

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 a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. 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 William D. Johnson, Vice President and Senior Counsel, Carolina Power & Light Company, Post Office Box 1551, Raleigh, North Carolina 27602, 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 August 27, 1998, 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 Cameron Village Regional Library, 1930 Clark Avenue, Raleigh, North Carolina 27605.

Dated at Rockville, Maryland, this 21st day of September, 1998.

For the Nuclear Regulatory Commission.

**Scott C. Flanders,**

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

[FR Doc. 98-24010 Filed 9-4-98; 8:45 am]

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## NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-295/304-LA-2 ASLBP No. 98-750-06-LA]

### Commonwealth Edison Company; Establishment of Atomic Safety and Licensing Board

Pursuant to delegation by the Commission dated December 29, 1972, published in the **Federal Register**, 37 FR 28710 (1972), and Sections 2.105, 2.700, 2.702, 2.714, 2.714a, 2.717, 2.721 of the Commission's Regulations, all as amended, an Atomic Safety and Licensing Board is being established to preside over the following proceeding.

### COMMONWEALTH EDISON COMPANY

#### *Zion Nuclear Power Station*

This Board is being established pursuant to a petition for leave to intervene submitted by the Committee for Safety at Plant Zion, Randy Robarge and Edwin D. Dienethal. The petition was filed in response to a notice of issuance of a license amendment to the Commonwealth Edison Company for the Zion Nuclear Power Station and the Nuclear Regulatory Commission's Staff's finding of no significant hazards considerations in connection with that license amendment. The notice was published in the **Federal Register** at 63 FR 43216, 43217 (August 12, 1998).

The Board is comprised of the following administrative judges: Thomas S. Moore, Chairman, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, DC 20555; Dr. Jerry R. Kline, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, DC 20555; Frederick J. Shon, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, DC 20555

All correspondence, documents and other materials shall be filed with the Judges in accordance with 10 CFR 2.701.

Issued at Rockville, Maryland, this 1st day of September 1998.

**B. Paul Cotter, Jr.,**

*Chief Administrative Judge, Atomic Safety and Licensing Board Panel.*

[FR Doc. 98-24008 Filed 9-4-98; 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; Davis-Besse Nuclear Power Station, Unit 1; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering the issuance of an order approving, under 10 CFR 50.80, the transfer of Facility Operating License No. NPF-3, issued to the Toledo Edison Company, Centerior Service Company, and The Cleveland Electric Illuminating Company (the licensees) for the Davis-Besse Nuclear Power Station, Unit 1, located in Ottawa County, Ohio, with respect to operating authority under the license, and considering issuance of a conforming amendment under 10 CFR 50.90.

### Environmental Assessment

#### *Identification of the Proposed Action*

The proposed action would approve the transfer of operating authority under the license to a new company, FirstEnergy Nuclear Operating Company (FENOC), to allow it to use and operate Davis-Besse and to possess and use related licensed nuclear materials in accordance with the same conditions and authorizations included in the current operating license. The proposed action would also approve issuance of a license amendment reflecting the transfer of operating authority. FENOC would be formed by FirstEnergy Corporation to become the licensed operator for Davis-Besse and would have exclusive control over the operation and maintenance of the facility.

Under the proposed arrangement, ownership of Davis-Besse will remain unchanged with each owner retaining its current ownership interest. FENOC will not own any portion of Davis-Besse. Likewise, the owners' entitlement to capacity and energy from Davis-Besse

will not be affected by the proposed change in operating responsibility for Davis-Besse. The owners will continue to provide all funds for the operation, maintenance, and decommissioning by FENOC of Davis-Besse. The responsibility of the owners will include funding for any emergency situations that might arise at Davis-Besse.

The proposed action is in accordance with the licensees' application dated June 29, 1998, as supplemented by letter dated July 14, 1998, for approval of the transfer of the license and issuance of a conforming amendment.

#### *Need for the Proposed Action*

The proposed action is needed to enable the licensees to transfer operating authority to FENOC as discussed above. The licensees have submitted that this will enable them to enhance the already high level of public safety, operational efficiency, and cost-effective operations at Davis-Besse.

#### *Environmental Impacts of the Proposed Action*

The Commission has completed its evaluation of the proposed action and concludes that there will be no physical or operational changes to Davis-Besse. The technical qualifications of FENOC to carry out its responsibilities under the operating license for Davis-Besse will be equivalent to the present technical qualifications of the current operators. FENOC will assume responsibility for, and control over, operation and maintenance of the facility. The present plant organization, the oversight organizations, and the engineering and support organizations will be transferred essentially intact to FENOC. The technical qualifications of the FENOC organization, therefore, will be at least equivalent to those of the existing organization.

The Commission has evaluated the environmental impact of the proposed action and has determined that the probability or consequences of accidents would not be increased and that post-accident radiological releases would not be greater than previously determined. Further, the Commission has determined that the proposed action would not affect routine radiological plant effluents and would not increase occupational radiological exposure. Accordingly, the Commission concludes that there are no significant radiological environmental impacts associated with the proposed action.

With regard to potential nonradiological impacts, the proposed action would not affect nonradiological plant effluents and would have no other

environmental impact. Therefore, the Commission concludes that there are no significant nonradiological environmental impacts associated with the proposed action.

#### *Alternative to the Proposed Action*

Since the Commission concluded that there is no measurable environmental impact associated with the proposed action, any alternative with equal or greater environmental impacts need not be evaluated. As an alternative to the proposed action, the staff considered denial of the requested action. Denial of the application would result in no change in current environmental impacts. The environmental impacts of the proposed action and the alternative action are identical.

#### *Alternative Use of Resources*

This action does not involve the use of any resources not previously considered in the "Final Environmental Statement Related to the Operation of Davis-Besse Nuclear Power Station, Unit 1," dated October 1975.

#### *Agencies and Persons Contacted*

In accordance with its stated policy, on July 21, 1998, the staff consulted with the State official of the Ohio Emergency Management Agency regarding the environmental impact of the proposed action. The State official had no comments.

#### **Finding of No Significant Impact**

Based upon the environmental assessment, the Commission concludes that the proposed action will not have a significant effect on the quality of the human environment. Accordingly, the Commission has determined not to prepare an environmental impact statement for the proposed action.

For further details with respect to the proposed action, see the licensees' application dated June 29, 1998, as supplemented by letter dated July 14, 1998, 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 University of Toledo, William Carlson Library, Government Documents Collection, 2801 West Bancroft Avenue, Toledo, OH 43606.

Dated at Rockville, Maryland, this 1st day of September 1998.

For the Nuclear Regulatory Commission.

**Ronald R. Bellamy,**

*Director, Project Directorate III-3, Division of Reactor Projects—III/IV, Office of Nuclear Reactor Regulation.*

[FR Doc. 98-24009 Filed 9-4-98; 8:45 am]

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## **NUCLEAR REGULATORY COMMISSION**

[Docket Nos. STN 50-456, STN 50-457, STN 50-454, STN 50-455, 50-237, 50-249, 50-373, 50-374, 50-254, 50-265, 50-295, and 50-304]

**Commonwealth Edison Company (Braidwood Station, Units 1 and 2), (Byron Station, Units 1 and 2), (Dresden Nuclear Power Station, Units 2 and 3), (LaSalle County Station, Units 1 and 2), (Quad Cities Nuclear Power Station, Units 1 and 2), and (Zion Nuclear Power Station, Units 1 and 2); Issuance of Director's Decision Under 10 C.F.R. § 2.206**

Notice is hereby given that the Director, Office of Nuclear Reactor Regulation, has taken action with regard to a Petition submitted by the National Whistleblower Legal Defense and Education Fund (Petitioner), dated March 25, 1998, regarding Commonwealth Edison Company (ComEd).

The Petitioner requested that the NRC take corrective action and impose civil penalties against ComEd. The Petitioner asserted that: (1) ComEd's assertion in a pleading in a case before the U.S. Department of Labor that the filing of a "Problem Identification Form" does not constitute a protected activity fosters an atmosphere of intimidation and chills the reporting of concerns in violation of 10 CFR § 50.7; and (2) ComEd intentionally imposed "restrictive confidentiality" aimed at prohibiting employees from providing information to the NRC in violation of 10 C.F.R. § 50.7.

The Director of the Office of Nuclear Reactor Regulation has denied the Petition. The reasons for the denial are explained in the Director's Decision under 10 C.F.R. § 2.206 (DD-98-08), the complete text of which follows this notice and which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, N.W., Washington, D.C. 20555-0001; and at the local public document rooms; the Byron Public Library District, 109 N. Franklin, P.O. Box 434, Byron, Illinois 61010; the Wilmington Public Library, 201 S. Kankakee Street, Wilmington, Illinois 60481; Morris Area Public Library District, 604 Liberty Street, Morris, Illinois 60450; Jacobs Memorial Library, 815 North Orlando Smith Avenue, Illinois Valley Community College, Oglesby, Illinois 61348-9692; Dixon Public Library, 221 Hennepin Avenue, Dixon, Illinois 61021; and Waukegan Public Library, 128 N. County Street, Waukegan, Illinois 60085.