

financial viability with respect to Great Bay's share of operation and decommissioning costs of Seabrook. The staff believes that Great Bay's financial viability will not be diminished but instead likely will be enhanced by the formation of the holding company. By approving the indirect transfer of control now, the staff believes that Great Bay could be in a stronger position to meet both the financial qualifications and decommissioning rules.

Thus, to allow the staff to act upon, without further delay, Great Bay's request for approval of indirect transfer of control of Great Bay, and at the same time afford Great Bay a reasonable opportunity to implement a suitable decommissioning funding assurance method required of a non-electric utility, the staff is granting Great Bay a 6-month exemption from compliance with the provisions 10 CFR 50.75(e)(2) pertaining to the additional surety arrangements for decommissioning funding assurance for non-electric utility licensees. If, within the effective period of this exemption, Great Bay has been unable to establish itself as an electric utility as defined in 10 CFR 50.2, Great Bay then must obtain a surety bond or other allowable decommissioning funding assurance mechanism for non-electric utility licensees meeting all of the requirements of 10 CFR 50.75(e)(2).

The Commission has determined that pursuant to 10 CFR 50.12(a)(1), this exemption is authorized by law, will not present an undue risk to the public health and safety, and is consistent with the common defense and security. The Commission further has determined that special circumstances as provided in 10 CFR 50.12(a)(2)(ii) and 10 CFR 50.12(a)(2)(v) are present justifying the exemption. Under criterion (ii), special circumstances exist in that application of the regulation in this particular circumstance is not necessary, for the 6-month period, to achieve the underlying purpose of the rule, which is to ensure that funds are available for decommissioning at the end of the license term or in the event of premature shutdown. Here, Great Bay's projected 1996 cash position is nearly sufficient to cover the unfunded decommissioning costs, and its cash position is not likely to deteriorate substantially during the period of the exemption.

Further, under criterion (v), special circumstances exist because the exemption provides only temporary relief from the applicable regulation(s), and Great Bay has made a good faith effort to comply with 10 CFR 50.75 by making payment into an external

sinking fund based on its good faith belief that it is an electric utility.

Pursuant to 10 CFR 51.32, the Commission has determined that granting this Exemption will not have a significant impact on the environment (62 FR 3316).

This Exemption is effective upon issuance and shall expire 6 months from the date of issue.

Dated at Rockville, Maryland, this 22nd day of January 1997.

For the Nuclear Regulatory Commission,  
Frank J. Miraglia,  
*Acting Director, Office of Nuclear Reactor Regulation.*

[FR Doc. 97-2814 Filed 2-4-97; 8:45 am]

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**[Docket No. 50-443 (License No. NPF-86)]**

**North Atlantic Energy Service Corporation and Great Bay Power Corporation (Seabrook Station, Unit 1); Order Modifying the Order Approving the Restructuring of Great Bay Power Corporation**

I

On January 22, 1997, the NRC issued an Order approving the application submitted by Great Bay Power Corporation (Great Bay) regarding its proposed corporate restructuring involving the formation of a holding company named Great Bay Holdings Corporation. Great Bay is a minority non-operating owner of the Seabrook Station, Unit 1. On January 24, 1997, Great Bay, through its counsel, submitted a letter explaining that the State of New Hampshire informed Great Bay, subsequent to the filing of its application with the NRC, that the name "Great Bay Holdings Corporation" is already in use by another legal entity in New Hampshire and cannot be used in connection with Great Bay's proposed restructuring. Great Bay indicated that in view of the foregoing, the name of the new holding company has been changed to "BayCorp Holdings, Ltd." and requested that the NRC issue an administrative addendum to the Order of January 22, 1997, to reflect the name change. Great Bay stated that its failure to notify the NRC previously of the name change was an oversight on its part.

On the basis of our review of the circumstances, the Order of January 22, 1997, is hereby modified to the extent that all references to "Great Bay Holdings Corporation" as the name of the proposed holding company of Great Bay are deemed to be references to "BayCorp Holdings, Ltd." All other

terms and conditions of the Order of January 22, 1997, are unchanged.

Dated at Rockville, Maryland, this 28th day of January 1997.

For the Nuclear Regulatory Commission.

Frank J. Miraglia,  
*Acting Director, Office of Nuclear Reactor Regulation.*

[FR Doc. 97-2816 Filed 2-4-97; 8:45 am]

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**NRC Enforcement Policy**

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Opportunity for public comment.

**SUMMARY:** The Nuclear Regulatory Commission (NRC) is providing the public an opportunity to provide comments on the agency's Enforcement Policy (NUREG-1600, "General Statement of Policy and Procedure for NRC Enforcement Actions"). This invitation is open to interested public interest groups, the regulated industry, states, and concerned citizens.

**DATES:** The comment period expires April 7, 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, Office of Administration, Mail Stop: T6D59, U. S. Nuclear Regulatory Commission, Washington, DC 20555. Hand deliver comments to: 11555 Rockville Pike, Rockville, Maryland, between 7:45 am and 4:15 pm, Federal workdays. Copies of comments received may be examined at the NRC Public Document Room, 2120 L Street, NW, (Lower Level), Washington, DC. Copies of NUREG-1600 and NUREG-1525 may be purchased from the Superintendent of Documents, U.S. Government Printing Office, Mail Stop SSOP, Washington, DC 20402-9328. Copies are also available from the National Technical Information Service, 5285 Port Royal Road, Springfield, Virginia 22161. Copies are also available for inspection and copying for a fee in the NRC Public Document Room, 2120 L Street, NW, (Lower Level), Washington, DC 20555-0001.

**FOR FURTHER INFORMATION CONTACT:** James Lieberman, Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555, (301) 415-2741.

**SUPPLEMENTARY INFORMATION:** On June 30, 1995, (60 FR 34381) the Commission published a complete revision of the NRC's Enforcement Policy in the Federal Register. The changes to the Enforcement Policy resulted from the efforts of a review team established in 1994 to assess the NRC's enforcement program. The review team published its recommendations in NUREG-1525, "Assessment of the NRC Enforcement Program," and the Commission made revisions to the Enforcement Policy after considering those recommendations. The revisions to the Enforcement Policy were intended to, among other things:

- Emphasize the importance of identifying problems before events occur, and of taking prompt, comprehensive corrective action when problems are identified;
- Direct agency attention at licensees with multiple enforcement actions in a relatively short period; and
- Focus on current performance of licensees.

The revisions to the Enforcement Policy were also intended to better focus the inspection and enforcement process on safety, provide greater incentives for strong self-monitoring and corrective action programs in the civil penalty assessment process, provide more predictability and consistency in the civil penalty assessment process, and to better convey clear regulatory messages.

When the Commission published the revised Enforcement Policy in the Federal Register on June 30, 1995, it stated that it would provide the public an opportunity to comment on the revised Enforcement Policy after it had been in effect for about 18 months. This opportunity for public comment is being made in accordance with this commitment.

Dated at Rockville, MD, this 30th day of January, 1997.

For the Nuclear Regulatory Commission.

James Lieberman,

*Director, Office of Enforcement.*

[FR Doc. 97-2805 Filed 2-4-97; 8:45 am]

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[Docket No. 50-461]

### **Illinois Power Company; Soyland Power Cooperative; 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-62, to the extent now held by

Soyland Power Cooperative (Soyland), to Illinois Power Company (IP, the licensee) with respect to the Clinton Power Station, Unit No. 1 (CPS), located in DeWitt County, Illinois, and issuance of conforming amendments under 10 CFR 50.90.

#### **Environmental Assessment**

##### *Identification of the Proposed Action*

The proposed action would consent, by the issuance of an order, to the transfer of the 13.21% minority ownership interest in the facilities for CPS from Soyland to IP and approve the issuance of conforming amendments to the license. This Environmental Assessment supersedes that published on November 19, 1996 (61 FR 58897), which reflected the licensee's original submittal of October 17, 1996. The licensee's original submittal, which proposed transferring the Soyland interest to Illinova Power Marketing, Inc., was revised in the licensee's submittal of December 13, 1996.

##### *The Need for the Proposed Action*

The proposed action is required to obtain the necessary consent to the transfer of the license, to the extent now held by Soyland, and approval of amendments discussed above. Soyland is a minority owner of CPS with an ownership share of 13.21%. Due to severe financial difficulties arising in large part because of its CPS-related debt, Soyland has been forced to seek significant refinancing of its outstanding obligations. As a condition precedent to said refinancing, the U.S. Department of Agriculture, acting through the Administrator of the Rural Utilities Services, required Soyland to completely divest itself of any ownership of, or responsibility for, CPS. As a result, Soyland and Illinova Corporation (Illinova), the parent company of Illinois Power Company, entered into an agreement wherein Illinova assumed full financial responsibility for Soyland's CPS obligations as of September 1, 1996, and Soyland agreed to transfer its entire ownership interest in CPS, subject to receipt of all necessary regulatory approvals.

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

The Commission has reviewed the proposed action and concludes that there will be no changes to the facility or its operation as a result of the proposed action. Accordingly, the NRC staff concludes that there are no significant radiological environmental

impacts associated with the proposed action.

With regard to potential nonradiological impacts, the proposed action will not affect nonradiological plant effluents and will have no other environmental impact. Accordingly, the NRC staff concludes that there are no significant nonradiological environmental impacts associated with the proposed 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 for the Clinton Power Station, Unit 1, documented in NUREG-0854.

##### *Agencies and Persons Consulted*

In accordance with its stated policy, on January 8, 1997, the staff consulted with the Illinois state official of the Illinois Department of Nuclear Safety, 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 Illinois Power submittal dated December 13, 1996, 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 Vespasian Warner Public Library, 310 N. Quincy Street, Clinton, Illinois.

Dated at Rockville, Maryland this 29th day of January 1997.

For the Nuclear Regulatory Commission.

Jon B. Hopkins,

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

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