

The licensees requested the Commission's approval of the transfer of operating authority to FENOC and issuance of a conforming license amendment pursuant to 10 CFR 50.80 and 50.90. Notice of this application for approval and an opportunity for a hearing were published in the **Federal Register** on August 4, 1998 (63 FR 41600), and an Environmental Assessment and Finding of No Significant Impact was published in the **Federal Register** on September 10, 1998 (63 FR 48531).

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 shall give its consent in writing. Upon review of the information contained in the submittals of June 30, October 27, and November 30, 1998, and other information before the Commission, the NRC staff has determined that FENOC is qualified to hold the license to the extent and for the purposes described above, and that the transfer of the license as described above is otherwise consistent with applicable provisions of law, regulations, and orders issued by the Commission, subject to the conditions set forth below. These findings are supported by a Safety Evaluation dated December 2, 1998.

### III.

Accordingly, pursuant to Sections 105, 161b, 161i, and 184 of the Atomic Energy Act of 1954, as amended; 42 USC §§ 2135, 2201(b), 2201(i), and 2234; and 10 CFR 50.80, *it is hereby ordered* that the Commission consents to the transfer of the license as described herein to FENOC, subject to the following conditions:

(1) FENOC shall not market or broker power or energy from the Perry Nuclear Power Plant, Unit No. 1. The owners are responsible and accountable for the actions of FENOC to the extent that said actions affect the marketing or brokering of power or energy from the Perry Nuclear Power Plant, Unit No. 1, and, in any way, contravene the antitrust license conditions contained in the license.

(2) Should the formation of FENOC and transfer of operating authority not be completed by December 31, 1999, 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. Action on the proposed conforming license amendment will be taken upon implementation of the transfer approved by this Order.

For further details with respect to this Order, see the licensees' application dated June 30, 1998, as supplemented by submittals dated October 27 and November 30, 1998, 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 Perry Public Library, 3753 Main Street, Perry, OH 44081.

Dated at Rockville, Maryland, this 2nd day of December.

For the Nuclear Regulatory Commission.

**Roy P. Zimmerman,**

*Acting Director, Office of Nuclear Reactor Regulation.*

[FR Doc. 98-32630 Filed 12-8-98; 8:45 am]

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## NUCLEAR REGULATORY COMMISSION

[Docket No. 50-003]

### Consolidated Edison Company; Indian Point Nuclear Generating Station, Unit 1; Notice of Public Meeting

The NRC will conduct a public meeting at the New York State Armory, 955 Washington Street, Peekskill, New York 10566-5815, on January 20, 1999, to discuss plans developed by Consolidated Edison Company (Con Edison) to decommission the Indian Point Nuclear Generating Station Unit 1. The Indian Point Station, located in Buchanan, New York, includes the permanently shutdown Unit 1 and two operating units. Unit 2 is operated by Consolidated Edison Company, and Unit 3 by New York Power Authority. The meeting is scheduled for 7:00-9:30 p.m., and will be chaired by Mr. Francis X. Cameron, Deputy Assistant General Counsel and Special Counsel for Public Liaison, NRC. The public meeting is being held pursuant to the NRC's regulations in Title 10 of the Code of Federal Regulations, Section 50.82(a)(4) regarding the requirements of a public meeting on the licensees plans for decommissioning the facility as described in the post-shutdown decommissioning activities report (PSDAR). Con Edison submitted a decommissioning plan, which was approved by the NRC in January 1996, prior to the rule change promulgated at 61 FR 39301 (July 29, 1996), requiring a PSDAR. Decommissioning plans approved prior to the revision are considered to meet the requirement for a PSDAR and are subject to the revised regulations, including the requirement for a public meeting. The meeting will

include a presentation by the NRC staff on the decommissioning process and NRC programs for regulatory oversight of decommissioning activities. There will also be a presentation by Consolidated Edison Company on planned decommissioning activities. There will be an opportunity for members of the public to ask questions of NRC staff and Con Edison representatives and make comments related to decommissioning of Indian Point Unit 1. The meeting will be transcribed.

Con Edison's decommissioning plan provides a short discussion of the plant history, a description of the unit's radiological conditions, and a description and schedule of planned decommissioning activities. This decommissioning plan and the NRC's safety evaluation associated with the plan is available for public inspection at the White Plains Public Library, 100 Martine Avenue, White Plains, NY 10601. For more information contact John L. Minns, Non-Power Reactors and Decommissioning Project Directorate, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; telephone 301-415-3166.

Dated at Rockville, Maryland, this 3rd day of December 1998.

For the Nuclear Regulatory Commission.

**Seymour H. Weiss,**

*Director, Non-Power Reactors and Decommissioning Project Directorate Division of Reactor Program Management, Office of Nuclear Regulatory Regulation.*

[FR Doc. 98-32634 Filed 12-8-98; 8:45 am]

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## NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-498 and 50-499]

### STP Nuclear Operating Company; Notice of Withdrawal of Application for Amendment To Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has granted the request of STP Nuclear Operating Company (the licensee) to withdraw its January 28, 1997, application for proposed amendment to Facility Operating Licenses Nos. NPF-76 and NPF-80 for the South Texas Project, Unit Nos. 1 and 2, located in Matagorda County, Texas.

The proposed amendment would have relocated the details of Technical Specification (TS) 6.2.3 on the Independent Safety Engineering Group from the Administrative Controls

section of the TSs and placed these details in the Updated Final Safety Analysis Report.

The Commission had previously issued a Notice of Consideration of Issuance of Amendment published in the **Federal Register** on March 12, 1997 (62 FR 11495). However, by letter dated September 30, 1998, the licensee withdrew the proposed change.

For further details with respect to this action, see the application for amendment dated January 28, 1997, and the licensee's letter dated September 30, 1998, which withdrew the application for license amendment. 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 room located at the Wharton County Junior College, J.M. Hodges Learning Center, 911 Boling Highway, Wharton, TX 77488.

Dated at Rockville, Maryland, this 3rd day of December 1998.

For the Nuclear Regulatory Commission.

**Thomas W. Alexion,**

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

[FR Doc. 98-32631 Filed 12-8-98; 8:45 am]

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## NUCLEAR REGULATORY COMMISSION

[Docket 70-7002]

### Notice of Amendment to Certificate of Compliance GDP-1 for the U.S. Enrichment Corporation (Portsmouth Gaseous Diffusion Plant) Piketon, Ohio

The Director, Office of Nuclear Material Safety and Safeguards, has made a determination that the following amendment request is not significant in accordance with 10 CFR 76.45. In making that determination, the staff concluded that: (1) There is no change in the types or significant increase in the amounts of any effluents that may be released offsite; (2) there is no significant increase in individual or cumulative occupational radiation exposure; (3) there is no significant construction impact; (4) there is no significant increase in the potential for, or radiological or chemical consequences from, previously analyzed accidents; (5) the proposed changes do not result in the possibility of a new or different kind of accident; (6) there is no significant reduction in any margin of safety; and (7) the proposed changes will not result in an overall decrease in

the effectiveness of the plant's safety, safeguards or security programs. The basis for this determination for the amendment request is shown below.

The NRC staff has reviewed the certificate amendment application and concluded that it provides reasonable assurance of adequate safety, safeguards, and security, and compliance with NRC requirements. Therefore, the Director, Office of Nuclear Material Safety and Safeguards, is prepared to issue an amendment to the Certificate of Compliance for the Portsmouth Gaseous Diffusion Plant (PORTS). The staff has prepared a Compliance Evaluation Report which provides details of the staff's evaluation.

The NRC staff has determined that this amendment satisfies the criteria for a categorical exclusion in accordance with 10 CFR 51.22(c)(19). Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared for this amendment.

USEC or any person whose interest may be affected may file a petition, not exceeding 30 pages, requesting review of the Director's Decision. The petition must be filed with the Commission not later than 15 days after publication of this **Federal Register** Notice. A petition for review of the Director's Decision shall set forth with particularity the interest of the petitioner and how that interest may be affected by the results of the decision. The petition should specifically explain the reasons why review of the Decision should be permitted with particular reference to the following factors: (1) The interest of the petitioner; (2) how that interest may be affected by the Decision, including the reasons why the petitioner should be permitted a review of the Decision; and (3) the petitioner's areas of concern about the activity that is the subject matter of the Decision. Any person described in this paragraph (USEC or any person who filed a petition) may file a response to any petition for review, not to exceed 30 pages, within 10 days after filing of the petition. If no petition is received within the designated 15-day period, the Director will issue the final amendment to the Certificate of Compliance without further delay. If a petition for review is received, the decision on the amendment application will become final in 60 days, unless the Commission grants the petition for review or otherwise acts within 60 days after publication of this **Federal Register** Notice.

A petition for review must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission,

Washington, DC 20555-0001, Attention: Rulemakings and Adjudications Staff, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW, Washington, DC, by the above date.

For further details with respect to the action see (1) the application for amendment and (2) the Commission's Compliance Evaluation Report. These items 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.

*Date of amendment request:* October 14, 1998.

*Brief description of amendment:* The amendment involves extension of the PORTS Compliance Plan completion date related to the removal of residual quantities of highly enriched uranium (HEU) (uranium enriched to 10 percent by weight U-235 or more) from cylinders and the cleaning of the emptied HEU cylinders from December 31, 1998, to March 31, 2000. The amendment also involves extension of the PORTS Compliance Plan completion date, for transition of regulatory oversight responsibility from the Department of Energy (DOE) to the NRC, for the section of the X-705 decontamination building where HEU cylinder cleaning operations are ongoing, from January 31, 1999, to April 30, 2000. All Compliance Plan completion date changes require prior DOE approval. As such, USEC requested DOE approval for the above-mentioned date changes on September 25, 1998. On October 13, 1998, DOE approved the revision.

*Basis for finding of no significance:* 1. The proposed amendment will not result in a change in the types or significant increase in the amounts of any effluents that may be released offsite.

The proposed amendment, which involves extensions of the PORTS Compliance Plan completion dates, does not involve any need for cleaning of additional HEU cylinders and therefore would not increase the amounts of any effluents that may be released offsite or result in any impact to the environment.

2. The proposed amendment will not result in a significant increase in individual or cumulative occupational radiation exposure.

The proposed amendment does not involve any need for cleaning of additional HEU cylinders. Therefore, it will not significantly increase individual or cumulative occupational radiation exposure.