

an opportunity for a hearing was published in the **Federal Register** on November 2, 1999 (64 FR 59220). No hearing requests were filed.

Under 10 CFR 50.80, no license shall be transferred, directly or indirectly, through transfer of control of the license, unless the Commission gives its consent in writing. Upon review of the information submitted by CP&L in its application, as supplemented, and other information before the Commission, the NRC staff has determined that the proposed restructuring of CP&L will not affect the qualifications of CP&L as holder of the license referenced above, and that the indirect transfer of the license, to the extent effected by the restructuring, is otherwise consistent with applicable provisions of law, regulations, and orders issued by the Commission subject to the conditions set forth herein. These findings are supported by a Safety Evaluation dated December 29, 1999.

III

Accordingly, pursuant to Sections 161b, 161i, 161o, and 184 of the Atomic Energy Act of 1954, as amended, 42 USC §§ 2201(b), 2201(i), 2201(o) and 2234; and 10 CFR 50.80, IT IS *Hereby Ordered* that the application regarding the subject indirect transfer is approved, subject to the following conditions:

(1) CP&L shall provide the Director of the Office of Nuclear Reactor Regulation a copy of any application, at the time it is filed, to transfer (excluding grants of security interests or liens) from CP&L to its proposed parent or to any other affiliated company, facilities for the production, transmission, or distribution of electric energy having a depreciated book value exceeding ten percent (10%) of CP&L's consolidated net utility plant, as recorded on CP&L books of account, and

(2) should the restructuring of CP&L not be completed by December 30, 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.

For further details with respect to this action, see the initial application dated September 15, 1999, and supplements dated October 8, and November 10, 1999, and the Safety Evaluation dated December 29, 1999, 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 Website (<http://www.nrc.gov>).

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

For the Nuclear Regulatory Commission.

Samuel J. Collins,

Director, Office of Nuclear Reactor Regulation.

[FR Doc. 00-252 Filed 1-5-00; 8:45 am]

BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-261 and 72-3]

In the Matter of Carolina Power and Light Company; (H.B.* Robinson Steam Electric Plant, Unit No. 2, and Independent Spent Fuel Storage Installation); Order Approving Application Regarding Proposed Corporate Restructuring of Carolina Power & Light Company by Establishment of a Holding Company

I

Carolina Power and Light Company (CP&L) owns a 100% interest in H. B. Robinson Steam Electric Plant, Unit No. 2 (Robinson) and the Robinson Independent Spent Fuel Storage Installation (ISFSI), and is the licensed operator of the facilities pursuant to Facility Operating License No. DPR-23, and Materials License No. SNM-2502, which were issued July 31, 1970, and August 13, 1986, respectively. Robinson and the associated ISFSI are located in Darlington County, South Carolina.

II

Pursuant to Section 184 of the Atomic Energy Act of 1954, as amended, and 10 C.F.R. §§ 50.80 and 72.50, CP&L filed an application dated September 15, 1999, which was supplemented by letters dated October 8, and November 10, 1999, requesting approval of the indirect transfer of Facility Operating License No. DPR-23 and Materials License No. SNM-2502 that would result from a proposed corporate restructuring of CP&L. Under the proposed restructuring, a new holding company, CP&L Holdings, Inc. ("Holdings"), will be formed and will become the parent company of CP&L. Current holders of CP&L common stock will receive, on a one-for-one basis, shares of common stock of Holdings such that Holdings will then own the common stock of CP&L. CP&L's ownership interests in, and its operation of, its nuclear facilities will not change. No direct transfer of the licenses will occur, as CP&L will continue to hold the licenses. No physical changes to the facilities or the ISFSI, or operational changes are being proposed in the application. According

to the application, as a result of the new corporate structure, Holdings will be able to respond more effectively to increased competition in the energy industry. Notice of the application and an opportunity for a hearing was published in the **Federal Register** on November 2, 1999 (64 FR 59220). No hearing requests were filed.

Under 10 CFR 50.80 and 72.50, no license shall be transferred, directly or indirectly, through transfer of control of the license, unless the Commission gives its consent in writing. Upon review of the information submitted by CP&L in its application, as supplemented, and other information before the Commission, the NRC staff has determined that the proposed restructuring of CP&L will not affect the qualifications of CP&L as holder of the licenses referenced above, and that the indirect transfer of the licenses, to the extent effected by the restructuring, is otherwise consistent with applicable provisions of law, regulations, and orders issued by the Commission subject to the conditions set forth herein. These findings are supported by a Safety Evaluation dated December 29, 1999.

III

Accordingly, pursuant to Sections 161b, 161i, 161o, and 184 of the Atomic Energy Act of 1954, as amended, 42 U.S.C. §§ 2201(b), 2201(i), 2201(o) and 2234; and 10 CFR §§ 50.80 and 72.50, *It is hereby ordered* that the application regarding the subject indirect transfers is approved, subject to the following conditions:

(1) CP&L shall provide the Director of the Office of Nuclear Reactor Regulation and the Director of the Office of Nuclear Material Safety and Safeguards a copy of any application, at the time it is filed, to transfer (excluding grants of security interests or liens) from CP&L to its proposed parent or to any other affiliated company, facilities for the production, transmission, or distribution of electric energy having a depreciated book value exceeding ten percent (10%) of CP&L's consolidated net utility plant, as recorded on CP&L books of account, and

(2) Should the restructuring of CP&L not be completed by December 30, 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.

For further details with respect to this action, see the initial application dated September 15, 1999, and supplements dated October 8, and November 10, 1999, and the Safety Evaluation dated

December 29, 1999, 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 Website (<http://www.nrc.gov>).

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

For the Nuclear Regulatory Commission.

William F. Kane,

Director, Office of Nuclear Material Safety and Safeguards.

Samuel J. Collins,

Director, Office of Nuclear Reactor Regulation.

[FR Doc. 00-255 Filed 1-5-00; 8:45 am]

BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-237 and 50-249]

Commonwealth Edison Company (Dresden Nuclear Power Station, Units 2 and 3); Exemption

I

Commonwealth Edison Company (ComEd, the licensee) is the holder of Facility Operating Licenses Nos. DPR-19 and DPR-25 for the Dresden Nuclear Power Station, Units 2 and 3. The licenses provide, among other things, that the licensee is subject to all rules, regulations, and orders of the Commission now or hereafter in effect.

Dresden Nuclear Power Station consists of two boiling water reactors located in Grundy County, Illinois.

II

Title 10 of the *Code of Federal Regulations* (10 CFR), Section 50.48, "Fire protection," paragraph (b) states, in part, that "all nuclear power plants licensed to operate prior to January 1, 1979 shall satisfy the applicable requirements of appendix R to this part, including specifically the requirements of sections III.G, III.J, and III.O." Appendix R, Section III.J, "Emergency lighting," requires that "Emergency lighting units with at least an 8-hour battery power supply shall be provided in all areas needed for operation of safe shutdown equipment and in access and egress routes thereto." This requirement applies to Dresden Nuclear Power Station, Units 2 and 3, since they were licensed to operate prior to January 1, 1979.

III

Section 50.12(a) of 10 CFR, "Specific exemptions," states:

The Commission may, upon application by any interested person or upon its own initiative, grant exemptions from the requirements of the regulations of this part, which are—

(1) Authorized by law, will not present an undue risk to the public health and safety, and are consistent with the common defense and security.

(2) The Commission will not consider granting an exemption unless special circumstances are present.

Section 50.12(a)(2) of 10 CFR states that special circumstances are present whenever "(ii) Application of the regulation in the particular circumstances * * * is not necessary to achieve the underlying purpose of the rule * * *."

Equipment needed for safe shutdown at Dresden, Units 2 and 3, is maintained inside the main power block and several buildings onsite. Emergency lighting is provided inside these buildings for areas needed for operation of safe shutdown equipment and for access and egress routes in accordance with 10 CFR Part 50, Appendix R, Section III.J. However, no emergency lighting meeting Section III.J requirements has been installed for outdoor routes between the main power block, the isolation condenser pumphouse, the cribhouse, or at the clean demineralized water storage tank (CDST). Because of cost and maintenance considerations, and after determining that application of Section III.J was not necessary to achieve the underlying purpose of the rule, the licensee submitted an exemption request with respect to emergency lighting for these outdoor routes and for reading the CDST level instrument.

The requested exemption from the requirements of Appendix R, Section III.J, would allow the use of hand-held portable lights, in the event that sufficient daylight or security lighting is not available, when transiting access and egress routes between the main power block, the isolation condenser pumphouse, the cribhouse, and the CDST, including reading the CDST level instrument. These buildings contain equipment relied upon in the detailed fire plans to mitigate the consequences of a fire that could affect the capability to place the reactor in cold shutdown. As stated above, emergency lighting is maintained within these structures as required by Appendix R, Section III.J. However, access and egress between these buildings, the CDST, and the main power block requires walking outdoors. These areas are normally lit by outdoor lighting powered by offsite power or emergency power from the security diesel. However, the normally installed

outdoor and security lighting does not meet the Appendix R requirements for an 8-hour battery power supply.

Under the proposed exemption, in the worst-case scenarios that postulate a fire concurrent with a loss of offsite power, the hand-held, battery-powered, portable lighting units currently maintained on site near the main control room would be used by the operations staff to allow transit between buildings and reading the CDST level instrument as required by the fire plans and operations procedures. The transit routes through these areas are along normally traveled and paved plant roadways that are maintained clear of obstructions and are provided snow removal. The portable lighting units provide an adequate level of illumination for transit and reading the CDST level instrument.

The hand-held, battery-powered, portable lighting units are administratively controlled and dedicated for operator use to perform safe shutdown activities during and following plant fires. These portable lighting units are verified to be functional in quarterly surveillance.

The underlying purpose of 10 CFR Part 50, Appendix R, Section III.J, is to provide adequate illumination to assure the capability of performing all necessary safe shutdown functions, as well as to assure personnel movement to and from the equipment and components that must be manually operated by plant personnel to effect safe shutdown during emergencies. In addition, the illumination must have a capability to allow sufficient time for normal lighting to be restored.

The availability of hand-held, battery-powered portable lights would serve the underlying purpose of the rule with respect to transit between the main power block, the isolation condenser pumphouse, the cribhouse, and the CDST, in that the use of such hand-held lights would provide adequate illumination to permit access to and egress from buildings containing safe shutdown equipment and components and reading the CDST level instrument. In addition, such hand-held lights would be available for use during an 8-hour period as required by the regulation.

The implementation of outdoor battery powered lighting units would result in expenditure of engineering, construction, and plant resources for their installation, maintenance, and operation. The associated costs would include engineering and installation of additional lighting units and supporting structures and increase surveillance and