

review and analysis. Electronic copies of documents created using electronic mail and word processing are also included.

13. National Aeronautics and Space Administration, Agency-wide (N1-255-99-1, 2 items, 2 temporary items). Employee training plans and other records documenting on-the-job or other general training (but not specialized technical training). Electronic copies of documents created using electronic mail and word processing are included.

14. Tennessee Valley Authority, Communications Program (N1-142-97-19, 3 items, 2 temporary items). Correspondence, approval forms, and other administrative records generated in processing funding requests for community activities. Procedural manuals, publications, program reports, and related program subject files are proposed for permanent retention.

15. Tennessee Valley Authority, Agency-wide (N1-142-99-3, 2 items, 2 temporary items). Electronic copies of documents, created using electronic mail and word processing, pertaining to record series included in TVA Schedule 1, Records Common to Most Offices, of the TVA Comprehensive Records Schedule. Records relate to a wide variety of housekeeping functions such as announcing position vacancies, business credit card support, and employee authorizations.

16. Export-Import Bank (N1-275-98-1, 2 items, 2 temporary items). Draft loan agreements reflecting technical changes including electronic copies of documents created using electronic mail and word processing. Recordkeeping copies of files relating to policy issues and minutes of meetings as well as final loan agreements were previously approved for permanent retention.

17. Federal Home Loan Banks, Office of Finance (N1-485-99-1, 13 items, 13 temporary items). Records relating to dealers whom the office serves, market indications, term funding issues, bonds arranged, settlement confirmations, daily securities transactions, audits, and meeting agendas. Also included are sound recordings of investment transactions.

Dated: April 30, 1999.

Michael J. Kurtz,

*Assistant Archivist for Record Services—
Washington, DC.*

[FR Doc. 99-11368 Filed 05-04-99; 8:45 am]

BILLING CODE 7515-01-P

NATIONAL TRANSPORTATION SAFETY BOARD

Agenda; Sunshine Act Meeting

TIME AND DATE: 9:30 a.m., Tuesday, May 11, 1999.

PLACE: NTSB Board Room, 5th Floor, 490 L'Enfant Plaza, S.W., Washington, D.C. 20594.

STATUS: Open.

MATTERS TO BE CONSIDERED:

5299E—"Most Wanted" Safety Recommendations Program Status Report and Suggested Modifications.
7155—Safety Report on the Status of Operator Fatigue.

NEWS MEDIA CONTACT: Telephone: (202) 314-6100.

FOR FURTHER INFORMATION CONTACT: Rhonda Underwood, (202) 314-6065.

Dated: May 3, 1999.

Rhonda Underwood,

Federal Register Liaison Officer.

[FR Doc. 99-11473 Filed 5-3-99; 5:05 pm]

BILLING CODE 7533-01-M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-293]

Boston Edison Company; (Pilgrim Nuclear Power Station, Unit No. 1); Order Approving Transfer of Licenses and Conforming Amendments

I

Boston Edison Company (Boston Edison) is owner of the Pilgrim Nuclear Power Station (Pilgrim), and is authorized to possess, use, and operate the facility as reflected in Operating License No. DPR-35. Boston Edison also is the holder of Materials License No. 20-07626-04, which authorizes Boston Edison to possess, use, and transport certain materials in the form of contamination on reactor components. The Atomic Energy Commission issued Operating License No. DPR-35 on September 15, 1972, pursuant to Part 50 of Title 10 of the Code of Federal Regulations (10 CFR Part 50). Materials License No. 20-07626-04 was issued on March 21, 1997, pursuant to 10 CFR Parts 30, 40, and 70. The facility is located in Plymouth County, on the southeast coast of the State of Massachusetts.

II

Under cover of a letter dated December 21, 1998, Boston Edison and Entergy Nuclear Generation Company (Entergy Nuclear) jointly submitted an application requesting approval of the

proposed transfer of Operating License No. DPR-35 and Materials License No. 20-07626-04 from Boston Edison to Entergy Nuclear. The application also requested approval of conforming amendments to reflect the transfer. The application was supplemented by submittals dated January 28, February 18, April 2, April 15, and April 16, 1999. The initial application and the supplements are hereinafter collectively referred to as "the application" unless otherwise indicated.

Boston Edison is a wholly-owned subsidiary of BEC Energy, a Massachusetts business trust. Entergy Nuclear, a Delaware corporation, is an indirect wholly owned subsidiary of Entergy Corporation. According to the application, Boston Edison has agreed to sell its ownership interest in Pilgrim to Entergy Nuclear, subject to obtaining all necessary regulatory approvals. After the completion of the proposed sale and transfer, Entergy Nuclear would be the sole owner and operator of Pilgrim. The conforming amendments, which would be issued pursuant to 10 CFR 30.38, 40.44, 50.90, and 70.34, would remove references to Boston Edison from the Operating License and Materials License, and replace them with references to Entergy Nuclear, as well as make miscellaneous changes to the Operating License, administrative in nature, to reflect the transfer.

Notice of the initial application and an opportunity for a hearing was published in the **Federal Register** on January 26, 1999 (64 FR 3984) and supplemented on February 5, 1999 (64 FR 5841). Pursuant to such notice, the Attorney General of the Commonwealth of Massachusetts and Local Unions 369 and 387 filed hearing requests. By letter dated April 7, 1999, Local Unions 369 and 387 formally withdrew their request. Similarly, on April 16, 1999, the Attorney General of the Commonwealth of Massachusetts withdrew his request. The Commission, in light of the withdrawals, terminated the pending proceeding on April 26, 1999, *Boston Edison Co.* (Pilgrim Nuclear Power Station), CLI-99-17, 49 NRC __, slip op. (April 26, 1999). Certain municipalities which purchase power from Pilgrim filed written comments, and Citizens Urging Responsible Energy filed written comments and requested a public hearing. The written comments have been considered by the staff in connection with the issuance of this Order.

Under 10 CFR 50.80, no license for a production or utilization facility, 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. Under 10 CFR 30.34, 40.41, and 70.32, no byproduct, source, or special nuclear material license shall be transferred in violation of the provisions of the Atomic Energy Act of 1954, as amended, which require, *inter alia*, Commission consent. Upon review of the information in the application by Boston Edison and Entergy Nuclear, and other information before the Commission, and relying upon the representations and agreements contained in the application, the NRC staff has determined that Entergy Nuclear is qualified to hold the licenses, and that the transfer of the licenses to Entergy Nuclear is otherwise consistent with applicable provisions of law, regulations, and orders issued by the Commission. 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, 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 April 29, 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 30.34, 40.41, 50.80, and 70.32, *It is hereby ordered* that the Commission consents to the transfer of the licenses as described herein to Entergy Nuclear, subject to the following conditions:

(1) For purposes of ensuring public health and safety, Entergy Nuclear shall provide decommissioning funding assurance of no less than \$396 million, after payment of any taxes, in the decommissioning trust fund for Pilgrim upon the transfer of the Pilgrim licenses to Entergy Nuclear.

(2) Entergy Nuclear shall maintain the decommissioning trust funds in accordance with the application, this Order, and the related Safety Evaluation dated April 29, 1999, supporting this Order.

(3) Entergy Nuclear shall provide a Provisional Trust fund in the amount of \$70 million, after payment of any taxes, in the Provisional Trust for Pilgrim upon the transfer of the Pilgrim licenses to Entergy Nuclear. The Provisional Trust shall be established and maintained in conformance with the representations made in the application.

(4) The Decommissioning Trust agreement(s) shall be in a form which is acceptable to the NRC and shall provide, in addition to any other clauses, that:

(a) Investments in the securities or other obligations of Entergy Nuclear, Entergy Corporation, their affiliates, subsidiaries or associates, or their successors or assigns shall be prohibited. In addition, except for investments tied to market indexes or other non-nuclear sector mutual funds, investments in any entity owning one or more nuclear power plants is prohibited.

(b) The Director, Office of Nuclear Reactor Regulation, shall be given 30 days prior written notice of any material amendment to the trust agreement(s).

(5) Entergy Nuclear shall have access to a contingency fund of not less than fifty million dollars (\$50m) for payment, if needed, of Pilgrim operating and maintenance expenses, the cost to transition to decommissioning status in the event of a decision to permanently shut down the unit, and decommissioning costs. Entergy Nuclear will take all necessary steps to ensure that access to these funds will remain available until the full amount has been exhausted for the purposes described above. Entergy Nuclear shall inform the Director, Office of Nuclear Reactor Regulation, in writing, at such time that it utilizes any of these contingency funds. This provision does not affect the NRC's authority to assure that adequate funds will remain available in the plant's separate decommissioning trust fund(s), which Entergy Nuclear shall maintain in accordance with NRC regulations. Once the plant has been placed in a safe-shutdown condition following a decision to decommission, Entergy Nuclear will use any remainder of the \$50m contingency fund that has not been used to safely operate and maintain the plant to support the safe and prompt decommissioning of the plant, to the extent such funds are needed for safe and prompt decommissioning.

(6) Entergy Nuclear shall, prior to completion of the sale and transfer of Pilgrim to it, provide the Director, Office of Nuclear Reactor Regulation, satisfactory documentary evidence that Entergy Nuclear has obtained the appropriate amount of insurance required of licensees under 10 CFR Part 140 of the Commission's regulations.

(7) After receipt of all required regulatory approvals of the transfer of Pilgrim, Boston Edison and Entergy Nuclear shall inform the Director, Office of Nuclear Reactor Regulation, in writing of the date of the closing of the sale and transfer of Pilgrim no later than one business day prior to the date of closing. Should the transfer of the licenses not be completed by December 31, 1999, this Order shall become null and void, provided, however, on written application and for good cause shown, such date may in writing be extended.

It is further ordered that, consistent with 10 CFR 2.1315(b), license amendments that makes changes, as indicated in Enclosure 1 to this Order, to conform the licenses to reflect their transfer are approved. Such amendments shall be issued and made effective at the time the proposed license transfers are completed.

This Order is effective upon issuance.

For further details with respect to this Order, see the initial application dated December 21, 1998, and application supplements dated January 28, February 18, April 2, April 15, and April 16, 1999, 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 Plymouth Public Library, 132 South Street, Plymouth, Massachusetts 02360.

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

For the Nuclear Regulatory Commission.

Samuel J. Collins,

Director, Office of Nuclear Reactor Regulation.

[FR Doc. 99-11402 Filed 5-5-99; 8:45 am]

BILLING CODE 7590-01-P

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 23817; 812-11530]

Bankers Trust Company, et al.; Notice of Application

April 29, 1999.

AGENCY: Securities and Exchange Commission ("Commission").