

to transfer (excluding grants of security interests or liens) from Applicant 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 10 percent (10%) of Applicant's consolidated net utility plant, as recorded on Applicant's books of account, and (2) should the restructuring of Applicant not be completed by December 14, 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.

IV

By January 11, 1999, any person whose interest may be affected by this Order may file in accordance with the Commission's rules of practice set forth in Subpart M of 10 CFR part 2, a request for a hearing and petition for leave to intervene with respect to issuance of the Order.

Such requests and petitions must comply with the requirements set forth in 10 CFR 2.1306, and should address the considerations contained in 10 CFR 2.1308(a). Untimely requests and petitions may be denied, as provided in 10 CFR 2.1308(b), unless good cause for failure to file on time is established. In addition, an untimely request or petition should address the factors that the Commission will also consider, in reviewing untimely requests or petitions, set forth in 10 CFR 2.1308(b)(1)–(2). Requests for a hearing and petitions for leave to intervene should be served upon Dr. Robert C. Mcredy, Vice President, Nuclear Operations, Rochester Gas and Electric Corporation, 89 East Avenue, Rochester, NY 14649; the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555; and the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemakings and Adjudications Staff, in accordance with 10 CFR 2.1313.

The Commission will issue a notice or order granting or denying a hearing request or intervention petition, designating the issues for any hearing that will be held and designating the Presiding Officer. A notice granting a hearing will be published in the **Federal Register** and served on the parties to the hearing.

For further details with respect to this Order, see the application for approval dated July 31, 1998, as supplemented by letters dated August 18, 1998, and September 14, 1998, and attachments

thereto, and the Safety Evaluation dated December 14, 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 Reference and Documents Department, Penfield Library, State University of New York, Oswego, New York 13126 and the Rochester Public Library, 115 South Avenue, Rochester, New York 14610.

Dated at Rockville, Maryland, this 14th day of December 1998.

For the Nuclear Regulatory Commission.

Samuel J. Collins,

Director, Office of Nuclear Reactor Regulation.

[FR Doc. 98–33718 Filed 12–18–98; 8:45 am]

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NUCLEAR REGULATORY COMMISSION

[Docket No. 50–224]

In the Matter of Rochester Gas and Electric Corporation; (R. E. Ginna Power Plant); Order Approving Application Regarding Restructuring of Rochester Gas and Electric Corporation by Establishment of a Holding Company Affecting License No. DPR–18, R.E. Ginna Nuclear Power Plant

I

Rochester Gas and Electric Corporation (RG&E and licensee) is licensed by the U.S. Nuclear Regulatory Commission (NRC or Commission) to possess, maintain, and operate the R. E. Ginna Nuclear Power Plant (Ginna or the facility), under Facility Operating License No. DPR–18, issued by the Commission on December 10, 1984. RG&E fully owns Ginna. The facility is located in Wayne County, New York.

II

RG&E submitted an application dated July 31, 1998, as supplemented August 18, 1998, and September 14, 1998, for consent by the Commission, pursuant to 10 CFR 50.80, to the extent a proposed corporate restructuring action would result in the indirect transfer of the operating license for the facility. Under the proposed restructuring, RG&E would establish a new holding company and become a subsidiary of the new holding company in accordance with a Settlement Agreement reached with the New York Public Service Commission (PSC Case Nos. 96-E–0989), dated October 23, 1997. Unregulated subsidiaries of RG&E would also

become subsidiaries of the new holding company.

According to the application, essentially each share of RG&E's common stock would be exchanged for one share of common stock of the holding company such that the holding company would own the outstanding common stock of RG&E. Under this restructuring, RG&E would continue to be an "electric utility" as defined in 10 CFR 50.2 engaged in the transmission, distribution and generation of electricity. RG&E would continue to be the direct owner of Ginna and would continue to operate Ginna. No direct transfer of the operating license would result from the proposed restructuring. The transaction would not involve any change in the responsibility for nuclear operations within RG&E. Officer responsibilities at the holding company level would be primarily administrative and financial in nature and would not involve operational matters related to Ginna. No RG&E nuclear management positions would be changed as a result of the corporate restructuring.

A Notice of Consideration of Approval of Application Regarding Proposed Corporate Restructuring was published in the **Federal Register** on October 26, 1998 (63 FR 57141), and an Environmental Assessment and Finding of No Significant Impact was published in the **Federal Register** on October 26, 1998 (63 FR 57143).

Under 10 CFR 50.80, no license 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 submitted in the application of July 31, 1998, as supplemented August 18, 1998, and September 14, 1998, the NRC staff has determined that the restructuring of RG&E by establishment of a holding company will not affect the qualifications of RG&E as the holder of the license for Ginna, and that the transfer of control of the license, to the extent effected by the proposed 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 14, 1998.

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 Commission approves the application regarding the proposed

restructuring of RG&E by the establishment of a holding company, subject to the following: (1) RG&E 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 RG&E 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 10 percent (10%) of RG&E's consolidated net utility plant, as recorded on RG&E's books of account; and (2) should the restructuring of RG&E as described herein, not be completed by December 14, 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.

IV

By January 11, 1999, any person whose interest may be affected by this Order may file in accordance with the Commission's rules of practice set forth in Subpart M of 10 CFR Part 2 a request for a hearing and petition for leave to intervene with respect to issuance of the Order. Such requests and petitions must comply with the requirements set forth in 10 CFR 2.1306, and should address the considerations contained in 10 CFR 2.1308(a). Untimely requests and petitions may be denied, as provided in 10 CFR 2.1308(b), unless good cause for failure to file on time is established. In addition, an untimely request or petition should address the factors that the Commission will also consider, in reviewing untimely requests or petitions, set forth in 10 CFR 2.1308(b)(1)-(2).

Requests for a hearing and petitions for leave to intervene should be served upon Dr. Robert C. Mecredy, Vice President, Nuclear Operations, Rochester Gas and Electric Corporation, 89 East Avenue, Rochester, New York 14649; the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555; the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555; and the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Attention: Rulemakings and Adjudications Staff, in accordance with 10 CFR 2.1313.

The Commission will issue a notice or order granting or denying a hearing request of intervention petition, designating the issues for any hearing that will be held and designating the Presiding Officer. A notice granting a hearing will be published in the **Federal**

Register and served on the parties to the hearing.

For further details with respect to this Order, see the application for approval filed by RG&E dated July 31, 1998, as supplemented by letter dated August 18, 1998, and attachments thereto, and letter dated September 14, 1998, with attachments, and the Safety Evaluation dated December 14, 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 Reference and Documents Department, Penfield Library, State University of New York, Oswego, New York 13126 and the Rochester Public Library, 115 South Avenue, Rochester, New York 14610.

Dated at Rockville, Maryland, this 14th day of December 1998.

For the Nuclear Regulatory Commission.

Samuel J. Collins,

Director, Office of Nuclear Reactor Regulation.

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NUCLEAR REGULATORY COMMISSION

[Docket Nos. STN 50-454, STN 50-455, STN 50-456, STN 50-457]

Commonwealth Edison Company; Byron and Braidwood Stations, Units 1 and 2; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of amendments to Facility Operating License Nos. NPF-37 and NPF-66, issued to Commonwealth Edison Company (ComEd, the licensee) for operation of Byron Station, Units 1 and 2, located in Ogle County, Illinois and to Facility Operating License Nos. NPF-72 and NPF-77, issued to ComEd for operation of Braidwood Station, Units 1 and 2, located in Will County, Illinois.

Environmental Assessment

Identification of the Proposed Action

The proposed action would amend the Byron Station, Units 1 and 2, and Braidwood Station, Units 1 and 2, Facility Operating Licenses (FOLs) and revise the Technical Specifications (TSs) to be consistent with the Improved Standard Technical Specifications (ITS) conveyed by NUREG-1431, "Standard Technical Specifications for Westinghouse Plants," Revision 1 (April 1995).

The proposed action is in accordance with the licensee's application for amendments dated December 13, 1996, as supplemented by letters dated February 24, September 2, October 10, October 28 and December 8, 1997, and January 27, January 29, February 6, February 13, February 24, February 26, April 13, April 16, June 1, June 2, July 2, July 8, July 30, July 31, August 11, August 12, September 21, September 25, October 1, October 2, October 5, October 15, October 23, November 6, November 19, November 23, November 30, and December 14, 1998.

The Need for the Proposed Action

It has been recognized that nuclear safety in all plants would benefit from improvement and standardization of the TSs. The Commission's "NRC Interim Policy Statement on Technical Specification Improvements for Nuclear Power Reactors" (52 FR 3788, February 6, 1987) and later the Commission's "Final Policy Statement on Technical Specification Improvements for Nuclear Power Reactors" (58 FR 39132, July 22, 1993) documented this need. To facilitate the development of individual improved TSs, each reactor vendor owners' group (OG) and the NRC staff developed standard TS (STS). For Westinghouse plants, the STS are contained in NUREG-1431, and this document was the basis for the new Byron and Braidwood, Units 1 and 2, TSs. The NRC Committee to Review Generic Requirements reviewed the STS and made note of the safety merits of the STS and indicated its support of conversion to the STS by operating plants.

Description of the Proposed Change

The proposed revision to the TSs is based on NUREG-1431 and on guidance provided in the 1993 Final Policy Statement. ComEd's objective was to completely rewrite, reformat, and streamline the existing TSs at the Byron and Braidwood Stations. Emphasis was placed on human factors principles to improve clarity and understanding. The Bases section has been significantly expanded to clarify and better explain the purpose and foundation of each specification. In addition to NUREG-1431, portions of the existing TSs were also used as the basis for the ITS. Plant-specific issues (unique design features, requirements and operating practices) were discussed at length with ComEd, and generic matters with the OG.

The proposed changes from the existing TSs can be grouped into four general categories, as follows:

1. Nontechnical (administrative) changes that were intended to make the