

The issue to be considered at any such hearing shall be whether this Order should be sustained.

Any request for a hearing 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. Copies should also be sent to the Office of the General Counsel and to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, and to Gerald Charnoff, Esquire, Shaw, Pittman, Potts and Trowbridge, 2300 N Street, NW., Washington, DC 20037.

For further details with respect to this action, see the application dated December 13, 1996, as supplemented February 14 and May 20, 1997, and the safety evaluation dated June 19, 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 B. F. Jones Memorial Library, 663 Franklin Avenue, Aliquippa, PA 15001.

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

For the Nuclear Regulatory Commission.

Frank J. Miraglia,

Acting Director, Office of Nuclear Reactor Regulation.

[FR Doc. 97-16613 Filed 6-24-97; 8:45 am]

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NUCLEAR REGULATORY COMMISSION

[Docket No. 50-440]

The Cleveland Electric Illuminating Company, et al.; Order Approving Application Regarding Merger Agreement Between Centerior Energy Corporation and Ohio Edison Company

I

The Cleveland Electric Illuminating Company (CEI), Centerior Service Company (CSC), Duquesne Light Company, Ohio Edison Company (OE), OES Nuclear, Inc., Pennsylvania Power Company (Penn Power), and Toledo Edison Company (TE) are the licensees of Perry Nuclear Power Plant, Unit 1 (PNPP). CEI and CSC act as agents for the other licensees and have exclusive responsibility for, and control over, the physical construction, operation, and

maintenance of PNPP as reflected in Operating License No. NPF-58. The U.S. Nuclear Regulatory Commission (NRC) issued License No. NPF-58 on March 18, 1986, 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 Lake County, Ohio, approximately 35 miles northeast of Cleveland, OH.

II

By letter dated December 13, 1996, CEI and CSC, on behalf of themselves and TE, OE, OES Nuclear, Inc., and Penn Power, informed the Commission of a proposed merger of Centerior Energy Corporation and OE resulting in the formation of a new single holding company, FirstEnergy Corporation. Duquesne Light Company is not involved in the merger. Supplemental information was submitted by letters dated February 14 and May 20, 1997.

Under the proposed merger, CEI, CSC, TE, currently subsidiaries of Centerior Energy Corporation, and OE will become wholly owned subsidiaries of FirstEnergy Corporation. Penn Power and OES Nuclear, Inc., will remain wholly owned subsidiaries of OE. Centerior Energy Corporation will cease to exist. The current licensees will continue to hold the license, and no direct transfer of the license will result from the merger. On April 15, 1997, a notice of consideration of approval of application regarding corporate restructuring was published in the **Federal Register** (62 FR 18369). An Environmental Assessment and Finding of No Significant Impact was published in the **Federal Register** on May 7, 1997 (62 FR 24981).

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 CEI, CSC, OE, OES Nuclear, Inc., Penn Power, and TE as holders of Facility Operating License No. NPF-58, and that the transfer of control of the license, to the extent effected by the proposed 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) CEI, CSC, OE, OES Nuclear, Inc., Penn Power, and TE 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 unless, upon application and for good cause shown, this date is extended.

This Order is effective upon issuance.

IV

By July 25, 1997, any person adversely affected by this Order may file a request for a hearing with respect to issuance of the Order. Any person requesting a hearing shall set forth with particularity how such person's interest is adversely affected by this Order and shall address the criteria set forth in 10 CFR 2.714(d).

If a hearing is to be held, the Commission will issue an order designating the time and place of such hearing.

If a hearing is held concerning this Order, the issue to be considered at any such hearing will be whether this Order should be sustained.

Any request for a hearing 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. Copies should also be sent to the Office of the General Counsel and to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, and to Gerald Charnoff, Esquire, of Shaw, Pittman, Potts and Trowbridge, 2300 N Street, NW., Washington, DC 20037.

For further details with respect to this action, see the application dated

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]

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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.

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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