

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-133, 50-275 and 50-323]

Pacific Gas and Electric Company; (Humboldt Bay Power Plant, Unit 3, and Diablo Canyon Nuclear Power Plant, Units 1 and 2); Order Approving Application Regarding the Corporate Restructuring of Pacific Gas and Electric Company by Establishment of a Holding Company

I

Pacific Gas and Electric Company (PG&E) is sole owner of Humboldt Bay Power Plant (HBPP), Unit 3, and Diablo Canyon Nuclear Power Plant (DCPP), Units 1 and 2. PG&E holds Facility Operating License No. DPR-7 issued by the U.S. Atomic Energy Commission (AEC) and holds Facility Operating License Nos. DPR-80 and DPR-82 issued by the U.S. Nuclear Regulatory Commission (NRC) pursuant to Part 50 of Title 10 of the Code of Federal Regulations (10 CFR Part 50) on August 28, 1962, November 2, 1984 and August 26, 1985, respectively. Under these licenses, PG&E has the authority to possess, but not operate the Humboldt Bay Power Plant, Unit 3, and to operate Diablo Canyon Nuclear Power Plant, Units 1 and 2. Humboldt Bay is located in Humboldt County, California and Diablo Canyon is located in San Luis Obispo County, California.

II

By letter dated November 1, 1995, PG&E informed the Commission that it was in the process of implementing a corporate restructuring that will result in the creation of a holding company under the temporary name PG&E Parent Co., Inc. ("Parent Company") of which PG&E would become a subsidiary. Under the restructuring, the holders of PG&E common stock will become holders of common stock of the Parent Company. PG&E requested, to the extent necessary, the Commission's approval of the corporate restructuring, pursuant to 10 CFR 50.80. Notice of this application for approval was published in the Federal Register on April 5, 1996 (61 FR 15314), and an Environmental Assessment and Finding of No Significant Impact was published in the Federal Register on June 18, 1996 (61 FR 30924).

Under 10 CFR 50.80(a), no license shall be transferred, directly or indirectly, through transfer of control of the license, unless the Commission shall give its consent in writing. Upon review of the information submitted in the letter of November 1, 1995, and other

information before the Commission, the NRC staff has determined that the restructuring of PG&E will not affect the qualifications of PG&E as holder of the licenses, and that the transfer of control of the licenses for HBPP and DCPP, to the extent effected by the restructuring of PG&E, is otherwise consistent with applicable provisions of law, regulations, and orders issued by the Commission, subject to the conditions set forth herein. These findings are supported by a Safety Evaluation dated October 18, 1996.

III

Accordingly, pursuant to Sections 161b, 161i, 161o, and 184 of the Atomic Energy Act of 1954, as amended, 42 USC 2201(b), 2201(i), 2201(o) and 2234, and 10 CFR 50.80, *it is hereby ordered* that the Commission approves the application regarding the restructuring of PG&E subject to the following: (1) PG&E shall provide the Director of the Office of Nuclear Reactor Regulation a copy of any application, at the time it is filed, to transfer (excluding grants of security interests or liens) from PG&E to its proposed parent or to any other affiliated company, facilities for the production, transmission, or distribution of electric energy having a depreciated book value exceeding ten percent (10%) of PG&E's consolidated net utility plant, as recorded on PG&E's books of account; and (2) should the restructuring of PG&E not be completed by December 31, 1997, this Order shall become null and void, provided, however, on application and for good cause shown, such date may be extended.

IV

By November 25, 1996, 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).

If a hearing is to be held, the Commission will issue an Order designating the time and place of such hearing.

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 20555-0001, Attention: Docketing and Services Branch, or may be delivered to 11555 Rockville Pike, Rockville, Maryland between 7:45 a.m. and 4:15 p.m.

Federal workdays, by the above date. Copies should be also 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 Christopher J. Warner, Esquire, Pacific Gas & Electric Company, Post Office Box 7442, San Francisco, California 94120, attorney for PG&E.

For further details with respect to this Order, see the application for approval of the corporate restructuring dated November 1, 1995, 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 California Polytechnic State University, Robert E. Kennedy Library, Government Documents and Maps Department, San Luis Obispo, California 93407.

Dated at Rockville, Maryland, this 18th day of October 1996.

For the Nuclear Regulatory Commission.

Frank J. Miraglia,

Acting Director, Office of Nuclear Reactor Regulation.

[FR Doc. 96-27293 Filed 10-23-96; 8:45 am]

BILLING CODE 7590-01-P

[Docket Nos. 50-289 and 50-320; Docket Nos. 50-171, 50-277, 50-278]

GPU Nuclear Corporation, Three Mile Island Nuclear Station and Philadelphia Electric Company, Peach Bottom Atomic Power Station; Extension of Temporary Reduction in Local Public Document Room Services

Notice is hereby given that portions of the State Library of Pennsylvania, Harrisburg, Pennsylvania, which serves as the Nuclear Regulatory Commission (NRC) local public document room (LPDR) for the GPU Nuclear Corporation's Three Mile Island Nuclear Station and the Philadelphia Electric Company's Peach Bottom Atomic Power Station, are now open to the public. The open areas include the basement level section that contains NRC microfiche of most of the Three Mile Island records and the Peach Bottom records issued since January 1981. The stack area that contains hard copy NRC records will continue to be closed to the public for approximately six more months so that lead can be removed from the building. Notice of the temporary reduction in LPDR services was published in the Federal Register on October 17, 1995 (60 FR 53816).

During the lead removal project, every effort will be made to meet the informational needs of LPDR patrons.

Library staff will continue to perform online searches in NRC's NUDOCs database to help patrons identify agency records. The locations of other LPDRs that maintain records on Peach Bottom and Three Mile Island can be obtained by contacting the NRC LPDR staff. Their toll-free telephone number is (800) 638-8081. Requests for records may also be addressed to the NRC's Public Document Room (PDR), 2120 L Street NW., Lower Level, Washington, DC 20555-0001. The PDR's toll-free telephone number is (800) 397-4209.

Persons interested in using the Harrisburg LPDR collection while the stack areas are closed are asked to contact the State Library of Pennsylvania at (717) 787-2327, or the NRC LPDR staff at their toll-free telephone number listed above.

Questions concerning the NRC's LPDR program or the availability of agency documents in the Harrisburg area should be addressed to Ms. Jona L. Souder, LPDR Program Manager, Freedom of Information/Local Public Document Room Branch, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, telephone number (800) 638-8081.

Dated at Rockville, Maryland, this 18th day of October, 1996.

For the Nuclear Regulatory Commission.
David L. Meyer,
Acting Director, Division of Freedom of Information and Publications Services, Office of Administration.
[FR Doc. 96-27294 Filed 10-23-96; 8:45 am]
BILLING CODE 7590-01-P-M

[Docket No. 72-18]

In the Matter of Northern States Power Company and Florence Township, Minnesota; Receipt of Petition for Director's Decision Under 10 CFR 2.206

Notice is hereby given that by a Petition dated August 26, 1996, Florence Township (Petitioner) requested that the Nuclear Regulatory Commission take enforcement action against Northern States Power Company (NSP) for violating the NRC's regulations by failing to provide the Petitioner with an opportunity to comment on a proposed emergency plan for the Goodhue County Independent Spent Fuel Storage Installation before submission to the NRC. Specifically, the Petitioner asks that the NRC impose a penalty in the amount of \$1,000,000 and require NSP to compensate Petitioner in the amount of \$7,500 for time expended by its Board and attorney in attempting

to obtain the emergency plan before submission to the NRC.

The Petition has been referred to the Office of Nuclear Material Safety and Safeguards pursuant to 10 CFR 2.206. As provided by 10 CFR 2.206, appropriate action will be taken with regard to the specific issues raised by the Petition in a reasonable time. A copy of the Petition is available for inspection at the Commission's Public Document Room at 2120 L Street, NW, Washington, DC 20555.

Dated at Rockville, Maryland, this 11th day of October 1996.

For the Nuclear Regulatory Commission.
Carl J. Paperiello,
Director, Office of Nuclear Material Safety and Safeguards.
[FR Doc. 96-27295 Filed 10-23-96; 8:45 am]
BILLING CODE 7590-01-P

POSTAL RATE COMMISSION

[Docket No. A97-2; Order No. 1137]

Notice and Order Accepting Appeal and Establishing Procedural Schedule Under 39 U.S.C. 404(b)(5)

Before Commissioners: Edward J. Gleiman, Chairman; H. Edward Quick, Jr., Vice-Chairman; George W. Haley; W.H. "Trey" LeBlanc III.

In the Matter of: Atlantic, Maine 04608 (Steven W. Wheaton, et al., Petitioners).
Issued October 18, 1996.

Docket Number: A97-2.
Name of Affected Post Office:
Atlantic, Maine 04608.
Name(s) of Petitioner(s): Steven W. Wheaton, et al.

Type of Determination: Closing.
Date of Filing of Appeal Papers:
October 15, 1996.

Categories of Issues Apparently Raised:

1. Effect on postal services [39 U.S.C. 404(b)(2)(C)].
2. Effect on the community [39 U.S.C. 404(b)(2)(A)].

After the Postal Service files the administrative record and the Commission reviews it, the Commission may find that there are more legal issues than those set forth above. Or, the Commission may find that the Postal Service's determination disposes of one or more of those issues.

The Postal Reorganization Act requires that the Commission issue its decision within 120 days from the date this appeal was filed (39 U.S.C. 404(b)(5)). In the interest of expedition, in light of the 120-day decision schedule, the Commission may request the Postal Service to submit memoranda of law on any appropriate issue. If requested, such

memoranda will be due 20 days from the issuance of the request and the Postal Service shall serve a copy of its memoranda on the petitioners. The Postal Service may incorporate by reference in its briefs or motions, any arguments presented in memoranda it previously filed in this docket. If necessary, the Commission also may ask petitioners or the Postal Service for more information.

The Commission Orders

(a) The Postal Service shall file the record in this appeal by October 30, 1996.

(b) The Secretary of the Postal Rate Commission shall publish this Notice and Order and Procedural Schedule in the Federal Register.

By the Commission.
Margaret P. Crenshaw,
Secretary.

Appendix

- October 15, 1996
Filing of Appeal letter
- October 18, 1996
Commission Notice and Order of Filing of Appeal
- November 8, 1996
Last day of filing of petitions to intervene [see 39 CFR 3001.111(b)]
- November 19, 1996
Petitioners' Participant Statement or Initial Brief [see 39 CFR 3001.115 (a) and (b)]
- December 9, 1996
Postal Service's Answering Brief [see 39 CFR 3001.115(c)]
- December 24, 1996
Petitioners' Reply Brief should Petitioner choose to file one [see 39 CFR 3001.115(d)]
- December 31, 1996
Deadline for motions by any party requesting oral argument. The Commission will schedule oral argument only when it is a necessary addition to the written filings [see 39 CFR 3001.116]
- February 12, 1997
Expiration of the Commission's 120-day decisional schedule [see 39 U.S.C. 404(b)(5)]

[FR Doc. 96-27251 Filed 10-23-96; 8:45 am]
BILLING CODE 7710-FW-P

[Docket No. A97-1 Order No. 1136]

Notice and Order Accepting Appeal and Establishing Procedural Schedule Under 39 U.S.C. § 404(b)(5)

Before Commissioners: Edward J. Gleiman, Chairman; H. Edward Quick, Jr., Vice-Chairman; George W. Haley; W.H. "Trey" LeBlanc III.

In the Matter of: Green Mountain, Iowa 50637: (Sharon Somers, Petitioner).

Issued October 18, 1996.
Docket Number: A97-1.
Name of Affected Post Office: Green Mountain, Iowa 50637.