

proposed project staff, including any proposed consultants; and sufficient realistic time commitments from key project staff.

Project Management—Description of all elements and tasks of the project, and realistic timeframes necessary to complete the tasks; technical soundness of the design and methodology for achieving the project goals; identification of realistic process of ensuring achievement of tasks and milestones; provisions for adequate evaluation of the effectiveness of the project.

Financial/Administrative—financial and administrative integrity of the proposal, including adherence to Federal financial guidelines and processes; adequate project cost detail/narrative to support the proposed budget; reasonableness of estimated cost in relation to the anticipated results.

Executive Order 12372

Not subject to review.

Catalog of Federal Domestic Assistance Number: The Catalog of Federal Domestic Assistance Number applicable to this program is 16.602

Application Process

Policy Research, Inc. is to submit an application using OMB Standard Form 424, Application For Federal Assistance, including as appropriate required certifications and assurances (e.g. drug-free workplace, debarment, lobbying activities, etc.) The original application must bear the original ink-signature of the president or chief executive officer of PRI.)

A budget must be part of the application and composed of a narrative description linking costs to projected tasks, outcomes, and time frames, as well as a summary projection of costs/prices by major categories such as personnel, benefits, travel, supplies, equipment, and indirect costs.

Dated: June 28, 1995.

Morris L. Thigpen,

Director, National Institute of Corrections.
[FR Doc. 95-16357 Filed 7-3-95; 8:45 am]

BILLING CODE 4410-36-P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-440]

The Cleveland Electric Illuminating Company, et al., Perry Nuclear Power Plant, Unit No. 1; Notice of Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 69 to Facility Operating License No. NPF-58 issued to the Cleveland Electric Illuminating Company, Centerior Service Company, Duquesne Light Company, Ohio Edison Company, Pennsylvania Power Company, and Toledo Edison Company for operation of the Perry Nuclear Power Plant (PNPP), Unit No. 1, located in Lake County, Ohio. The amendment is effective as of the date of issuance.

The amendment modified the Technical Specifications (TS) by replacing the existing TS in their entirety with a new set of TS based on NUREG-1434, "Improved BWR-6 Technical Specifications," dated September 1992. This amendment was based on the licensee's submittal of December 16, 1993, and supplemented by letters dated November 7, 1994, May 5 and May 18, 1995.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

Notice of Consideration of Issuance of Amendment and Opportunity for Hearing in connection with this action was published in the **Federal Register** on April 14, 1994 (59 FR 17799). No request for a hearing or petition for leave to intervene was filed following this notice.

The Commission has prepared an Environmental Assessment related to the action and has determined not to prepare an environmental impact statement. Based upon the environmental assessment, the Commission has concluded that the issuance of the amendment will not have a significant effect on the quality of the human environment (60 FR 2162, dated January 6, 1995).

For further details with respect to the action see (1) the application for amendment dated December 16, 1993, and supplemented by letters dated November 7, 1994, May 5 and May 18, 1995, (2) Amendment No. 69 to License

No. NPF-58, (3) the Commission's related Safety Evaluation, and (4) the Commission's Environmental Assessment. All of these items 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 Perry Public Library, 3753 Main Street, Perry, Ohio 44081.

Dated at Rockville, Maryland, this 23rd day of June 1995.

For the Nuclear Regulatory Commission.

Jon B. Hopkins, Sr.,

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

[FR Doc. 95-16368 Filed 7-3-95; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-254 and 50-265]

Order Approving Transfer of License and Notice of Consideration of Proposed Issuance of Associated Amendment, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing

In the Matter of: Commonwealth Edison Company, Iowa-Illinois Gas and Electric Company (Quad Cities Nuclear Power Station, Units 1 and 2).

I

Iowa-Illinois Gas and Electric Company (IIGEC) is holder of 25 percent ownership in Quad Cities Nuclear Power Station, Units 1 and 2. Commonwealth Edison Company (ComEd) owns the remaining 75 percent share of the facility. IIGEC and ComEd are governed by Facility Operating License Nos. DPR-29 and DPR-30 issued by the U.S. Atomic Energy Commission (AEC) pursuant to part 50 of title 10 of the Code of Federal Regulations (10 CFR part 50) on December 14, 1972. Under these licenses, only ComEd, acting as agent and representative of the two owners listed on the licenses, has the authority to operate the Quad Cities Nuclear Power Station, Units 1 and 2. The Quad Cities station is located in rock Island County, Illinois.

II

By letter dated November 21, 1994, IIGEC informed the Commission that MidAmerican Energy Company (MidAmerican) will become the surviving corporation and public utility of a proposed merger between IIGEC, MidAmerican, Midwest Resources, Inc., and Midwest Power Systems, Inc. This merger would result in the transfer of IIGEC's 25 percent ownership share in

Quad Cities Nuclear Power Station, Units 1 and 2, to MidAmerican. The current stockholders of IIGEC and Midwest Resources, Inc. will become stockholders of MidAmerican when the merger takes effect. IIGEC requested the Commission's approval of the transfer of the ownership interest it now holds, pursuant to 10 CFR 50.80. Notice of this request for approval was published in the **Federal Register** on January 10, 1995 (60 FR 2615).

The transfer of Facility Operating License Nos. DPR-29 and DPR-30 is subject to the NPR's approval under 10 CFR 50.80(a). Upon review of information submitted in the letter of November 21, 1994, and other information before the Commission, the NRC staff has determined that MidAmerican will be an electric utility as defined in 10 CFR 50.2 and, consequently, as provided in 10 CFR 50.33(f), is not required to provide information on financial qualifications for a license to operate. The NRC staff concludes that MidAmerican is qualified to hold the licenses to the extent and for the purposes that IIGEC is now authorized to hold the licenses, and that the transfer, subject to the conditions set forth herein, is otherwise consistent with applicable provisions of law, regulations, and orders issued by the Commission. These findings are supported by a Safety Evaluation dated June 20, 1995.

III

By August 4, 1995, 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 that interest is adversely affected by this Order and shall address the criteria set forth in 10 CFR 2.714(d), in the same manner as is more fully discussed below regarding requests for hearing and petitions for leave to intervene in connection with proposed license amendments.

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 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, 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. 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, and to Michael I. Miller, Esquire, Sidley and Austin, One First National Plaza, Chicago, Illinois 60603, attorney for ComEd, and Sam Behrends, Esquire, LeBoeuf, Lamb, Greene & MacRae, 1875 Connecticut Avenue, NW., Washington, DC 20009-5728, attorney for IIGEC.

IV

Accordingly, pursuant to sections 161b, 161i, and 184 of the Atomic Energy Act of 1954, as amended, 42 U.S.C. 2201(b), 2201(i), 2234, and 10 CFR 50.80, IT IS HEREBY ORDERED that the Commission consents to the proposed transfer of the licenses described herein from IIGEC to MidAmerican subject to the following: (1) Approved amendments describing MidAmerican as part owner of Quad Cities Nuclear Power Station, Units 1 and 2, for Facility Operating License Nos. DPR-29 and DPR-30, which when issued by the NRC, would become effective as of the date of issuance; (2) should the transfer not be completed by August 30, 1995, this Order shall become null and void; and (3) on application and for good cause shown, this Order may be extended for a short period beyond August 30, 1995.

This Order is effective upon issuance.

V

Notice is hereby given that the Commission is considering the issuance of amendments to the licenses described herein to reflect the above transfer approved by the Commission. IIGEC stated in a letter dated November 21, 1994, again as stated by ComEd in their letter dated February 23, 1995, that the amendments are administrative in nature only because (1) IIGEC holds a minority interest (25 percent) in the facility, (2) ComEd is the sole operator of the facility, and (3) MidAmerican, as successor in interest to IIGEC, will be committed under the Ownership Agreement and the Operating Agreement to provide funds necessary on a pro-rata basis for the safe operation, maintenance, repair, decontamination, and decommissioning of the Quad Cities station in conformance with NRC regulations, subject to the same obligations, terms, and conditions that apply to IIGEC under the licenses. IIGEC further stated that MidAmerican's ability to fund these costs will be equal to, or greater than, that of IIGEC.

Before issuance of the proposed license amendments, the Commission will have made findings required by the

Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

The Commission has made a proposed determination that the proposed amendments involve no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, operation of the facility in accordance with the proposed amendments 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), ComEd has provided its analysis of the issue of no significant hazards consideration. According to the licensee, the proposed amendments would not:

1. Involve a significant increase in the probability or consequences of an accident previously evaluated because:

The proposed changes are purely administrative in nature, and as such do not affect any accident precursors or initiators. Therefore, the proposed changes do not increase the probability of any previously evaluated accident. Similarly, the proposed changes do not affect any equipment or procedures used to mitigate the consequences of an accident.

2. Create the possibility of a new or different kind of accident from any accident previously evaluated because:

The proposed changes are administrative in nature and therefore have no effect on the accident analyses or system operation. Therefore, the possibility of a new or different kind of accident is not created.

3. Involve a significant reduction in the margin of safety because:

The proposed changes do not involve a relaxation of the criteria used to establish safety limits, a relaxation of the bases for limiting safety system settings, or a relaxation of the bases for limiting conditions of operation. The proposed changes are administrative in nature without consequence to the safety of the plant. Therefore, the proposed changes do not impact the 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 30 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendments until the expiration of the 30-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 amendments before the expiration of the 30-day notice period, provided that its final determination is that the amendments involve 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 and provide for an opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

Written comments may be submitted by mail to the Rules Review and Directives Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, 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 August 4, 1995, any person whose interest may be affected by the issuance of the amendments to the subject facility operating licenses and who wishes to participate as a party 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 Dixon Public Library, 221 Hennepin Avenue, Dixon, Illinois. If a request for a hearing or a 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 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 the 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. The Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant for the amendments on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendments 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 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 amendments and make them immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendments.

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, 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 Mr. Robert A. Capra: 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, and to Michael I. Miller, Esquire, Sidley and Austin, One First National Plaza, Chicago, IL 60603, attorney for ComEd, and Sam Behrends, Esquire, LeBoeuf, Lamb, Greene & MacRae, 1875 Connecticut Avenue NW., Washington, DC 20009-5728, attorney for IIGEC.

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).

Pursuant to 10 CFR 51.21, 51.32 and 51.35, an environmental assessment and finding of no significant impact has been prepared and published in the **Federal Register** on March 27, 1995 (60 FR 15799).

Accordingly, based upon the environmental assessment, the Commission has determined that the issuance of these amendments will not have a significant effect on the quality of the human environment.

For further details with respect to this action, see the application for the transfer of licenses dated November 21, 1994, and the application for amendments dated February 23, 1995, 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 Dixon Public Library, 221 Hennepin Avenue, Dixon, IL.

Dated at Rockville, Maryland, this 28th day of June 1995.

For the Nuclear Regulatory Commission.

William T. Russell,

Director, Office of Nuclear Reactor Regulation.

[FR Doc. 95-16369 Filed 7-3-95; 8:45 am]

BILLING CODE 7590-01-M

[IA 95-022]

In the Matter of: Marc W. Zuverink, Holland, Michigan; Order Prohibiting Involvement in NRC-Licensed Activities and Requiring Certain Notification to NRC

I

Cammenga Associates, Inc. (Cammenga or Licensee) holds Byproduct Material License No. 21-26460-01 issued by the U.S. Nuclear Regulatory Commission (NRC or Commission) pursuant to 10 CFR Part 30 on September 27, 1993. The license authorizes the use of byproduct material, hydrogen-3 (tritium), in sealed vials for the production of tritium radioluminescent devices. The license is due to expire on January 31, 1998. From July 29, 1994, to September 16, 1994, Marc W. Zuverink was contracted to Cammenga through a temporary hiring service.

II

The Licensee trained Mr. Zuverink as a radiation worker. The training included a discussion of potential sanctions against employees who misused, mishandled, or stole radioactive material. Mr. Zuverink's answers on a comprehensive written exam given by the Licensee indicate that he was aware of potential civil and criminal penalties for employees who deliberately violate federal regulations or license requirements governing the use of tritium. The radiation safety training allowed Mr. Zuverink to enter the Licensee's restricted area and to have access to licensed material as part of the process of manufacturing tritium illuminated compasses under contract to the United States military.

III

On September 30, 1994, the Licensee undertook an inventory of NRC-licensed material in its possession. Upon completion, the inventory determined that 1099 vials, containing a total of 49.11 curies of tritium, were missing. The Licensee notified the NRC and the Ottawa County, Michigan, Sheriff's Department. An inspection was conducted by NRC Region III personnel on October 7 and 8, 1994, to evaluate the radiological consequences of the missing material and to monitor the retrieval of the tritium sources. Investigations were conducted by the NRC Office of Investigations (OI), the Ottawa County Sheriff's Department, and the Department of Defense Criminal Investigation Service.

Mr. Zuverink admitted to the investigators that he took tritium vials and completed compasses with tritium inserts from the Licensee on more than one occasion. The largest theft apparently took place on September 10, 1994, when he took nine bags of vials from the Licensee, each bag containing 100 vials of tritium, 50 millicuries per vial. Mr. Zuverink stated that he gave the tritium vials and compasses to various members of the public, including approximately 100 vials (5,000 millicuries) to a teenage skateboarder whom he did not know. Mr. Zuverink also admitted that he crushed a tritium vial on a kitchen table at his home in the presence of another individual. This action contaminated the tabletop and caused the other individual to receive a minor tritium uptake (internal tritium contamination). Minor contamination of a countertop and tables was also found in a restaurant where Mr. Zuverink had given one or more vials to another member of the public. Mr. Zuverink was

able to arrange for the return of 548 tritium vials, leaving 551 vials unaccounted for (401 vials at 50 millicuries, 57 vials at 25 millicuries, and 93 vials at 5 millicuries).

OI also found that Mr. Zuverink made false statements to an OI investigator and an NRC inspector during an interview on October 7, 1994. During that interview, Mr. Zuverink stated that he never had any tritium vials at his home, had given tritium vials to only two individuals, and had stolen only one compass. These statements were contradicted by Mr. Zuverink's sworn testimony on October 17, 1994.

Mr. Zuverink's acquisition, possession and transfer of NRC-licensed material, tritium, is a deliberate violation of 10 CFR 30.3, "Activities requiring license." 10 CFR 30.3 requires that no person shall manufacture, produce, transfer, receive, acquire, own, possess, or use byproduct material except as authorized in a specific or general license. Mr. Zuverink was not authorized in a specific or general license to acquire, possess or transfer byproduct material, including tritium.

Pursuant to a plea arrangement dated February 3, 1995, Mr. Zuverink agreed to plead guilty in the U.S. District Court for the Western District of Michigan to one criminal count of violating 18 U.S.C. 641, a misdemeanor. Specifically, the agreement describes the charge as stealing compasses, containing the radioactive substance tritium, which belonged to the United States and which were manufactured under contract for the United States. As a result, on April 18, 1995, a judgment was entered whereby Mr. Zuverink was sentenced to serve one year in federal custody, pay a fine of \$500, make restitution to Cammenga in the amount of \$1,000, and pay a \$25 special assessment to the court.

IV

Based on the above, the NRC concludes that Marc W. Zuverink engaged in deliberate misconduct that constituted a violation of 10 CFR 30.3 when he stole and transferred NRC-licensed material. The NRC must be able to rely on its licensees, and the employees of licensees and licensee contractors, to comply with NRC requirements, including the requirement that licensed material cannot be acquired, possessed or distributed without a specific or general license. The deliberate violation of 10 CFR 30.3 by Marc W. Zuverink, as discussed above, has raised serious doubt as to whether he can be relied on to comply with NRC requirements.