Dated at Rockville, Maryland, this 10th day of October 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.

[FR Doc. 97–27876 Filed 10–20–97; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. IA 97–070, ASLBP No. 98–734–01–EA]

Magdy Elamir, M.D.; Establishment of Atomic Safety and Licensing Board

Pursuant to delegation by the Commission dated December 29, 1972, published in the **Federal Register**, 37 F.R. 28710 (1972), and Sections 2.105, 2.700, 2.702, 2.714, 2.714a, 2.717, 2.721, and 2.772(j) of the Commission's Regulations, all as amended, an Atomic Safety and Licensing Board is being established to preside over the following proceeding.

MAGDY ELAMIR, M.D.

Order Superseding Order Prohibiting Involvement in NRC-Licensed Activities (Effective Immediately)

IA 97–070

In accordance with 10 C.F.R. § 202, this Board is established as a result of the petitioner, Dr. Magdy Elamir, President of Newark Medical Associates, P.A., requesting a hearing on a September 15, 1997, NRC Order. The Order prohibits Dr. Elamir from engaging in NRC-licensed activities for five years, requires him to inform the NRC of any NRC licensed entity or entities where Dr. Elamir is involved and prohibits such involvements, and requires him to provide a copy of the Order to all such NRC-licensed entities.

The Board is comprised of the following administrative judges:

Charles Bechhoefer, Chairman, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555

Dr. Peter S. Lam, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555

Dr. Jerry R. Kline, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555

All correspondence, documents and other materials in this proceeding shall be filed with the Judges in accordance with 10 C.F.R. § 2.701.

Issued at Rockville, Maryland, this 15th day of October 1997.

B. Paul Cotter, Jr.,

Chief Administrative Judge, Atomic Safety and Licensing Board Panel.

[FR Doc. 97–27878 Filed 10–20–97; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–22]

Notice of Proposed Issuance of a License Amendment and an Order Authorizing Disposition of Component Parts Termination of Facility License and Opportunity for Hearing; Waltz Mill Test Reactor

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of a license amendment and an order authorizing the Westinghouse Electric Corporation (the licensee) to dismantle the Waltz Mill Test Reactor facility and dispose of the component parts, and termination of Facility License No. TR–2, in accordance with the licensee's application dated July 31, 1997.

The license amendment would be issued following the Commission's review and approval of the licensee's detailed plan for removal of the reactor vessel internal contents, the reactor vessel, the biological shield, and disposal of radioactive components. The license amendment would authorize implementation of the approved plan. Following completion of the authorized activities and verification by the Commission that acceptable radioactive contamination levels have been achieved, the Commission would issue an order terminating the TR–2 license, and relicensing the remaining facility under a Special Nuclear Materials license existing at other parts of the facility at Waltz Mill. Prior to issuance of the license amendment and order, the Commission will have made the findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations.

By November 20, 1997, the licensee may file a request for a hearing with respect to issuance of the subject amendment and order, 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 petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's ''Rules for Practice for Domestic Licensing Proceedings'' in 10 CFR Part 2. 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 fifteen (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 fifteen (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, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the action under consideration. 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, D.C. 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, D.C. 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, D.C. 20555, and to Lisa A. Campagna, Assistant General Counsel, Law Department, Westinghouse Electric Corporation, P.O. Box 355, Pittsburgh, Pennsylvania 15230, 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 petitioner 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 licensee's application dated July 31, 1997, which is available for public inspection at the Commission's Public Document Room, 2120 L Street, NW., Washington, D.C.

Dated at Rockville, Maryland, this 14th day of October 1997.

For the Nuclear Regulatory Commission.

Seymour H. Weiss,

Director, Non-Power Reactors and Decommissioning Project Directorate, Division of Reactor Program Management, Office of Nuclear Reactor Regulation.

[FR Doc. 97–27873 Filed 10–20–97; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–440]

The Cleveland Electric Illuminating Company, et al. Perry Nuclear Power Plant, Unit No. 1; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering approval, by issuance of an order under 10 CFR 50.80, of the indirect transfer of Facility Operating License No. NPF–58, to the extent it is held by the Duquesne Light Company (Duquesne Light) for the Perry Nuclear Power Plant, Unit No. 1 (PNPP), located in Lake County, Ohio.

Environmental Assessment

Identification of the Proposed

The proposed action would consent to the indirect transfer of the license with respect to a proposed merger between DQE, Inc. and Allegheny Power System, Inc. DQE, Inc. is the parent holding company of Duquesne Light, which holds a license to possess an interest in PNPP. Duquesne Light, The Cleveland Electric Illuminating Company (CEI), Toledo Edison Company, Centerior Service Company (CSC), OES Nuclear, Inc., Ohio Edison Company, and Pennsylvania Power Company are holders of Facility Operating License No. NPF–58, dated November 13, 1986. Facility Operating License No. NPF–58 authorizes the holders to possess the PNPP, and authorizes CEI and CSC to use and operate PNPP in accordance with the conditions and requirements set forth in the operating license. By letter dated August 1, 1997, the Commission was informed that DQE, Inc. and Allegheny Power have entered into a merger agreement which will result in the indirect transfer of control of the interest held by Duquesne Light in the PNPP operating license to Allegheny Power, which will be renamed Allegheny Energy, Inc. (Allegheny Energy).

According to the application, the merger will have no adverse effect on either the technical management or operation of PNPP since CEI and CSC, responsible for the operation and maintenance of PNPP, are not involved in the merger. The Toledo Edison Company, Ohio Edison Company, OES Nuclear, Inc., CEI, CSC, and Pennsylvania Power Company will remain licensees responsible for their possessory interests and related obligations. No direct transfer of the license will result from the merger.

The proposed action is in accordance with Duquesne Light's request for approval dated August 1, 1997.

The Need for the Proposed Action

The proposed action is required to obtain the necessary consent to the indirect transfer of the license discussed above. According to the application, the underlying transaction is needed to create a stronger, more competitive enterprise that is expected to save over $1 billion in net savings over the first 10 years, thereby enhancing Duquesne Light's financial resources to possess its interests in the PNPP.

Environmental Impacts of the Proposed Action

The proposed action involves administrative activities unrelated to plant operation.

The proposed action will not result in an increase in the probability or consequences of accidents or result in a change in occupational or offsite dose. Therefore, there are no radiological impacts associated with the proposed action.

The proposed action will not result in a change in nonradiological plant effluents and will have no other nonradiological environmental impact.

Accordingly, the Commission concludes that there are no environmental impacts associated with this action.

Alternatives to the Proposed Action

As an alternative to the proposed action, the staff considered denial of the proposed 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 similar.

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 Perry Nuclear Power Plant, Units 1 and 2,'' dated August 1982, in NUREG–0884.

Agencies and Persons Consulted

In accordance with its stated policy, on October 1, 1997, the staff consulted with the Ohio State official 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 Duquesne Light's submittal dated August 1, 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 Perry Public Library, 3753 Main Street, Perry, Ohio 44081.

Dated at Rockville, Maryland, this 15th day of October 1997.

For the Nuclear Regulatory Commission.

Gail H. Marcus,

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

[FR Doc. 97–27875 Filed 10–20–97; 8:45 am]

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