

December 13, 1996, as supplemented by letters dated February 14 and May 20, 1997, and the Safety Evaluation dated June 19, 1997, which are available for public inspection at the NRC 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.

Dated at Rockville, Maryland, this 19th day of June 1997.

For the U.S. Nuclear Regulatory Commission.

Frank J. Miraglia, Jr.,

Acting Director, Office of Nuclear Reactor Regulation.

[FR Doc. 97-16615 Filed 6-24-97; 8:45 am]

BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-461]

Illinois Power Company (Clinton Power Station, Unit 1); Withdrawal of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has received a request by Illinois Power Company (the licensee) for withdrawal of a proposed amendment to Facility Operating License No. NPF-62, issued to the licensee for operation of the Clinton Power Station, Unit 1, located in DeWitt County, Illinois. Notice of Consideration of Issuance of this amendment was published in the **Federal Register** on April 9, 1997 (62 FR 17220). In addition, an Environmental Assessment and Finding of No Significant Impact was published in the **Federal Register** on April 22, 1997 (62 FR 19633).

The purpose of the licensee's amendment request was to incorporate a requirement to maintain in effect interim administrative controls and contingent operator actions until the licensee completed modifications to upgrade the degraded voltage protection instrumentation and distribution system for all three divisions of safety-related AC power. The amendment also recognized that use of the interim administrative controls constituted an unreviewed safety question (USQ). Subsequently the licensee, by letter dated June 9, 1997, stated that the USQ no longer exists and requested withdrawal of the amendment application. Thus, the amendment is considered withdrawn.

For further details with respect to this action, see (1) the application for

amendment dated April 1, 1997, and (2) the request for withdrawal dated June 9, 1997.

These 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 Vespasian Warner Public Library, 120 West Johnson Street, Clinton, Illinois 61727.

Dated at Rockville, Maryland, this 19th day of June 1997.

For the Nuclear Regulatory Commission.

Douglas V. Pickett,

Senior Project Manager, Project Directorate III-3, Division of Reactor Projects III/IV, Office of Nuclear Reactor Regulation.

[FR Doc. 97-16617 Filed 6-24-97; 8:45 am]

BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-277 and 50-278]

Peach Bottom Atomic Power Station, Units 2 and 3; Notice of Consideration of Issuance of Amendment to Facility Operating License and Opportunity for a Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. DPR-44 and DPR-56, issued to PECO Energy Company, Public Service Electric and Gas Company, Delmarva Power and Light Company, and Atlantic City Electric Company (the licensee), for operation of the Peach Bottom Atomic Power Station, Units 2 and 3 located in York County, Pennsylvania.

The application requests staff review and approval of a modification to the facility, as described in the safety analysis report, that involves an unreviewed safety question. The modification will install replacement suction strainers for Emergency Core Cooling System (ECCS) pumps.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

By July 25, 1997, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition for leave to intervene shall be

filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available 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 Government Publications Section, State Library of Pennsylvania, (REGIONAL DEPOSITORY) Education Building, Walnut Street and Commonwealth Avenue, Box 1601, Harrisburg, PA 17105. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in 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 J. W. Durham, Sr., Esquire, Sr. V.P. and General Counsel, PECO Energy Company, 2301 Market Street, Philadelphia, PA 19101, 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 5, 1997, 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 Government Publications Section, State Library of Pennsylvania, (REGIONAL DEPOSITORY) Education Building, Walnut Street and Commonwealth Avenue, Box 1601, Harrisburg, PA 17105.

Dated at Rockville, Maryland, this 18th day of June 1997.

For the Nuclear Regulatory Commission.
Chester Poslusny,
*Acting Director, Project Directorate I-2,
Division of Reactor Projects—I/II, Office of
Nuclear Reactor Regulation.*

[FR Doc. 97-16612 Filed 6-24-97; 8:45 am]

BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-346]

Toledo Edison Company; et al.; Order Approving Application Regarding Merger Agreement Between Centerior Energy Corporation and Ohio Edison Company

I

Toledo Edison Company (TE), The Cleveland Electric Illuminating Company (CEI), and Centerior Service Company (CSC) are the licensees of the Davis-Besse Nuclear Power Station, Unit 1. TE and CSC (both of which are wholly owned subsidiaries of Centerior Energy Corporation) are authorized to act as agents for CEI, and have exclusive responsibility and control over the physical construction, operation, and maintenance of the facility as reflected in Operating License No. NPF-3. The U.S. Nuclear Regulatory Commission (NRC) issued License No. NPF-3 on April 22, 1977, pursuant to Part 50 of Title 10 of the Code of Federal Regulations (10 CFR Part 50). The facility is located on the shore of Lake Erie in Ottawa County, Ohio, approximately 21 miles east of Toledo, Ohio.

II

By letter dated December 13, 1996, TE and CSC, on behalf of themselves and CEI, informed the Commission of a proposed merger of Centerior Energy Corporation and Ohio Edison Company (OE), resulting in the formation of a new

holding company, FirstEnergy Corporation, which would replace Centerior Energy Corporation. Supplemental information was submitted by letter dated February 12, 1997.

Under the proposed merger, TE, CEI, CSC, and OE will become wholly owned subsidiaries of FirstEnergy Corporation. The current licensees will continue to hold the license, and no direct transfer of the license will result from the merger. On April 14, 1997, a notice of consideration of approval of application regarding corporate restructuring was published in the **Federal Register** (62 FR 18156). An Environmental Assessment and Finding of No Significant Impact was published in the **Federal Register** on May 13, 1997 (62 FR 26330).

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 in the letter of December 13, 1996, and other information before the Commission, the NRC staff has determined that the proposed merger will not affect the qualifications of TE, CEI, and CSC as holders of Facility Operating License No. NPF-3, and that the transfer of control of the license, to the extent effected by the merger, 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 June 19, 1997.

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, *It Is Hereby Ordered* that the Commission approves the application regarding the merger agreement between Centerior Energy Corporation and OE, subject to the following: (1) TE, CEI, and CSC 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 such licensee to its 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 of such licensee's consolidated net utility plant, as recorded on the licensee's books of account; and (2) should the merger not be completed by June 30, 1998, this Order shall become null and void