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 Phoenix Public Library, 1221 N. Central Avenue, Phoenix, Arizona 85004. 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: Docketing and Services Branch, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, by the above date. Where petitions are filed during the last 10 days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at 1-(800) 248–5100 (in Missouri 1-(800) 342–6700). The Western Union operator should be given Datagram Identification Number N1023 and the following message addressed to William H. Bateman, Director, Project Directorate IV–2: petitioner's name and telephone number; date petition was mailed; plant name; and publication date and page number of this **Federal Register** notice. 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 Nancy C. Loftin, Esq., Corporate Secretary and Counsel, Arizona Public Service Company, P.O. Box 53999, Mail Station 9068, Phoenix, Arizona 85072–3999, 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 October 4, 1996, as supplemented by letter dated March 16, 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 Phoenix Public Library, 1221 N. Central Avenue, Phoenix, Arizona 85004.

Dated at Rockville, Maryland, this 3rd day of April 1997.

For the Nuclear Regulatory Commission.

Charles R. Thomas,

Project Manager, Project Directorate IV–2, Division of Reactor Projects III/IV, Office of Nuclear Reactor Regulation.

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NUCLEAR REGULATORY COMMISSION

[Docket No. 55–61425–SP; ASLBP No. 97–725–02–SP]

Atomic Safety and Licensing Board Panel; Notice of Hearing and of Opportunity To Petition for Leave To Intervene or To Participate as an Interested Governmental Entity; Denial of Application for Senior Reactor Oeprator's License

Before Presiding Officer: G. Paul Bollwerk, III, Administrative Judge. Special Assistant: Thomas D. Murphy, Administrative Judge.

In the Matter of Frank J. Calabrese, Jr.; (Denial of Senior Reactor Operator's License).

April 8, 1997.

On March 3, 1997, the NRC staff issued a notice of denial of application for a senior reactor operator's (SRO) license to Frank J. Calabrese Jr. In that letter, the staff advised Mr. Calabrese that although he had passed the written portion of the SRO examination administered to him on October 21–23, 1996, his application was being denied because he failed to pass the operating test portion of the examination.

On March 14, 1997, Mr. Calabrese filed a timely hearing request challenging the staff's denial of his SRO license application. In his hearing request, he asserted that his simulator examination was graded incorrectly or too severely. On March 25, 1997, the Commission referred Mr. Calabrese's hearing request to the Atomic Safety and Licensing Board Panel for the appointment of a presiding officer to conduct any necessary proceedings. On March 26, 1997, the Chief Administrative Judge of the Panel appointed Administrative Judge G. Paul Bollwerk, III, to act as the Presiding Officer, and Administrative Judge Thomas D. Murphy, to serve as Special Assistant to the Presiding Officer. (62 FR 15,542 (1997))

After receiving the staff's April 7, 1997 answer to the University's hearing request, on April 8, 1997, the Presiding Officer issued an order granting Mr. Calabrese's hearing request.

Please take notice that a hearing will be conducted in this proceeding. This hearing will be governed by the informal hearing procedures set forth in 10 CFR Part 2, Subpart L (10 CFR §§ 2.1201–.1263).

Further, in accordance with 10 CFR § 2.1205(j), please take notice that within *thirty days* from the date of publication of this notice of hearing in the **Federal Register** (1) Any person whose interest may be affected by this proceeding may file a petition for leave to intervene; and (2) any interested governmental entity may file a request to participate in this proceeding in accordance with 10 CFR § 2.1211(b). Any petition for leave to intervene must set forth the information required by 10 CFR § 2.1205(e), including a detailed description of (1) the interest of the petitioner in the proceeding; (2) how that interest may be affected by the results of the proceeding, including the reasons why the petitioner should be permitted to intervene with respect to the factors set forth in 10 CFR § 2.1205(h); (3) the petitioner's areas of concern regarding the staff's March 3, 1997 denial of Mr. Calabrese's SRO license application; and (4) the circumstances establishing that the petition to intervene is timely in accordance with 10 CFR § 2.1205(d). In accordance with 10 CFR § 2.1211(b), any request to participate by an interested governmental entity must state with reasonable specificity the requestor's areas of concern regarding the staff's March 3, 1997 denial of Mr. Calabrese's SRO license application.

In addition, pursuant to 10 C.F.R. § 2.1211(a), any person not a party to the proceeding may submit a written limited appearance statement setting forth his or her position on the issues in this proceeding. These statements do not constitute evidence, but may assist the Presiding Officer and/or parties in the definition of the issues being considered. Persons wishing to submit a written limited appearance statement should send it to the Office of the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch. A copy of the statement also should be served on the Presiding Officer and the Special Assistant.

In the April 8, 1997 order, the Presiding Officer directed that on or before Thursday, May 8, 1997, the staff shall file the hearing file for this proceeding. Once the hearing file is received, pursuant to 10 CFR § 2.1233 the Presiding Officer will establish a schedule for the filing of written presentations by Mr. Calabrese and the staff, which may be subject to supplementation to accommodate the grant of any intervention petition or request to participate by an interested governmental entity. After receiving the parties' written presentations, pursuant to 10 CFR §§ 2.1233(a), 2.1235, the Presiding Officer may submit written questions to the parties or any interested governmental entity or provide an opportunity for oral presentations by any party or interested governmental entity, which may include oral questioning of witnesses by the Presiding Officer.

Documents relating to this proceeding are available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC. Also, general information regarding the conduct of agency adjudicatory proceedings, including the provisions of 10 CFR Part 2, Subpart L, can be found by accessing the Atomic Safety and Licensing Board Panel's World Wide Web home page at the following case-sensitive universal resource locator (URL): http://www.nrc.gov/NRC/ASLBP/homepage.htm.

Dated: April 8, 1997, Rockville, Maryland.

G. Paul Bollwerk, III,

Administrative Judge.

[FR Doc. 97–9556 Filed 4–11–97; 8:45 am]

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NUCLEAR REGULATORY COMMISSION

[Docket No. 50–346]

Toledo Edison Company; Centerior Service Company; and the Cleveland Electric Illuminating Company; 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 the proposed merger between the Centerior Energy Corporation (the parent corporation for the Toledo Edison Company, The Cleveland Electric Illuminating Company (CEI), and the Centerior Service Company (CSC), licensees for Davis-Besse Nuclear Power Station, Unit No. 1) and the Ohio Edison Company. Davis-Besse is a nuclear-powered generating facility that is owned and operated in accordance with Facility Operating License No. NPF–3.

By letter dated December 13, 1996, the Toledo Edison Company, CEI, and CSC informed the Commission of, and are seeking consent regarding, a proposed merger of the Centerior Energy Corporation and the Ohio Edison Company resulting in the formation of a new single-holding company, FirstEnergy Corporation. Under the proposed merger, the Toledo Edison Company, CEI, CSC, and the Ohio Edison Company 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.

According to the application, the merger will have no adverse effect on either the technical management or operation of the Davis-Besse plant. The technical management and nuclear organization of the plant operators, the Toledo Edison Company and CSC, will continue to remain responsible for plant operation and maintenance after the merger.

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.