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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 S. Singh Bajwa: 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 Jay E. Silbert, Esquire, Shaw, Pittman, Potts and Trowbridge, 2300 N Street, NW., Washington, DC, 20037 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 January 31, 1997, as supplemented February 13, 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 Calvert County Library, Prince Frederick, Maryland 20678.

Dated at Rockville, Maryland, this 20th day of February 1997.

For the Nuclear Regulatory Commission.  
Alexander W. Dromerick,  
*Senior Project Manager, Project Directorate I-1, Division of Reactor Projects—I/II, Office of Nuclear Reactor Regulation.*  
[FR Doc. 97-4701 Filed 2-25-97; 8:45 am]  
BILLING CODE 7590-01-P

**[Docket No. 50-331]**

**IES Utilities Inc., Central Iowa Power Cooperative, Corn Belt Power Cooperative, Duane Arnold Energy Center; Notice of Consideration of Approval of Application Regarding Merger**

Notice is hereby given that the United States Nuclear Regulatory Commission (the Commission) is considering the issuance of an order approving under 10 CFR 50.80 an application regarding the proposed merger involving IES Industries (IESI), the parent company of IES Utilities Inc. (IESU). IESU is the licensee for the Duane Arnold Energy Center (DAEC). By letter dated September 27, 1996, IESU informed the Commission that under a merger agreement among IESI, WPL Holdings, and Interstate Power Corporation, IESI will merge with and into a WPL Holdings (WPLH), and Interstate Power Corporation will become a subsidiary of WPLH. WPLH will be renamed Interstate Energy Corporation (IEC) of which IESU would become a wholly-owned subsidiary. IESU will remain the holder of its license for DAEC. Under the merger agreement, current stockholders of IESI, WPLH, and IPC will become stockholders of IEC pursuant to a formula stipulated in the merger agreement. IESU requested the Commission's approval regarding the proposed transactions to the extent they effect an indirect transfer of control of the DAEC license, pursuant to 10 CFR 50.80. IESU would remain an electric utility as defined in 10 CFR 50.2, engaged in the generation, transmission, and distribution of electric energy for wholesale and retail sale, subject to the rate regulation of the Iowa Utilities Board and the Federal Energy Regulatory Commission.

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 licensee's letter dated September 27, 1996, with the following exhibits: (A) Information to support the request for the Commission's consent. (B) A copy of the merger agreement executed among IES Industries Inc., WPL Holdings, Inc., and Interstate Power Corporation. These documents are available for public inspection at the Commission's Public Document Room, 2120 L Street, NW., Washington, DC, and at the local public document room located in the Cedar Rapids Public Library, 500 First Street, SE., Cedar Rapids, IA 52401.

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

Glenn B. Kelly,  
*Project Manager, Project Directorate III-3, Division of Reactor Projects III/IV, Office of Nuclear Reactor Regulation.*  
[FR Doc. 97-4700 Filed 2-25-97; 8:45 am]  
BILLING CODE 7590-01-P

**Toledo Edison Company Centerior Service Company; and the Cleveland Electric Illuminating Company; Davis-Besse Nuclear Power Station, Unit No. 1 Notice of Consideration of Issuance of Amendment to Facility Operating License, Proposed no Significant Hazards Consideration Determination, and Opportunity for a Hearing**

**[Docket No. 50-346]**

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. NPF-3, issued to the Toledo Edison Company, Centerior Service Company, and The Cleveland Electric Illuminating Company (the licensee), for operation of the Davis-Besse Nuclear Power Station, Unit No. 1 located in Ottawa County, Ohio.

The proposed amendment would revise Technical Specification (TS) Section 3/4.5.2, "Emergency Core Cooling Systems, ECCS Subsystems— $T_{avg} \geq 280$  °F." Surveillance requirement (SR) 4.5.2.f would be modified to state that opening and closing of the inspection port on the watertight enclosure for the decay heat valve pit would not require this surveillance procedure to be performed. The applicable TS bases would also be changed.

The licensee's submittal is being processed as an exigent TS amendment request pursuant to 10 CFR 50.91(a)(6), as a followup to the Notice of Enforcement Discretion (NOED) issued by the Commission on February 12, 1997.

The NOED was issued under Criteria 1(a) of NUREG-1600, to avoid undesirable transients as a result of forcing compliance with a license condition and, thus, to minimize potential safety consequences and operational risks.

The licensee discovered that SR 4.5.2.f could be interpreted to require a leak test after opening and subsequent closing of the valve pit inspection port, and that the port had been opened since the last time that the SR had been performed. Because the SR had been missed, the licensee entered TS 3.0.3, which requires that the plant be shut down, and TS 4.0.3, which allows a 24-hour delay in the shutdown so that the missed SR can be performed. The licensee determined that the SR could not be performed at power, and initiated a plant shutdown in accordance with TS 3.0.3. The licensee then requested the Commission to exercise enforcement discretion, and, consistent with Commission policy, submitted the subject TS amendment request 2 days later.

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.

Pursuant to 10 CFR 50.91(a)(6) for amendments to be granted under exigent circumstances, the NRC staff must determine that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment 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), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

Toledo Edison had reviewed the proposed change and determined that a significant hazards consideration does not exist because operation of the Davis-Besse Nuclear Power Station (DBNPS), Unit 1 in accordance with these changes would:

1a. Not involve a significant increase in the probability of an accident previously evaluated because the initiators regarding the large break Loss-of-Coolant Accident (LOCA) are not affected by the proposed change. Revising Surveillance Requirement 4.5.2.f has no bearing on initiating an accident

previously evaluated. The flow path through the decay heat drop line also is not an accident initiator.

1b. Not involve a significant increase in the consequences of an accident previously evaluated because the proposed change does not alter the source term, containment isolation, allowable radiological releases, or invalidate the assumptions used in evaluating radiological releases. Therefore, the radiological consequences of all accidents presented in the DBNPS Updated Safety Analysis Report (USAR) are unchanged.

2. Not create the possibility of a new or different kind of accident from any accident previously evaluated because the operability requirements of Decay Heat Removal (DHR) System isolation valves DH-11 and DH-12 will continue to be adequately addressed by Surveillance Requirement 4.5.2.f. The plant will be operated in the same way as before, and no different accident initiators or failure mechanism are introduced by the proposed change. The inspection port's Kamlok coupling is included as part of the watertight enclosure vacuum leakage rate test to ensure its leak tightness. In addition, the proposed change adds a new stipulation to Surveillance Requirement 4.5.2.f that after its use, the inspection port must be verified as closed in its correct position. Thus, the change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Not involve a significant reduction in a margin of safety because the proposed change does not involve any new changes to the initial conditions contributing to accident severity or consequences. The inspection port's Kamlok coupling is included as part of the watertight enclosure vacuum leakage rate test to ensure its leak tightness. In addition, the proposed change adds a new stipulation to Surveillance Requirement 4.5.2.f that after its use, the inspection port must be verified as closed in its correct position. The design of the Kamlok coupling provides for quick and easy access to the inspection port, and quick and easy closure of the inspection port upon completion of inspection activities.

Consequently there are no reductions in a 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 14 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of the 14-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 amendment before the expiration of the 14-day notice period, provided that its final determination is that the amendment involves 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. The Commission expects that the need to take this action will occur very infrequently.

Written comments may be submitted by mail to the Chief, Rules Review and Directives Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, 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 March 28, 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 University of Toledo, William Carlson Library, Government Documents Collection, 2801 West Bancroft Avenue, Toledo, Ohio 43606. 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.

If the amendment is issued before the expiration of the 30-day hearing period, the Commission will make a final determination on the issue of no significant hazards consideration. If a hearing is requested, 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: 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 the Director, Project Directorate III-3, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001: 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 Jay E. Silberg, Esquire, Shaw, Pittman, Potts and Trowbridge, 2300 N Street, NW., Washington, DC 20037, 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 February 14, 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 University of Toledo, William Carlson Library, Government Documents Collection, 2801 West Bancroft Avenue, Toledo, Ohio 43606.

Dated at Rockville, Maryland, this 20th day of February 1997.

For the Nuclear Regulatory Commission.

Allen G. Hansen,

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

[FR Doc. 97-4703 Filed 2-25-97; 8:45 am]

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### **Safety-Conscious Work Environment**

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Request for public comment.

**SUMMARY:** The Nuclear Regulatory Commission (NRC) is considering several strategies in addressing the need for its licensees to establish and maintain a safety-conscious work environment. As discussed herein, the Commission is evaluating the development of a standardized approach that would (1) require licensees to establish and maintain a safety-conscious work environment with clearly defined attributes; (2) establish certain indicators that may be monitored and that, when considered collectively, may provide evidence of an emerging adverse trend; and (3) outline specific remedial actions that the Commission may require when it determines that a particular licensee has failed to establish or maintain a safety-conscious work environment. Before proceeding further, the NRC is seeking comments and suggestions on the various strategies being considered.

**DATES:** The comment period expires May 27, 1997. Comments received after this date will be considered if it is practical to do so, but the Commission is able to assure consideration only for comments received on or before this date.

**ADDRESSES:** Submit written comments to: David Meyer, Chief, Rules Review and Directives Branch, Division of