 10, 1998, and supplemental letter dated September 16, 1998 and attachments thereto 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 the Dixon Public Library, 221 Hennepin Avenue, Dixon, Illinois 61021.

Dated at Rockville, Maryland, this 20th day of October 1998.

For the Nuclear Regulatory Commission.

Stuart A. Richards,

Director, Project Directorate III-2, Division of Reactor Projects—III/IV, Office of Nuclear Reactor Regulation.

[FR Doc. 98-28749 Filed 10-26-98; 8:45 am]

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NUCLEAR REGULATORY COMMISSION

Notice of Signing of a Revised Memorandum of Understanding Between the NRC and the Department of Labor (DOL)

AGENCIES: Nuclear Regulatory Commission and the Department of Labor.

ACTION: Memorandum of Understanding Between the Nuclear Regulatory Commission and the Department of Labor.

SUMMARY: The Nuclear Regulatory Commission and the Department of Labor entered into a revised Memorandum of Understanding (MOU), effective September 9, 1998. The purpose of the MOU is to facilitate coordination and cooperation concerning the employee protection provisions of Section 211 of the Energy Reorganization Act of 1974, as amended, 42 U.S.C. 5851. Both agencies agree that administrative efficiency and sound enforcement policies will be maximized by this cooperation and the timely exchange of information in areas of mutual interest. The text of the MOU is set forth below.

FOR FURTHER INFORMATION CONTACT: Mr. Edward T. Baker, telephone 301-415-8529. Office of Nuclear Reactor Regulation, MS O-5E-7, U.S. Nuclear

Regulatory Commission, Washington, D.C. 20555.

Dated at Rockville, Maryland, this 21st day of October 1998.

For the Nuclear Regulatory Commission.

Edward T. Baker III,

Agency Allegation Advisor, Office of Nuclear Reactor Regulation.

Memorandum of Understanding Between the Department of Labor and the Nuclear Regulatory Commission; Cooperation Regarding Employee Protection Matters

1. Purpose

The U.S. Nuclear Regulatory Commission (NRC) and the Department of Labor (DOL) enter into this agreement to facilitate coordination and cooperation concerning the employee protection provisions of Section 211 of the Energy Reorganization Act of 1974 (ERA), as amended, 42 U.S.C. 5851.

2. Background

Section 211 of the ERA prohibits any employer, including a Nuclear Regulatory Commission licensee, license applicant or a contractor or subcontractor of a Commission licensee or applicant, from discriminating against any employee with respect to his or her compensation, terms, conditions or privileges of employment because the employee assisted or participated, or is about to assist or participate in any manner in any action to carry out the purposes of either the ERA or the Atomic Energy Act of 1954 (AEA), as amended, 42 U.S.C. 2011 *et seq.*

The NRC and DOL have complementary responsibilities in the area of employee protection. DOL has the responsibility under Section 211 of the ERA to investigate employee complaints of discrimination and may, after an investigation or hearing, order a violator to take affirmative action to abate the violation, reinstate the complainant to his or her former position with back pay, and award compensatory damages, including attorney fees. NRC, although without authority to provide a remedy to an employee, has independent authority under the AEA to take appropriate enforcement action against Commission applicants and licensees and their contractors that violate the AEA or Commission requirements, (i.e., 10 CFR 50.7 and similar requirements in other parts of Title 10 of the Code of Federal Regulations) which prohibit discrimination against employees based on their engaging in protected activities. NRC enforcement action may include issuance of a Notice of Violation to the responsible applicant, licensee,

contractor, and/or individual; imposition of a civil penalty; issuance of an order removing the responsible individual from licensed activities; and/or license denial, suspension, modification or revocation.

Although each agency will carry out its statutory responsibilities independently, the agencies agree that administrative efficiency and sound enforcement policies will be maximized by cooperation and the timely exchange of information in areas of mutual interest.

3. Areas of Cooperation

a. DOL agrees to promptly notify NRC of any complaint filed with DOL alleging discrimination within the scope of Section 211 of the ERA by a Commission licensee, applicant or a contractor or subcontractor of a Commission licensee or applicant. DOL will provide a quarterly listing of Section 211 complaints received. DOL will promptly provide NRC a copy of all complaints, decisions made prior to a hearing, investigation reports, and orders associated with any hearing or administrative appeal on the complaint. DOL will also cooperate with the NRC and shall keep the NRC informed on the status of any judicial proceedings seeking review of an order of DOL's Administrative Review Board issued in a proceeding under Section 211 of the ERA.

b. NRC and DOL agree to cooperate with each other to the fullest extent possible in every case of alleged discrimination involving employees of Commission licensees, license applicants, or contractors or subcontractors of Commission licensees or applicants. Every agency agrees to share all information it obtains concerning a particular complaint of discrimination and, to the extent permitted by law, will protect information identified as sensitive that has been supplied to it by the other agency. This cooperation does not require either agency to share information gathered during an investigation until the investigation is complete.

c. For cases in which the NRC completes its investigation of a Section 211 complaint, and DOL's investigation is still ongoing, the NRC will provide the results of its investigation to the appropriate Occupational Safety & Health Administration (OSHA) contact, subject to Department of Justice (DOJ) constraints on the timing of the release of NRC investigation material. NRC will take all reasonable steps to assist DOL in obtaining access to licensed facilities and any necessary security clearances.

Consistent with relevant statutes, NRC regulations, and the availability of NRC resources, the NRC will cooperate with DOL and make available information, agency positions, and agency witnesses as necessary to assist DOL in completing the adjudication record on complaints filed under Section 211.

d. If the NRC receives a complaint concerning a possible violation of Section 211, it will inform the complainant that a personal remedy is available only through DOL and that the person must personally contact DOL in order to file a complaint. NRC will provide the complainant the local address and phone number of the OSHA office and advise the complainant that OSHA must receive the complaint within 180 days of the alleged discrimination.

e. Each agency shall designate and maintain points of contact within its headquarters and regional offices for purposes of implementation of the MOU. Matters affecting program and policy issues will be handled by the headquarters offices of the agencies.

4. Implementation

The NRC official responsible for implementation of this agreement is the Chairman of the NRC. The DOL official responsible for implementation of this agreement is the Secretary of Labor.

5. Amendment and Termination

This Agreement may be amended or modified upon written agreement by both parties to the Agreement. The Agreement may be terminated upon ninety (90) days written notice by either party.

6. Effective Date

This agreement is effective when signed by both parties.

Shirley Ann Jackson,
Chairman, U.S. Nuclear Regulatory Commission.

Dated: September 1, 1998.
Alexis Herman,
Secretary of Labor, U.S. Department of Labor.

Dated: September 9, 1998.
[FR Doc. 98-28743 Filed 10-26-98; 8:45 am]
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NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-335, 50-389, 50-250, and 50-251]

Florida Power & Light Co.; St. Lucie Plant, Units 1 and 2; Turkey Point Plant, Units 3 and 4; Issuance of Director's Decision Under 10 CFR 2.206

Notice is hereby given that the Director, Office of Nuclear Reactor Regulation, has taken action with regard to a Petition dated February 26, and 27 and March 6, 1998, (as supplemented March 15 and 17, 1998) and March 29, and 30, and April 4, 1998, filed by Thomas J. Saporito, Jr., on behalf of himself and the National Litigation Consultants (NLC) (Petitioners), pursuant to Section 2.206 of Title 10 of the Code of Federal Regulations (10 CFR 2.206). The Petitioners requested that the U.S. Nuclear Regulatory Commission (Commission or NRC) take action with regard to operations at the Florida Power & Light's (FPL's or licensee's) St. Lucie Plant, Units 1 and 2, and Turkey Point Plant, Units 3 and 4.

The Petitioners requested that the Commission take numerous actions, including certain immediate actions, with regard to FPL's St. Lucie and Turkey Point Plants. The Petition requested that the NRC (1) take escalated enforcement action, including modifying, suspending, or revoking FPL's operating licenses until it demonstrates that there is a work environment that encourages employees to raise safety concerns directly to the NRC, and issuing civil penalties for violations of the NRC's requirements; (2) permit the Petitioners to intervene in a public hearing regarding whether FPL has violated the NRC's employee protection regulations and require FPL to allow NLC to assist FPL's employees in understanding and exercising their rights under these regulations; (3) conduct investigations and require FPL to obtain appraisals and third-party oversight in order to determine whether its work environment encourages employees to freely raise nuclear safety concerns; (4) inform all employees of their rights under the Energy Reorganization Act and NRC's regulations to raise such concerns; and (5) establish a website on the Internet to allow employees to raise concerns directly to the NRC. As grounds for these requests, the Petitioners assert that there is a widespread hostile work environment at FPL's facilities and that certain employees have been subjected to discrimination for raising nuclear