

with respect to an enforcement action related to the Vogtle Electric Generating Plant that, the Southern Nuclear employee who formerly served as the Vogtle General Manager through August 1990, will not hold a line management position involving NRC licensed activities at GPC and Southern Nuclear plants until the NRC is provided prior written notice and the individual has satisfactorily completed certain management training. That commitment is accordingly confirmed in this Order for Hatch.

IV

Accordingly, pursuant to Sections 103, 104b, 105, 161b, 161i, and 184, of the Atomic Energy Act of 1954, as amended; 42 U.S.C. 2133, 2134, 2135, 2201(b), 2201(o), and 2234, and 10 CFR 50.80, *It is hereby ordered* that the request that Southern Nuclear be permitted to become the operator of the Hatch facility and to have exclusive responsibility and control over the physical construction, operation, and maintenance of the facility, discussed above, is approved subject to the following conditions:

(1) The Southern Nuclear employee who formerly served as the General Manager—Vogtle through August 1990, will not hold a line management position at Hatch until:

(a) Satisfactory completion of training in management communications and responsibilities; and,

(b) Written notice is provided to the NRC sixty (60) days prior to his assignment to such a position; and,

(2) If Southern Nuclear does not assume responsibility and control over physical construction, operation and maintenance of the facility within 60 days of the date of this Order, this Order shall become null and void. However, upon written application and for good cause shown, this date may be extended.

Pursuant to 10 CFR 51.35, an Environmental Assessment was prepared and published in the **Federal Register** on November 3, 1992 (57 FR 49724). As required by 10 CFR 51.32, this assessment documents the Commission's determination that this action will have no significant impact on the quality of the human environment and nothing has occurred since its publication to alter this finding.

This order is effective upon issuance.

Dated at Rockville, Maryland this 17th day of March 1997.

For the Nuclear Regulatory Commission.
Frank J. Miraglia, Jr.,
Acting Director, Office of Nuclear Reactor Regulation.
 [FR Doc. 97-7336 Filed 3-21-97; 8:45 am]
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[Docket No. 50-461]

Illinois Power Company, Soyland Power Cooperative (Clinton Power Station, Unit No. 1); Order Approving Transfer of License for Clinton Power Station, Unit No. 1

I

Illinois Power Company (IP) owns 86.79 percent of Clinton Power Station, Unit No. 1 (CPS), a single-unit nuclear power plant. Soyland Power Cooperative (Soyland) owns the remaining 13.21-percent interest in the facility. IP and Soyland are governed by Facility Operating License No. NPF-62 issued by the U.S. Nuclear Regulatory Commission (the Commission) pursuant to Part 50 of Title 10 of the *Code of Federal Regulations* (10 CFR Part 50) on April 17, 1987. Under this license, only IP has the authority to operate CPS. The CPS facility is located in DeWitt County, Illinois.

II

In an application originally submitted by letter dated October 17, 1996, and then supplemented and modified by letter dated December 13, 1996, IP requested NRC's consent to a proposed transfer of the 13.21-percent share of CPS currently owned by Soyland to IP. Upon completion of the sale, IP will remain the plant operator and will become sole owner of CPS. IP is a wholly owned subsidiary of Illinova Corporation and will remain so after completion of the sale. The proposed action constitutes a transfer of the license for CPS to the extent it is held by Soyland, and is subject to the license transfer provisions of 10 CFR 50.80.

III

On the basis of the information provided in IP's application, the staff finds that IP is financially qualified to contribute appropriately to the operation and decommissioning of CPS. In its letter of December 13, 1996, IP indicated that it would assume responsibility for the external trust fund established by Soyland for its share of the ultimate decommissioning expenses of CPS. IP also 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 Illinois Commerce Commission and the Federal Energy Regulatory Commission. Thus, pursuant to 10 CFR 50.33(f), IP is exempt from further financial qualifications review as an electric utility. However, since IP will become the sole entity responsible for operating and decommissioning expenses for the facility, the staff has concluded that approval of the application should be conditioned upon IP providing prior notice to the NRC of any asset transfer having a depreciated book value exceeding 10 percent of IP's consolidated net utility plant to its parent company or any affiliated company. Such a condition will help to ensure that IP will remain financially qualified to be the sole holder of the license.

IV

The proposed transfer does not involve any transfer of operating authority, which IP already possesses. There will be no change in the management or technical qualifications of IP's nuclear organization as a result of the license transfer. On the basis of the continuity of IP's nuclear organization and management previously described, the staff finds that the proposed license transfer will not adversely affect IP's technical qualifications or the management of CPS and does not otherwise raise any technical qualifications issues.

V

CPS underwent an antitrust review before issuance of the construction permit and antitrust license conditions were attached to the CPS operating license that still apply to IP. Thus, the application in this case does not involve a new owner or a licensee that has not undergone an antitrust review by the NRC. Under the Atomic Energy Act, no further review by the NRC is authorized.

VI.

IP makes the following statements in its letter of December 13, 1996: "The shares of common stock of Illinova are publicly traded and widely held. IP and IPMI [Illinova Power Marketing, Inc.] are wholly owned subsidiaries of Illinova. The directors and officers of both these companies are U.S. citizens. Neither Illinova, IP, nor IPMI is owned, controlled, or dominated by any alien, foreign corporation, or foreign government." (IP letter, Attachment 2, p. 7.) The staff has no reason to believe otherwise.

VII

After reviewing the information submitted in the letters of October 17 and December 13, 1996, and other information before the Commission, and in consideration of the foregoing findings, the NRC staff has determined that IP is qualified to hold the license 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. Accordingly, pursuant to Sections 161b, 161i, 161o, and 184 of the Atomic Energy Act of 1954, as amended; 42 U.S.C. sections 2201(b), 2201(i), 2201(o), and 2234; and 10 CFR 50.80, the Commission consents to the proposed transfer of the license described herein from Soyland to IP, subject to the following: (1) The issuance of approved amendments fully reflecting the transfer approved by this Order at the time such transfer is effected; (2) should the transfer 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; and (3) IP 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 IP to Illinova Corporation (its parent company) 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 IP's consolidated net utility plant.

This Order is effective upon issuance.

Pursuant to 10 CFR 51.21, 51.32, and 51.35, an environmental assessment and a finding of no significant impact have been prepared and published in the **Federal Register** on February 5, 1997 (62 FR 5495). On the basis of the environmental assessment, the Commission has determined that the issuance of this Order will not have a significant effect on the quality of the human environment.

Notice of consideration of issuance of an order approving the transfer of the license and an opportunity for a hearing was published in the **Federal Register** on January 29, 1997 (62 FR 4337).

For further details with respect to this action, see IP's letters requesting approval of the transfer of the license dated October 17 and December 13, 1996, 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 Vespasian Warner Public Library, 310 N. Quincy Street, Clinton, IL 61727.

Dated at Rockville, Maryland, this 13th day of March 1997.

For the Nuclear Regulatory Commission.

Samuel J. Collins,

Director, Office of Nuclear Reactor Regulation.

[FR Doc. 97-7332 Filed 3-21-97; 8:45 am]

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[Docket No. 50-245]**Northeast Nuclear Energy Company
Notice of Withdrawal of Applications
for Amendment to Facility Operating
License**

The U.S. Nuclear Regulatory Commission (the Commission) has granted the request of Northeast Nuclear Energy Company, et. al (the licensee) to withdraw its July 28, 1994, and November 8, 1995, applications for proposed amendments to Facility Operating License No. DPR-21 for the Millstone Nuclear Power Station, Unit 1, located in New London County, Connecticut.

The amendment proposed in the July 28, 1994, letter would have modified the facility technical specifications pertaining to seismic capability of the feedwater coolant injection system. The amendment proposed in the November 8, 1995, letter would have modified the facility technical specifications for the jet pumps in order to make the technical specifications consistent with the limiting conditions for operation and surveillance requirements in the NRC's Standard Technical Specifications for General Electric Plants (NUREG-1433).

The Commission had previously issued a Notice of Consideration of Issuance of Amendment published in the **Federal Register** on March 15, 1995 (60 FR 14023) for the July 28, 1994, request, and March 27, 1996 (61 FR 13528) for the November 8, 1995, request. However, by letter dated February 27, 1997, the licensee withdrew the proposed changes.

For further details with respect to this action, see the applications for amendments dated July 28, 1994, and November 8, 1995, and the licensee's letter dated February 27, 1997, which withdrew the applications for license amendments. The above documents 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 rooms located at the Learning Resources Center, Three Rivers

Community-Technical College, 574 New London Turnpike, Norwich, Connecticut 06360 and at the Waterford Library, ATTN: Vince Juliano, 49 Rope Ferry Road, Waterford, Connecticut 06385.

Dated at Rockville, Maryland, this 17th day of March 1997.

For the Nuclear Regulatory Commission.

Stephen Dembek,

*Project Manager, Special Projects Office,
Licensing Office of Nuclear Reactor
Regulation.*

[FR Doc. 97-7319 Filed 3-21-97; 8:45 am]

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[Docket No. 50-72]**University of Utah (University of Utah
AGN-201 Research Reactor), Order
Terminating Amended Facility
Operating License No. R-25**

By application dated July 17, 1990, as supplemented on July 18, 1990, and June 12, 1991, the University of Utah (the licensee) requested from the U.S. Nuclear Regulatory Commission (NRC or the Commission) authorization to dismantle and dispose of the component parts of the AGN-201 Research Reactor (AGN-201 or the reactor) located on the licensee's campus in Salt Lake City, Utah. The letter of July 17, 1990, contained a request that upon successful completion of decommissioning, authorization be given for termination of Amended Facility Operating License No. R-25. A "Notice of Proposed Issuance of Orders Authorizing Disposition of Component Parts and Terminating Facility License," was published in the **Federal Register** on May 9, 1991 (56 FR 21508). No requests for a hearing were received. By Order dated August 1, 1991 (56 FR 37733), the Commission authorized dismantling of the reactor and disposition of component parts as proposed in the decommissioning plan of the licensee. By letter dated April 13, 1994, as supplemented on March 17 and 22, 1995, and February 6, 1996, the licensee submitted "A Summary of the Decommissioning Process of the University of Utah AGN-201M Reactor No. 107."

The reactor fuel has been removed from the core and shipped to a Department of Energy facility. The reactor has been completely dismantled, and all requirements pertaining to residual radioactivity, personnel and external radiation exposure, and fuel