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Signed at Washington, D.C. this 5th day of September 1997.

**Carl Poleskey,**  
*Chief, Branch of Construction Wage Determinations.*

[FR Doc. 97-23983 Filed 9-11-97; 8:45 am]

BILLING CODE 4510-27-M

## NATIONAL WOMEN'S BUSINESS COUNCIL

### Sunshine Act Meeting

**SUMMARY:** In accordance with the Women's Business Ownership Act, Public Law 100-403 as amended, the National Women's Business Council (NWBC) announces a forthcoming Council meeting and joint meeting of the NWBC and Interagency Committee on Women's Business Enterprise. These meetings will cover action items worked on by the National Women's Business Council and the Interagency Committee on Women's Business Enterprise including but not limited to increasing procurement opportunities, welfare-to-work and access to capital for women business owners.

**DATES:** September 30, 1997.

#### ADDRESSES:

**Council Meeting**—J.W. Marriott Hotel, 1331 Pennsylvania Avenue, NW, Washington, DC 20024, 8:00 a.m. to 10:30 a.m.

**Joint Meeting**—The White House, Old Executive Office Bldg., Indian Treaty Room, Washington, DC 20502, 11:00 a.m.-12:00 noon.

**STATUS:** Open to the public.

**CONTACT:** National Women's Business Council, 409 Third Street, S.W., Suite 5850, Washington, DC 20024, (202) 205-3850.

**Note:** No one will be allowed to attend the meeting without RSVP and security clearance.

**Gilda Presley,**

*Administrative Officer, National Women's Business Council.*

[FR Doc. 97-24423 Filed 9-10-97; 2:25 pm]

BILLING CODE 6820-AB-M

## NUCLEAR REGULATORY COMMISSION

### The Cleveland Electric Illuminating Company, the Toledo Edison Company, Duquesne Light Company, Ohio Edison Company, and Pennsylvania Power Company, Beaver Valley Power Station, Unit Nos. 1 and 2; Notice of Consideration of Approval of Application Regarding Proposed Corporate Restructuring

Notice is hereby given that the United States Nuclear Regulatory Commission (the Commission) is considering approval by issuance of an order under 10 CFR 50.80 of an application concerning a proposed merger between DQE, Inc. and Allegheny Power System, Inc. (Allegheny Power). DQE, Inc. is the parent holding company of Duquesne Light Company (DLC), which holds licenses to possess interests in and to use and operate Beaver Valley Power Station, Unit Nos. 1 and 2 (BVPS-1 and BVPS-2). The Cleveland Electric Illuminating Company, The Toledo Edison Company, and Ohio Edison Company and its subsidiary Pennsylvania Power Company also hold licenses to possess interests in the Beaver Valley Power Station, but are not involved in the proposed merger. By letter dated August 1, 1997, the Commission was informed that DQE, Inc., and Allegheny Power have entered into a merger agreement in which DQE, Inc., will become a wholly owned subsidiary of Allegheny Power. Allegheny Power will be renamed Allegheny Energy, Inc.

According to the application, the merger will have no effect on the operation of BVPS-1 and BVPS-2, or the provisions of their operating licenses. The Cleveland Electric Illuminating Company, The Toledo Edison Company, Ohio Edison Company, and Pennsylvania Power Company will remain licensees responsible for their possessory interests and related obligations. DLC will continue to operate BVPS-1 and BVPS-2 after the merger, as required by the

operating license. No direct transfer of the license will result from the merger.

Pursuant to 10 CFR 50.80, the Commission may consent to the transfer of control of a license after notice to interested persons. Such consent is contingent upon the Commission's determination that the holder of the license following the transfer is qualified to hold the license and that the transfer is otherwise consistent with applicable provisions of law, regulations, and orders of the Commission.

For further details with respect to this proposed action, see the application from DLC dated August 1, 1997. The August 1, 1997, application is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW, Washington, DC 20555, and at the local public document room located at the B.F. Jones Memorial Library, 663 Franklin Avenue, Aliquippa, PA 15001.

Dated at Rockville, Maryland, this 4th day of September 1997.

For the Nuclear Regulatory Commission.

**Donald S. Brinkman,**

*Senior Project Manager, Project Directorate I-2, Division of Reactor Projects—I/II, Office of Nuclear Reactor Regulation.*

[FR Doc. 97-24218 Filed 9-11-97; 8:45 am]

BILLING CODE 7590-01-P

## NUCLEAR REGULATORY COMMISSION

[Docket No. 50-341]

### Detroit Edison Company; Notice of Consideration of Issuance of Amendment to Facility Operating License, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. NPF-43, issued to the Detroit Edison Company (DECo or the licensee), for operation of the Enrico Fermi Atomic Power Plant Unit 2 (Fermi 2) located in Monroe County, Michigan. This action is in response to the licensee's application dated September 5, 1997.

The proposed amendment would add Special Test Exception 3/4.10.7, "Inservice Leak and Hydrostatic Testing," that allows the performance of pressure testing at a reactor coolant temperature up to 212 °F while remaining in Operational Condition 4. This special test exception would also require that certain Operational Condition 3 specifications for

Secondary Containment Isolation, Secondary Containment Integrity, Secondary Containment Automatic Isolation Dampers, and Standby Gas Treatment System operability be met. This change would also revise the Index, Table 1.2, "Operational Conditions," and the Bases to incorporate the reference to the proposed special test exception.

During May of 1997, the licensee identified a small fuel leak based on increasing offgas radiation levels. As a result, the licensee began making plans for an outage to identify and replace the leaking fuel. This outage is currently scheduled to begin on October 3, 1997. A reactor coolant system inservice leak test (System Leakage Test) must be performed prior to startup from this outage. Compared to a typical refueling outage, this outage will be shorter in duration and will not include the replacement of as much fuel. Therefore, the System Leakage Test will be performed with a higher decay heat load than that encountered during a normal refueling outage. The licensee has indicated that during the final planning for the outage, it recently recognized that the anticipated decay heat levels would not allow sufficient time to conduct the System Leakage Test in a controlled, deliberate manner within the Technical Specifications limits governing test temperatures. Without the proposed Special Test Exception, the licensee has stated it is not confident that the System Leakage Test can be accomplished within the 200 °F reactor coolant temperature limit. The licensee has also stated that, once the need for the amendment was recognized, that the licensee amendment request was prepared and reviewed in an expeditious manner. In its September 5, 1997, application, the licensee requested that this amendment be reviewed under exigent circumstances.

The NRC staff has reviewed the circumstances related to this proposed amendment and has determined that the licensee could not have reasonably avoided the exigent circumstances and that the licensee used its best efforts to make a timely application for the amendment. In addition, the staff has determined that the failure to process this amendment request in a timely manner would result in the prevention of resumption of the operation of Fermi 2. Therefore, the NRC will process this proposal as an exigent amendment.

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.

Pursuant to 10 CFR 50.91(a)(6) for amendments to be granted under exigent circumstances, the NRC staff must determine that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does this change involve a significant increase in the probability or consequences of an accident previously evaluated?

The proposed change allows the performance of inservice leak and hydrostatic testing at a reactor coolant temperature of greater than 200 °F but less than or equal to 212 °F while considering the plant to remain in OPERATIONAL CONDITION 4. This change to permit the average reactor coolant temperature to be increased above 200 °F, but not greater than 212 °F while performing inservice leak and hydrostatic testing will not significantly increase the probability of an accident previously evaluated. These tests are performed nearly water solid with all control rods fully inserted. Therefore, the stored energy in the reactor core and coolant will be very low and the potential for causing fuel failures with a subsequent increase in coolant activity is minimal. The restrictions provided in the proposed Special Test Exception, to require Secondary Containment Integrity and Standby Gas Treatment System OPERABILITY, provide assurance that any potential releases into secondary containment will be restricted from direct release to the environment and will be adequately filtered if released. With the reactor coolant temperature limited to 212 °F, there will be little or no flashing of coolant to steam, and any release of radioactive materials will be minimized. Therefore, this change will not significantly increase the consequences of an accident. In the event of a large primary system leak, the reactor vessel will rapidly depressurize allowing the low pressure Emergency Core Cooling Systems (ECCS) to operate. The capability of the required ECCS in OPERATIONAL CONDITION 4 is adequate to maintain the core flooded

under these conditions. Small system leaks will be detected by leakage inspections, which are an integral part of the inservice leak and hydrostatic testing program, before any significant inventory loss can occur. Therefore, this change will not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does this change create the possibility of a new or different kind of accident from any accident previously evaluated?

Allowing the reactor to be considered to remain in OPERATIONAL CONDITION 4 during inservice leak and hydrostatic testing, with reactor coolant temperatures greater than 200 °F but less than or equal to 212 °F, is an exception to certain OPERATIONAL CONDITION 3 requirements including those associated with Primary Containment Integrity and full complement operability of the ECCS systems. The inservice leak and hydrostatic test conditions remain unchanged otherwise. The reactor coolant system is designed for temperatures exceeding 500 °F with similar pressures; and therefore, any leaks occurring will be bounded by the main steam line break outside containment analysis provided in Section 15.6.4 of the UFSAR [updated final safety analysis report]. Therefore, this change will not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does this change involve a significant reduction in a margin of safety?

The proposed change allows inservice leak and hydrostatic testing to be performed with reactor coolant temperatures of up to 212 °F, and the reactor to be considered to remain in OPERATIONAL CONDITION 4. The reactor vessel head will be in place, Secondary Containment Integrity will be maintained and the systems required in OPERATIONAL CONDITION 4 will be OPERABLE in accordance with the Technical Specifications; therefore, the proposed change will not have a significant impact on any design basis accident or safety limit. Inservice leak and hydrostatic testing is performed water solid, or nearly water solid with reactor coolant temperature [less than or equal to] 212 °F. The stored energy in the core and the coolant will be very low and the potential for failed fuel and a subsequent increase in coolant activity will be minimal. The reactor pressure vessel will rapidly depressurize in the event of a large primary system leak, and the low pressure ECCS systems

required to be OPERABLE in OPERATIONAL CONDITION 4 will be adequate to maintain the core flooded, thus ensuring that the fuel will not exceed the 2200 °F peak clad temperature limit. Additionally, requiring Secondary Containment Integrity will result in any potential airborne radiation being filtered through the SGTS [standby gas treatment system], thus ensuring that offsite doses remain well within the 10CFR100 limits. Small system leaks will be detected by leakage inspections before any significant inventory loss can occur. Therefore, this special test exception will not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within 14 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of the 14-day notice period. However, should circumstances change during the notice period, such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 14-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish in the **Federal Register** a notice of issuance. The Commission expects that the need to take this action will occur very infrequently.

Written comments may be submitted by mail to the Chief, Rules and Directives Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, and should cite the publication date and page number of this **Federal Register** notice. Written comments may also be delivered to Room 6D22, Two White Flint North, 11545 Rockville Pike, Rockville, Maryland, from 7:30 a.m. to 4:15 p.m. Federal workdays. Copies of written comments received may be

examined at the NRC Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC.

The filing of requests for hearing and petitions for leave to intervene is discussed below.

By October 14, 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 Monroe County Library System, 3700 South Custer Road, Monroe, Michigan 48161. 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.

If the amendment is issued before the expiration of the 30-day hearing period, the Commission will make a final determination on the issue of no significant hazards consideration. If a hearing is requested, the final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment request involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

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 John Flynn, Esq., Detroit Edison Company, 2000 Second Avenue, Detroit, Michigan, 48226, 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).

For further details with respect to this action, see the application for amendment dated September 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 Monroe County Library System, 3700 South Custer Road, Monroe, Michigan, 48161.

Dated at Rockville, Maryland, this 9th day of September 1997.

For the Nuclear Regulatory Commission.

**Andrew J. Kugler,**

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

[FR Doc. 97-24379 Filed 9-11-97; 8:45 am]

BILLING CODE 7590-01-U

## NUCLEAR REGULATORY COMMISSION

[Dockets Nos. 50-250, 50-251, 50-335, and 50-389]

### Florida Power & Light Co.; St. Lucie Plant, Units 1 and 2; Turkey Point Station, Units 3 and 4; Issuance of Director's Decision Under 10 CFR 2.206

Notice is hereby given that the Director, Office of Nuclear Reactor Regulation, has taken action with regard to a Petition dated April 23, 1997, as supplemented on May 11 and May 17, 1997, filed by Thomas J. Saporito, Jr., on behalf of himself and the National Litigation Consultants (Petitioners),

pursuant to Section 2.206 of Title 10 of the *Code of Federal Regulations* (10 CFR 2.206). The Petitioners requested that the U.S. Nuclear Regulatory Commission (Commission or NRC) take action with regard to operations at the Florida Power & Light Company's (FPL's or licensee's) Turkey Point Station, Units 3 and 4, and St. Lucie Plant, Units 1 and 2.

The Petitioners requested that the Commission (1) take enforcement action to modify, suspend, or revoke FPL's operating licenses for these facilities until FPL can sufficiently demonstrate that employees at FPL nuclear facilities are exposed to a work environment that encourages employees to freely raise safety concerns directly to the NRC without being required to first identify their safety concerns to the licensee; (2) take escalated enforcement action in accordance with 10 CFR 2.202 because of discriminatory practices of the licensee in violation of NRC regulations in 10 CFR 50.7 and/or other NRC regulations and that the enforcement action be retroactive to the initial occurrence of the violation by the licensee; (3) conduct a public hearing through the Atomic Safety and Licensing Board and permit Petitioners leave to intervene to perfect an evidentiary record in consideration of whether the licensee has violated NRC requirements and/or regulations; (4) require the licensee to post a written notice alongside each NRC Form 3 currently posted at the licensee's nuclear facilities that alerts employees that they can directly contact the NRC about nuclear safety concerns without first identifying the safety concerns to the licensee; (5) require the licensee to provide a copy of the posted communication to all employees and ensure that all employees are made aware of those communications through the licensee's General Employee Training Program; and (6) require the licensee to provide the NRC with written documents authored by licensee officers under affirmation that the requirements described in items (4) and (5) have been fully complied with.

In the supplement of May 11, 1997, the Petitioners requested the imposition of a civil penalty in the amount of \$100,000 against each of three former FPL managers and that the NRC refer the matter of the conduct of these managers to the U.S. Department of Justice (DOJ) for consideration of invoking criminal proceedings.

In the supplement of May 17, 1997, the Petitioners requested imposition of a civil penalty in the amount of \$100,000 against each of six FPL employees and restriction of the

licensed activities of these employees and revocation of their unescorted access to nuclear facilities; the imposition of a civil penalty in the amount of \$100,000 against the International Brotherhood of Electrical Workers (IBEW) and that the IBEW be required to inform its members in writing that they have the right to report safety concerns directly to the NRC without fear of retribution and that the IBEW encourages and supports such action at the discretion of its members; and the imposition of a civil penalty in the amount of \$100,000 against two "agents" or "representatives" of the licensee. The Petitioners also requested investigations of "willful falsification" of a company business record and the cause of "transcripts found missing" in a Department of Labor proceeding, and the referral of the matter of the conduct of the individuals and entities to the DOJ so that it can consider invoking criminal proceedings. Finally, it was requested that the NRC conduct an interview with the Petitioners regarding the substance of their 10 CFR 2.206 Petition.

The Director of the Office of Nuclear Reactor Regulation has granted the Petitioners' request for an interview in that, on July 14, 1997, the NRC held a public meeting with Mr. Saporito to provide Petitioners with the opportunity to provide additional information regarding the substance of their Petition. The Petitioners' additional requests have been denied for reasons that are explained in the "Director's Decision Pursuant to 10 CFR 2.206" (DD-97-20), the complete text of which follows this notice and is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC.

A copy of the Decision will be filed with the Secretary of the Commission for the Commission's review in accordance with 10 CFR 2.206(c) of the Commission's regulations. As provided by this regulation, the Decision will constitute the final action of the Commission 25 days after the date of issuance unless the Commission, on its own motion, institutes a review of the Decision within that time.

Dated at Rockville, Maryland, this 8th day of September 1997.

For the Nuclear Regulatory Commission.

**Samuel J. Collins,**

*Director, Office of Nuclear Reactor Regulation.*

### Director's Decision Under 10 CFR 2.206

#### I. Introduction

By Petition dated April 23, 1997, (as supplemented May 11 and May 17,