

For the Department of Energy.

**Andrew Bieniawski,**

*Acting Director, Office of International Policy and Analysis, for Arms Control and Nonproliferation, Office of Defense Nuclear Nonproliferation.*

[FR Doc. 00-26153 Filed 10-11-00; 8:45 am]

**BILLING CODE 6450-01-P**

## DEPARTMENT OF ENERGY

[Docket Nos. FE C&E 00-19, C&E 00-20, C&E 00-21, C&E 00-22 and C&E 00-23 Certification Notice—190]

### Office of Fossil Energy; Notice of Filings of Coal Capability of Mesquite Power, LLC, GenPower McAdams, LLC, GenPower Dell, LLC, GenPower Kelley, LLC and SRW Cogen. Ltd. Partnership Powerplant and Industrial Fuel Use Act

**AGENCY:** Office of Fossil Energy, Department of Energy.

**ACTION:** Notice of filing.

**SUMMARY:** Mesquite Power, LLC, GenPower McAdams, LLC, GenPower Dell, LLC, GenPower Kelley, LLC and SRW Cogen. Ltd. Partnership submitted coal capability self-certifications pursuant to section 201 of the Powerplant and Industrial Fuel Use Act of 1978, as amended.

**ADDRESSES:** Copies of self-certification filings are available for public inspection, upon request, in the Office of Coal & Power Im/Ex, Fossil Energy, Room 4G-039, FE-27, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585.

**FOR FURTHER INFORMATION CONTACT:** Ellen Russell at (202) 586-9624.

**SUPPLEMENTARY INFORMATION:** Title II of the Powerplant and Industrial Fuel Use Act of 1978 (FUA), as amended (42 U.S.C. 8301 *et seq.*), provides that no new baseload electric powerplant may be constructed or operated without the capability to use coal or another alternate fuel as a primary energy source. In order to meet the requirement of coal capability, the owner or operator of such facilities proposing to use natural gas or petroleum as its primary energy source shall certify, pursuant to FUA section 201(d), to the Secretary of Energy prior to construction, or prior to operation as a base load powerplant, that such powerplant has the capability to use coal or another alternate fuel. Such certification establishes compliance with section 201(a) as of the date filed with the Department of Energy. The Secretary is required to publish a notice in the **Federal Register** that a certification has been filed. The following owners/operators of the

proposed new baseload powerplants have filed a self-certification in accordance with section 201(d).

**Owner:** Mesquite Power, LLC (C&E 00-19).

**Operator:** Mesquite Power, LLC.

**Location:** Maricopa County, AZ.

**Plant Configuration:** Combined-cycle.

**Capacity:** 1,000 MW.

**Fuel:** Natural gas.

**Purchasing Entities:** Sold into the wholesale power market.

**In-Service Date:** Second quarter of 2003.

**Owner:** GenPower McAdams, LLC (C&E 00-20).

**Operator:** General Electric International, Inc.

**Location:** Attala County, Sallis, MS.

**Plant Configuration:** Combined-cycle.

**Capacity:** 640 MW.

**Fuel:** Natural gas

**Purchasing Entities:** Sold into the wholesale power market.

**In-Service Date:** June 2002.

**Owner:** GenPower Dell, LLC (C&E 00-21).

**Operator:** General Electric International, Inc.

**Location:** Mississippi County, Dell, AR.

**Plant Configuration:** Combined-cycle.

**Capacity:** 600 MW.

**Fuel:** Natural gas.

**Purchasing Entities:** Sold into the wholesale power market.

**In-Service Date:** June 2002.

**Owner:** GenPower Kelley, LLC (C&E 00-22).

**Operator:** General Electric International, Inc.

**Location:** Flat Creek Road, Quinton, AL.

**Plant Configuration:** Combined-cycle.

**Capacity:** 1,086 MW.

**Fuel:** Natural gas.

**Purchasing Entities:** Sold into the wholesale power market.

**In-Service Date:** Summer 2003.

**Owner:** SRW Cogeneration Limited Partnership (C&E 00-23).

**Operator:** DuPont de Nemours and Company.

**Location:** Orange, TX.

**Plant Configuration:** Combined-cycle.

**Capacity:** 421 MW.

**Fuel:** Natural gas.

**Purchasing Entities:** 50 MW by E.I. DuPont de Nemours, and 250 MW by PG&E Energy Trading-Power, L.P. The balance (approx. 121 MW) will be sold at market.

**In-Service Date:** August 2001.

Issued in Washington, D.C., October 5, 2000.

**Anthony J. Como,**

*Deputy Director, Electric Power Regulation, Office of Coal & Power Im/Ex, Office of Coal & Power Systems, Office of Fossil Energy.*

[FR Doc. 00-26154 Filed 10-11-00; 8:45 am]

**BILLING CODE 6450-01-P**

## DEPARTMENT OF ENERGY

### Control of Releases of Materials with Residual Radioactive Contamination from DOE Facilities

**AGENCY:** U.S. Department of Energy, DOE.

**ACTION:** Notice of availability and opportunity for public comment.

**SUMMARY:** In July 2000, DOE suspended the unrestricted release of scrap metal for recycling from radiological areas within DOE facilities until improvements in release criteria have been developed and implemented. DOE is proposing criteria for controlling the release of materials with residual radioactive contamination and procedures for better management of information concerning these releases. The proposed criteria for the release of scrap metal for recycling would require that no radioactivity be detectable above background using DOE-approved measurement protocols prior to the release from a DOE site.

**DATES:** The comment period will end on December 4, 2000.

**ADDRESSES:** The proposed changes, the January 12, 2000 memorandum, the July 13, 2000 memoranda, and other relevant information will be available on the World-Wide Web at <http://tis.eh.doe.gov/portal> or at <http://www.eh.doe.gov/oeqa> under "Focus Areas," then select "DOE Directives Development Initiative for the Management and Release of Surplus Materials," and then "Public Documents." Hard copies are also available from the persons listed below under information contacts. You may examine written comments between 9 AM and 4 PM at the U.S. Department of Energy Freedom of Information Public Reading Room, Room 1E-190, 1000 Independence Avenue, SW, Washington, DC, 202-586-3142.

**TO PROVIDE COMMENTS AND FOR FURTHER INFORMATION CONTACT:** Comments and inquiries may be addressed to: Harold T. Peterson, Jr., Tele. (202) 586-9640, [harold.peterson@hq.doe.gov](mailto:harold.peterson@hq.doe.gov) or Stephen L. Domotor, [stephen.domotor@hq.doe.gov](mailto:stephen.domotor@hq.doe.gov), Tele. (202) 586-0871.

Air, Water and Radiation Division, Office of Environmental Policy and Guidance, U.S. Department of Energy (EH-41), 1000 Independence Avenue, SW, Washington, DC 20585.

**SUPPLEMENTARY INFORMATION:**

**I. Background**

Under the Atomic Energy Act of 1954, 42 U.S.C. 2201, *et seq.*, and other law, the Department conducts atomic energy defense and research and development activities at various sites around the Nation. These activities are carried out by prime contractors who manage and operate the sites pursuant to DOE policies enforceable under the provisions of the contracts and under the oversight of DOE employees. A standard provision of these prime contracts is the Laws, Regulations and Directives Clause which is set forth in DOE's Acquisition Regulation at title 48 of the Code of Federal Regulations. The clause provides for an appendix which, among other things, lists the DOE administrative directives, including DOE Orders, that are enforceable under the contracts. DOE Order 5400.5, Radiation Protection of the Public and Environment, is one of those directives. Today DOE is making available for public comment proposed revisions to that Order.

On January 12, 2000, the Secretary of Energy issued a moratorium on the Department's release of volumetrically-contaminated metals pending a decision by the Nuclear Regulatory Commission (NRC) whether to establish national standards. The NRC continues to review the issue and the moratorium remains in effect. At that time, the Secretary created a task force to review the Department's policy on releasing materials from DOE sites. The task force reviewed past practices and made recommendations for improving monitoring, documentation, reporting and coordination.

On July 13, 2000, the Secretary of Energy issued a memorandum directing the Assistant Secretary for Environment, Safety and Health to revise DOE directives and associated guidance documents applicable to scrap metal releases. The Secretary's memorandum directed action in four areas: (1) Improvement of the Department's release criteria and monitoring practices; (2) expansion of efforts to promote reuse and recycling within the complex of DOE facilities; (3) improvement of the Department's management of information about material inventories and releases; and (4) the accelerated recovery of sealed sources. The July 13th memorandum also suspended the unrestricted release

for recycling of scrap metal from radiological areas within DOE facilities. This suspension will remain in effect until improvements in DOE release criteria and information management have been developed and implemented. The Secretary stated that DOE would not allow the release of scrap metals for recycling if contamination from DOE operations is detected using appropriate, commercially-available monitoring equipment and approved procedures.

The purpose of this notice is to solicit public comment on two new chapters (Chapters V and VI) to DOE Order 5400.5 that DOE developed to implement this policy.

**II. Questions and Answers Regarding the Changes to the DOE Order 5400.5**

*A. What requirements did DOE Order 5400.5 place on releasing materials that may have small quantities of radioactive materials?*

The current DOE policy for controlling the release of materials is set forth in the existing Order DOE 5400.5. The Order requires, and will continue to require in the proposed changes, the establishment of DOE-approved authorized limits for releases based on the ALARA ("As Low as is Reasonably Achievable") process. For surface activity, the radioactive materials can be measured by conventional radiation monitoring instruments and the levels must be less than the Surface Activity Guidelines in Figure IV.1 of DOE Order 5400.5 (reprinted as Table 1 in a November 17, 1995 guidance memorandum). The latter document, as well as the full DOE Order 5400.5, is available on the Office of Environmental Policy and Guidance's website: <http://www.eh.doe.gov/oeqa> under "Policy and Guidance." Select "Radiation Protection (Atomic Energy Act)" from the subject area listing. The existing Order 5400.5 is item 20 and the November 17, 1995 guidance memorandum is item 8. For new information supporting the revised policy, such as the implementation guidance, go to: "Focus Areas" and "DOE Directive Development Initiative for the Management and Release of Surplus Materials."

Under the current Order, authorized limits for releases of surface contaminated materials that conform to these Surface Activity Guidelines can be approved by a DOE Field Office. Contractors develop these Authorized Limits for DOE approval by following the DOE ALARA process. The current Order permits use of alternative limits in place of these Surface Activity

Guidelines if they are reviewed and approved by the Assistant Secretary for Environment, Safety and Health.

In contrast to surface contamination, property that contains radioactive materials distributed throughout its volume is generally more difficult to measure and evaluate. In some cases, samples of materials have to be taken for laboratory analysis. DOE does not have numerical guidelines on concentrations of volumetrically-distributed radioactive material that can be released. Under DOE Order 5400.5, release of these volumetrically contaminated materials would require a case-by-case review and approval by the Assistant Secretary for Environment, Safety and Health. However, under the moratorium of January 12, 2000, volumetrically-contaminated metals cannot be released until the moratorium is lifted by DOE. The surface guideline values are repeated in the Table VI-1 in the proposed changes.

*B. What does the Secretary's new policy require as reflected in the proposed change to the DOE Order 5400.5?*

The Secretary's memorandum requires improvements in the collection, maintenance, reporting of information associated with releases of surplus equipment, scrap metals and other excess personal property. The revised release policy reflected in the proposed change to the Order primarily affects one class of materials—scrap metals that were in a radiological area and are intended to be recycled into general commerce. The proposed change would require that these metals exhibit no detectable radioactivity content above background prior to their release from a DOE site (i.e., any residual radioactivity cannot be detected above background using DOE-approved measurement protocols. DOE is preparing new guidance to specify how to perform the measurements necessary to demonstrate "no detectable activity."

*C. Are the proposed changes new requirements?*

The proposed changes are generally consistent with the existing version of the Order as well as guidance and implementation practices. This notice reflects DOE's intent to add two chapters to Order 5400.5: (1) Chapter V, Control and Release of Personal Property Including Metals for Recycling, contains requirements for personal property management and specifically addresses the Secretary's policy to limit the release of scrap metal for recycling to metal that has no detectable residual radioactive contamination and (2) Chapter VI, General Requirements for

the Release of Property, which contains DOE's general requirements for controlling the release of property. Chapter VI also includes existing practices currently set forth in guidance and proposed improvements in monitoring, documentation and information management.

The two new chapters place additional emphasis on the public availability of information, record-keeping requirements and procedures for implementing the additional constraints established for recycled metal. The major refinement contained in the new chapters is the requirement to base authorized limits for scrap metals to be recycled on whether radioactivity can be detected above background using approved measurement protocols.

### III. Questions and Answers Concerning Recycling of Metals

*A. Can metal or equipment from a radiological area be released for reuse under the proposed restrictions?*

Yes, in some cases. Equipment from a radiological area may be released and reused for its intended purpose or released through current property management systems for reuse. For example, a machine tool may be reused or sold for reuse as a tool as long as it meets current surface release limits for radiological materials as defined in Order DOE 5400.5 and associated guidance. Similarly, metal items may be surveyed and released as long as they are used in their present form. Both the existing Order and the proposed changes allow these results (so long as it does not violate the moratorium).

Under the proposed changes, the key factor in determining what is permissible is whether the metal will be melted and re-fabricated into new products. All cases that involve remelting and remanufacturing of scrap metal released from radiological areas are considered to be recycling and would have to conform to the new proposed standard on non-detectable activity above background prior to release, unless the new product is to be used within the DOE complex or under an NRC or NRC Agreement State license.

*B. What will DOE's responsibility be to assure that material or equipment sold is used for its intended purpose and not remelted as scrap?*

The proposed changes allow scrap metal that does not meet the non-detectable release criterion to be released only for restricted recycling with a designated use (such as waste

containers), if the scrap metal meets approved authorized limits and there is reasonable assurance that the property will not be recycled into general commerce. Extensive documentation is required including a description of any restrictions on use or disposition of the property and the specific process or means that provide a reasonable expectation that the restrictions or controls will be implemented.

*C. May a DOE contractor release radioactive contaminated scrap metal to an NRC licensee?*

DOE contractors may not transfer scrap metal to an NRC (or Agreement State) licensee or to another DOE facility for the purpose of releasing the metal for recycling into commerce by the licensee unless that scrap metal meets the zero-detectable activity release criterion at the time that it is released from the DOE site.

*D. May a DOE contractor transfer suspect contaminated materials to an NRC (or Agreement State) licensee for a purpose other than recycling into general commerce?*

Materials and equipment may be transferred to an NRC (or Agreement State) licensee in accordance with any license provisions. Metal may be transferred to an NRC or Agreement State licensee for use other than recycling if the material is properly surveyed and it meets the applicable DOE authorized release limit. If the material is not going to be recycled into general commerce and it will be used within the licensee's facility, then it has to meet any possession limits placed on the recipient by the NRC or an NRC Agreement State, but is not required to meet the non-detectable release criterion.

*E. What effect does the January 12, 2000 moratorium on the release of volumetrically contaminated metals have on the proposed changes?*

On January 12, 2000, the Secretary issued a moratorium prohibiting the Department's release of volumetrically contaminated metals pending a decision by the NRC whether to establish national standards. The NRC continues to review the issue and the moratorium remains in effect. While the proposed changes to the Order continue to allow the release of DOE materials under various criteria, DOE may not release volumetrically contaminated metals under either the proposed changes or the current Order until the ban is lifted.

*F. What effect do the proposed changes have on the July 13, 2000 suspension of release of recycled scrap metal?*

On July 13, 2000, the Secretary suspended the unrestricted release of scrap metals for recycling from radiation areas within DOE facilities until improvements in DOE release criteria and information management have been developed and implemented. The Secretary stated that upon certification that each DOE site has met all the requirements of the revised order and has a local public participation program, sites may resume unrestricted release of scrap metals for recycling. Adoption of the proposed changes is an essential element in satisfying the criteria for lifting the suspension.

### IV. What New Implementation Programs and Procedures are Required?

DOE's Office of Environment, Safety and Health, through its Office of Environmental Policy and Guidance (EH-41) has developed these additional chapters and modifications to Order DOE 5400.5 to implement the Secretary's policy. The proposed changes would require contractors operating DOE facilities to have a program and procedures in place to ensure that: (1) Metal released for recycling contains no detectable residual radioactive contamination, (2) the release of all property from DOE control meets DOE radiation protection requirements, and (3) releases of surplus equipment, scrap metal and other excess personal property are appropriately documented, reported, certified and verified so that the public has full access to information relating to such releases.

*A. How is DOE improving release criteria and monitoring?*

Although these concepts were implicitly part of the existing release clearance process, they would become explicitly part of the new procedures in the proposed Chapter VI. This more clearly presents the process and criteria for establishing authorized limits and provides more specific guidance on survey and monitoring procedures. Information on responsibilities for surveying, certifying and carrying out independent verification is also contained in the proposed new chapters. The procedures in the proposed new chapters would require more detailed documentation of the establishment of authorized limits, survey and verification measurements and the certification of releases.

*B. How will the new procedures improve information management?*

Chapter V would require that the process of implementing these new requirements be coordinated with the public and that this coordination be integrated into existing site public advisory and coordination activities. Although public information programs have been in existence for some time at DOE sites, these new requirements would require that this information be available to the public. DOE proposes to make available an annual summary report of property released under these requirements at each site. DOE is also proposing to require that the authorized limits used for materials releases, the quantities released, and summaries of the certification and verification information be summarized in the annual site environmental reports (ASERs).

**V. Topics on Which Public Comment is Sought**

1. Comments are sought on how the economic value of the metal should be factored into a decision regarding its disposition?

2. Comments are solicited on both on the desirable and attainable sensitivity of radiation monitoring devices including survey meters, portable spectrometers, bulk measurement detectors, and truckload monitors. Information on the cost of monitors would also be useful.

Signed this 5th day of October 2000.

**David Michaels,**

*Assistant Secretary, Environment, Safety and Health.*

[FR Doc. 00-26155 Filed 10-11-00; 8:45 am]

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**DEPARTMENT OF ENERGY**

**Federal Energy Regulatory Commission**

[Docket No. RP99-301-007]

**ANR Pipeline Company; Notice of Proposed Changes in FERC Gas Tariff**

October 5, 2000.

Take notice that on October 2, 2000, ANR Pipeline Company (ANR) tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1, the following tariff sheets proposed to become effective October 1, 2000:

Original Sheet No. 14Q

ANR is filing the attached tariff sheet to reflect the implementation of a negotiated rate agreement with Anadarko Energy Services Company for

service under Rate Schedule PTS-3. Anadarko's new agreement will be effective October 1, 2000, and will continue through the life of the reserve underlying such agreement. ANR requests that the Commission grant ANR any waivers of the Commission's regulations which are necessary in order to make this tariff sheet effective as of October 1, 2000, and to the extent necessary, moves pursuant to 18 CFR 154.7(a)(9) for the tariff sheet to go into effect on said date. Additionally, ANR requests all such further relief as is appropriate.

ANR states that a copy of this filing is being mailed to the affected shipper and to each of ANR's FERC Gas Tariff, Second Revised Volume No. 1 and Original Volume No. 2 customers, and interested State Commissions.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, DC 20426, in accordance with section 385.211 of the Commission's Rules and Regulations. All such protests must be filed in accordance with section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at <http://www.ferc.fed.us/online/rims.htm> (call 202-208-2222 for assistance).

**Linwood A. Watson, Jr.,**

*Acting Secretary.*

[FR Doc. 00-26125 Filed 10-11-00; 8:45 am]

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**DEPARTMENT OF ENERGY**

**Federal Energy Regulatory Commission**

[Docket No. RP00-374-000]

**Columbia Gas Transmission Corp., Notice of Technical Conference**

October 5, 2000

In the Commission's order issued on August 23, 2000,<sup>1</sup> the Commission directed that a technical conference be held to address issues raised by the filing.

A technical conference was held on Thursday, September 14, 2000. At that conference the parties indicated that another conference is warranted.

<sup>1</sup>92 FERC 61,173 (2000).

Take notice that the technical conference will be held on Tuesday, October 17, 2000, at 10 a.m., in a room to be designated at the offices of the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426.

All interested parties and Staff are permitted to attend.

**Linwood A. Watson, Jr.,**

*Acting Secretary.*

[FR Doc. 00-26127 Filed 10-11-00; 8:45 am]

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**DEPARTMENT OF ENERGY**

**Federal Energy Regulatory Commission**

[Docket No. CP00-472-000]

**Destin Pipeline Company, L.L.C.; Notice of Request Under Blanket Authorization**

October 5, 2000.

Take notice that on September 29, 2000, Destin Pipeline Company, L.L.C. (Destin), 1301 McKinney Street, Suite 700, Houston, Texas 77010, filed in Docket No. CP00-472-000 a request pursuant to §§ 157.205 and 157.208(b) of the Commission's Regulations (18 CFR 157.205 and 157.208(b)) under the Natural Gas Act (NGA), and Destin's blanket certificate issued in Docket No. CP96-657-000 and -001, for authorization to construct, own, install, and operate an offshore supply lateral line and associated facilities to receive and transport natural gas produced in the Viosca Knoll Area of the Gulf of Mexico, pursuant to Section 7 of the NGA, all as more fully set forth in the application which is on file with the Commission and open to public inspection. This filing may be viewed on the FERC website at <http://www.ferc.fed.us/online/htm> (call 202-208-2222 for assistance).

The lateral line (the "Pompano Project") which is the subject of this request will consist of 8.03 miles of 16-inch diameter pipeline to connect the Pompano Platform in Viosca Knoll Block 989 to a subsea tie-in on the Destin pipeline in Viosca Knoll Block 900. Destin will also construct and operate a receipt point with pig launcher, measurement and SCADA equipment to complete the connection with the Pompano Platform. The facilities will have the capability of transporting up to 200 million cubic feet of natural gas per day at a maximum allowable operating pressure of 2,220 pounds per square inch (gauge). Destin estimates the cost of the project to be