

the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to 15 days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than 15 days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

A request for a hearing or a petition for leave to intervene 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. A

copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, and to Mr. Jay Silberg, Esq., Shaw, Pittman, Potts and Trowbridge, 2300 N Street, N.W., Washington, D.C. 20037, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(I)-(v) and 2.714(d).

If a request for a hearing is received, the Commission's staff may issue the amendment after it completes its technical review and prior to the completion of any required hearing if it publishes a further notice for public comment of its proposed finding of no significant hazards consideration in accordance with 10 CFR 50.91 and 50.92.

For further details with respect to this action, see the application for amendment dated May 15, 1997, as supplemented by letters dated June 30, August 5, August 28, September 24, October 16, October 23, November 24, December 2, December 17, December 21, 1998, and February 4, 1999, which is 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 rooms located at the Emporia State University, William Allen White Library, 1200 Commercial Street, Emporia, Kansas, 66801, and Washburn University School of Law Library, Topeka, Kansas 66621.

Dated at Rockville, Maryland, this 22nd day of February 1999.

For the Nuclear Regulatory Commission,  
**Mel Gray,**

*Project Manager, Project Directorate IV-2,  
Division of Licensing Project Management,  
Office of Nuclear Reactor Regulation.*

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## NUCLEAR REGULATORY COMMISSION

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

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

The U.S. Nuclear Regulatory Commission (the Commission) is

considering issuance of exemptions 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.

### Environmental Assessment

#### *Identification of the Proposed Action*

The proposed action would exempt Byron Station, Units 1 and 2, from the requirements of 10 CFR 50.44, 10 CFR 50.46 and 10 CFR Part 50, Appendix K, to allow the use of two Lead Test Assemblies (LTA).

The proposed action is in accordance with the licensee's application of October 22, 1998.

#### *The Need for the Proposed Action*

As the nuclear industry pursues longer operating cycles with increased fuel discharge burnups and more aggressive fuel management, the corrosion performance requirements for the nuclear fuel cladding becomes more demanding. Industry data indicates that corrosion resistance improves for cladding with a lower tin content. In addition, fuel rod internal pressures resulting from the increased fuel duty, use of Integral Fuel Burnable Absorbers and corrosion/temperature feedback effects have become more limiting with respect to fuel rod design criteria. By reducing the associated corrosion buildup and, thus, minimizing temperature feedback effects, additional margin to fuel rod internal pressure design criteria is obtained. As part of a program to address these issues, Westinghouse Electric Company has developed an LTA program which includes a ZIRLO fuel cladding with a tin content lower than the currently licensed range for ZIRLO. 10 CFR 50.44, 10 CFR 50.46 and 10 CFR Part 50, Appendix K, make no provisions for use of fuel rods clad in a material other than Zircaloy or ZIRLO. The licensee has requested the use of an LTA with a tin composition that is less than the licensing basis for ZIRLO, as defined in Westinghouse design specifications. Therefore, use of the LTA requires exemptions from 10 CFR 50.44, 10 CFR 50.46 and 10 CFR Part 50. As part of this program, ComEd and Westinghouse propose to include two LTAs in the Byron Station, Unit 1, Cycle 10, core in non-limiting core locations during the refueling outage currently scheduled to begin March 27, 1999.

#### *Environmental Impacts of the Proposed Action*

The Commission has completed its environmental evaluation of the

proposed action and concludes that the proposed exemptions would not increase the probability or consequences of accidents previously analyzed and would not affect facility radiation levels or facility radiological effluents.

The proposed action will not increase the probability or consequences of accidents, no changes are being made in the types of any effluents that may be released off site, and there is no significant increase in occupational or public radiation exposure. Therefore, there are no significant radiological environmental impacts associated with the proposed action.

With regard to potential non-radiological impacts, the proposed action does not involve any historic sites. It does not affect non-radiological plant effluents and has no other environmental impact. Therefore, there are no significant non-radiological environmental impacts associated with the proposed action.

Accordingly, the Commission concludes that there are no significant environmental impacts associated with the proposed action.

#### *Alternatives to the Proposed Action*

As an alternative to the proposed action, the staff considered denial of the proposed action (i.e., the "no-action" alternative). Denial of the application would result in no change in current environmental impacts. The environmental impacts of the proposed action and the alternative action are similar.

#### *Alternative Use of Resources*

This action does not involve the use of any resources not previously considered in the Final Environmental Statement for Byron Station, Units 1 and 2.

#### *Agencies and Persons Consulted*

In accordance with its stated policy, on February 4, 1999, the staff consulted with the Illinois State official, Mr. Frank Niziolek, of the Illinois Department of Nuclear Safety, regarding the environmental impact of the proposed action. The State official had no comments.

#### **Finding of No Significant Impact**

On the basis of the environmental assessment, the Commission concludes that the proposed action will not have a significant effect on the quality of the human environment. Accordingly, the Commission has determined not to prepare an environmental impact statement for the proposed action.

For further details with respect to the proposed action, see the licensee's letter

dated October 22, 1998, which is 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 Byron Public Library District, 109 N. Franklin, P.O. Box 434, Byron, Illinois 61010.

Dated at Rockville, Maryland, this 22nd day of February 1999.

For the Nuclear Regulatory Commission.

**Stuart A. Richards,**

*Director, Project Directorate III-2, Division of Reactor Projects—III/IV, Office of Nuclear Reactor Regulation.*

[FR Doc. 99-4815 Filed 2-25-99; 8:45 am]

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### **NUCLEAR REGULATORY COMMISSION**

#### **ASME Presentation on a "Standard for Probabilistic Risk Assessment for Nuclear Power Plant Applications"; Meeting**

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Notice of meeting.

**SUMMARY:** NRC has been supporting an ASME effort to develop a "Standard for Probabilistic Risk Assessment for Nuclear Power Plant Applications." ASME has issued a draft of this standard for review and comment. The purpose of this standard is to provide a way to ensure that the technical quality of a PRA used to support a risk-informed application is adequate for that application, such that the level of regulatory review needed for approval of that application is minimized. This standard, therefore, provides requirements for a reference PRA, documentation, configuration control (of the PRA), and peer review and criteria for determining the extent to which the reference PRA technical elements are necessary and sufficient to support a particular risk-informed application.

The NRC is hosting a workshop where ASME will describe the approach used in writing the standard, the contents of the standard, etc., and so that the public can meet with the ASME team. Chairman Jackson will be making some introductory remarks at the workshop. The workshop is open to the public and all interested parties are invited to attend.

**DATES:** March 16, 1999, from 8:30 am to 4:00 pm.

**ADDRESSES:** Nuclear Regulatory Commission, Two White Flint North

Auditorium, 11545 Rockville Pike, Rockville, Maryland.

#### **FOR FURTHER INFORMATION CONTACT:**

Mary Drouin, Mail Stop T10-E50, U.S. Nuclear Regulatory Commission, Washington, DC 20005-0001. Telephone: (301) 415-6675; FAX: (301) 415-5062; Internet: mxid@NRC.GOV.

For material related to the meeting, please access the ASME website at [www.asme.org](http://www.asme.org) or contact Jess Moon at ASME, 3 Park Avenue, New York, NY 10016. Telephone: (212) 591-8514; FAX: (212) 591-7196; Internet: moonj@asme.org.

**SUPPLEMENTARY INFORMATION:** Attendees are requested to notify Gloria Corbitt at (301) 415-2100 of their planned attendance if special services, such as for the hearing impaired, are necessary.

The NRC is accessible to the White Flint Metro Station. Attendees are strongly encouraged to use Metrorail as visitor parking near the NRC buildings is very limited. Visitors may enter either NRC building and stop at the guard's desk for directions to the auditorium.

Dated at Rockville, Maryland, this 22nd day of February, 1999.

For the Nuclear Regulatory Commission.

**Mary Drouin,**

*Acting Chief, Probabilistic Risk Analysis Branch, Division of Systems Technology, Office of Nuclear Regulatory Research.*

[FR Doc. 99-4811 Filed 2-25-99; 8:45 am]

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### **SECURITIES AND EXCHANGE COMMISSION**

[Release No. 35-26979]

#### **Filings Under the Public Utility Holding Company Act of 1935, as Amended ("Act")**

February 19, 1999.

Notice is hereby given that the following filing(s) has/have been made with the Commission pursuant to provisions of the Act and rules promulgated under the Act. All interested persons are referred to the applications(s) and/or declaration(s) for complete statements of the proposed transaction(s) summarized below. The application(s) and/or declaration(s) and any amendments is/are available for public inspection through the Commission's Office of Public Reference.

Interested persons wishing to comment or request a hearing on the application(s) and/or declaration(s) should submit their views in writing by March 16, 1999, to the Secretary, Securities and Exchange Commission,