

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. Michael McGarry, III, Winston and Strawn, 1200 17th Street, NW., Washington, DC, 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 amendments 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 amendments dated October 28, 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 Oconee County Library, 501 West South Broad Street, Walhalla, South Carolina.

Dated at Rockville, Maryland, this 1st day of December 1997.

For the Nuclear Regulatory Commission,
Herbert Berkow,
Director, Project Directorate II-2, Division of Reactor Projects—I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 97-31873 Filed 12-4-97; 8:45 am]

BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-458]

In the Matter of Entergy Gulf States, Inc., Cajun Electric Power Cooperative, Inc. (River Bend Station, Unit No. 1); Order Approving Transfer of License for River Bend Station, Unit No. 1

I

Entergy Gulf States, Inc. (EGSI) owns 70-percent of River Bend Station, Unit No. 1 (RBS), a single-unit nuclear power plant. Cajun Electric Power Cooperative, Inc. (Cajun) owns the remaining 30-percent interest in the facility. EGSI and Cajun are governed by Facility Operating License No. NPF-47 issued by the U.S. Nuclear Regulatory Commission (NRC or the Commission) pursuant to part 50 of Title 10 of the *Code of Federal Regulations* (10 CFR part 50) on November 20, 1985. Under this license, EGSI has the authority to possess the facility and act as agent for Cajun. Entergy Operations, Inc., has the authority under the license to act as agent for EGSI and possess the facility, and has exclusive responsibility and

control over the physical construction, operation, and maintenance of the facility. Both EGSI and Entergy Operations, Inc. are subsidiaries of Entergy Corporation (Entergy). The RBS facility is located in West Feliciana Parish, Louisiana.

II

In 1994, Cajun filed for protection under Chapter 11 of the Bankruptcy Code. Cajun is represented by Mr. Ralph R. Mabey, Chapter 11 Trustee. In an application dated October 15, 1997, the Trustee requested NRC's consent to a proposed transfer of the 30-percent share of RBS currently owned by Cajun to EGSI. EGSI and Entergy Operations, Inc. endorsed and consented to the request by Cajun. Upon completion of the transfer, EGSI will become the sole owner of RBS and Entergy Operations, Inc. will remain the plant operator. On October 24, 1997, a Notice of Consideration of Approval of Transfer of License and Issuance of Conforming Amendment to Facility Operating License, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing was published in the **Federal Register** (62 FR 55432). An Environmental Assessment and Finding of No Significant Impact was published in the **Federal Register** on November 19, 1997 (62 FR 61835).

The transfer to EGSI of the license for RBS to the extent it is held by Cajun is subject to the license transfer provisions of 10 CFR 50.80. 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 application dated October 15, 1997, and other information before the Commission, the NRC staff has determined that EGSI is qualified to hold the license, and that the transfer 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 November 28, 1997.

III

Accordingly, pursuant to Sections 161b, 161i, and 184 of the Atomic Energy Act of 1954, as amended; 42 U.S.C. sections 2201(b), 2201(i), and 2234; and 10 CFR 50.80, the Commission consents to the proposed transfer of license described herein from Cajun to EGSI, subject to the following: (1) The issuance of approved amendments fully reflecting the transfer approved by this Order at the time such

transfer is effected, and (2) should the transfer not be completed by June 30, 1998, 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

For further details with respect to this action, see Cajun's submittals requesting approval of the transfer of the license and a conforming license amendment dated October 15, 1997, 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 Government Documents Department, Louisiana State University, Baton Rouge, LA 70803.

Dated at Rockville, Maryland, this 28th day of November 1997.

For the U.S. Nuclear Regulatory Commission.

Brian W. Sheron,

Acting Director, Office of Nuclear Reactor Regulation.

[FR Doc. 97-31872 Filed 12-4-97; 8:45 am]

BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-410]

New York State Electric & Gas Corporation; Nine Mile Point Nuclear Station, Unit No. 2

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) is considering the issuance of an Order approving, under 10 CFR 50.80, an application regarding an indirect transfer of the operating license for Nine Mile Point Nuclear Station, Unit No. 2 (NMP2), to the extent held by New York State Electric & Gas Corporation (NYSEG). The transfer would be to a holding company, not yet named, to be created over NYSEG in accordance with an executed "Agreement Concerning the Competitive Rate and Restructuring Plan of New York State Electric & Gas Corporation" forwarded by letters dated October 20 and 27, 1997. NYSEG is licensed by the Commission to own and possess an 18 percent interest in NMP2.

By application dated September 18, 1997, NYSEG informed the Commission of a proposed corporate restructuring under which NYSEG would become a subsidiary of a newly formed holding company. The outstanding shares of

NYSEG's common stock (other than shares for which appraisal rights are properly exercised would be exchanged on a share-for-share basis for common stock of the holding company, such that the holding company will own all of the outstanding common stock of NYSEG. Under this restructuring, NYSEG would divest its interest in coal-fired power plants, but would continue to be an "electric utility" as defined in 10 CFR 50.2 engaged in the transmission, distribution and, in the case of NMP2 and hydroelectric facilities, the generation of electricity. NYSEG would retain its ownership interest in NMP2 and continue to be a licensee of NMP2. No direct transfer of the operating license or ownership interests in NMP2 will result from the proposed restructuring. The transaction would not involve any change to either the management organization or technical personnel of Niagara Mohawk Power Corporation, which is responsible for operating and maintaining NMP2.

Pursuant to 10 CFR 50.80, the Commission may approve the transfer of control of a license after notice to interested persons. Such approval 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 NYSEG application dated September 8, 1997, as supplemented October 20 and 27, 1997. These documents are available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, N.W., Washington, DC, and at the local public document room located at the Penfield Library, State University of New York, Oswego, New York 13126.

Dated at Rockville, Maryland this 26th day of November 1997.

For the Nuclear Regulatory Commission.

Darl S. Hood,

Senior Project Manager, Project Directorate I-1, Division of Reactor Projects—I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 97-31869 Filed 12-4-97; 8:45 am]

BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-423]

Northeast Nuclear Energy 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 Northeast Nuclear Energy Company (the licensee) to withdraw its May 5, 1997, application for proposed amendment to Facility Operating License No. NPF-49 for the Millstone Nuclear Power Station, Unit 3, located in New London County, Connecticut.

The proposed amendment to Technical Specifications 3.9.1.2 and 3.9.1.3 and their Bases would have allowed the crediting of soluble boron for maintaining k-effective at less than or equal to 0.95 within the spent fuel pool rack matrix following a seismic event of a magnitude greater than or equal to an operating basis earthquake.

The Commission had previously issued a Notice of Consideration of Issuance of Amendment published in the **Federal Register** on July 16, 1997 (62 FR 38135). However, by letter dated November 11, 1997, the licensee withdrew the proposed change.

For further details with respect to this action, see the application for amendment dated May 5, 1997, and the licensee's letter dated November 11, 1997, 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 2 the local public document room located at the Learning Resources Center, Three Rivers Community-Technical College, 574 New London Turnpike, Norwich, Connecticut, and the Waterford Library, ATTN: Vince Juliano, 49 Rope Ferry Road, Waterford, Connecticut.

Dated at Rockville, Maryland, this 14th day of November 1997.

For the Nuclear Regulatory Commission.

James W. Andersen,

Project Manager, Special Projects Office—Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 97-31870 Filed 12-4-97; 8:45 am]

BILLING CODE 7590-01-P