

involved in shipping activities, the Shipping Supervisor and Operations Manager, and the individual or individuals with responsibility for oversight of the radiation safety program, are subject to this commitment. For the purpose of the Order, shipping activities include tasks such as packaging, labeling, and completion of appropriate transportation documents.

D. Within 60 days of the date of NRC's approval of a consultant, NDC shall provide the NRC with a copy of the first audit report, including a description of actions taken and planned in response to any recommendations, comments, or findings in the audit report.

Alternatively, if NDC does not believe any specific recommendation should be adopted or an audit finding should not be addressed, NDC will provide justification for its position to the NRC.

E. Within 12-18 months of the date of the Order, NDC shall provide the NRC with a copy of the second audit report, including a description of actions taken and planned in response to any recommendations, comments, or findings in the audit report.

Alternatively, if NDC does not believe any specific recommendation should be adopted or an audit finding should not be addressed, NDC will provide justification for its position to the NRC. If NDC chooses to use a different auditor for this audit, NDC shall submit the qualifications of the auditor to the NRC for approval prior to conducting the audit.

F. For the purpose of the Order, NDC shall send the audits and its responses, and the qualifications of the auditor, to the Director, Division of Nuclear Material Safety, NRC Region IV, 611 Ryan Plaza Drive, Suite 400, Arlington, Texas 76011, and a copy to Chief, Materials Branch, NRC WCFO, 1450 Maria Lane, Walnut Creek, California 94596-5368.

The Regional Administrator, Region IV, may relax or rescind, in writing, any of the above conditions upon a showing by the Licensee of good cause.

V

Any person adversely affected by this Confirmatory Order, other than the Licensee, may request a hearing within 20 days of its issuance. Where good cause is shown, consideration will be given to extending the time to request a hearing. A request for extension of time must be made in writing to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission Washington, D.C. 20555, and include a statement of good cause for the extension. Any request for a hearing shall be submitted

to the Secretary, U.S. Nuclear Regulatory Commission, ATTN: Chief, Docketing and Service Section, Washington, D.C. 20555. Copies also shall be sent to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, to the Assistant General Counsel for Hearings and Enforcement at the same address, to the Regional Administrator, NRC Region IV, 611 Ryan Plaza Drive, Suite 400, Arlington, Texas 76011, and to the Licensee. If such a person requests a hearing, that person shall set forth with particularity the manner in which his interest is adversely affected by this Order and shall address the criteria set forth in 10 CFR 2.714(d).

If a hearing is requested by a person whose interest is adversely affected, the Commission will issue an Order designating the time and place of any hearing. If a hearing is held, the issue to be considered at such hearing shall be whether this Confirmatory Order should be sustained.

In the absence of any request for hearing, or written approval of an extension of time in which to request a hearing, the provisions specified in Section IV above shall be final 20 days from the date of this Order without further order or proceedings. If an extension of time for requesting a hearing has been approved, the provisions specified in Section IV shall be final when the extension expires if a hearing request has not been received. AN ANSWER OR A REQUEST FOR HEARING SHALL NOT STAY THE IMMEDIATE EFFECTIVENESS OF THIS ORDER.

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

For the Nuclear Regulatory Commission.

James Lieberman,

Director, Office of Enforcement

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[Docket No. 50-443]

North Atlantic Energy Service Corporation, et al., Seabrook Station, Unit No. 1; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an exemption for Facility Operating License No. NPF-86 issued to North Atlantic Energy Service Corporation (the licensee or North Atlantic) for operation of the Seabrook Station, Unit No. 1 (Seabrook) located in Rockingham County, New Hampshire. North Atlantic is authorized

to act as agent for the eleven owners of the facility.

Environmental Assessment

Identification of the Proposed Action

This Environmental Assessment addresses the potential environmental issues related to the proposed issuance of a temporary exemption from certain requirements of 10 CFR 50.75(e)(2). Specifically, the proposed exemption would allow Great Bay Power Corporation (Great Bay) 6 months from the date of issue, to obtain a surety bond or other allowable decommissioning funding assurance mechanism for non-electric utilities. Great Bay holds an undivided 12.1324 percent ownership interest in Seabrook.

The Need for the Proposed Action

On May 8, 1996, North Atlantic submitted to the NRC a request on behalf of Great Bay for Commission consent to the indirect transfer of control of Great Bay's interest in the Seabrook Operating License through formation of a holding company. Additional information relating to this request was submitted on October 18, 1996, and December 9, 1996. Approval of the application would allow Great Bay, through the formation of several corporate entities and a merger, to become a wholly-owned subsidiary of a new holding company, Great Bay Holdings Corporation. Such a restructuring would expand Great Bay's opportunities, thereby potentially improving Great Bay's financial strength, benefiting public health and safety. The indirect transfer of control of Great Bay's share of Seabrook is subject to NRC approval pursuant to 10 CFR 50.80.

Great Bay was established in 1994 as a successor to EUA Power Company, which had filed for reorganization under Chapter 11 of the U.S. Bankruptcy Code. When the NRC staff approved the plan for Great Bay's emergence from bankruptcy in 1993, it believed that Great Bay would continue to be an electric utility based upon its status as such prior to bankruptcy and upon the expectation that the reorganized entity would be successful in obtaining long-term contracts for the sale of most of its share of power from Seabrook. However, Great Bay has been marketing most of its share of electricity from Seabrook on the spot wholesale market. The staff has not yet completed its review of the proposed transfer of control, but it appears that Great Bay does not now meet the definition of "electric utility" as provided in 10 CFR 50.2, in that it does not appear to

recover the cost of the electricity it generates and/or distributes, either directly or indirectly, through rates established by a regulatory authority. If Great Bay is no longer an "electric utility," as defined in 10 CFR 50.2, it does not meet the requirements of 10 CFR 50.75(e)(2) in that it does not have a surety bond or other surety method in place to provide additional assurance for decommissioning funding.

Because of its status as an exempt wholesale generator, Great Bay is precluded from participating in opportunities in additional electricity markets under New Hampshire law. The proposed formation of a holding company would protect Great Bay's status as a wholesale electric generator and allow its management to develop opportunities in additional electricity markets through the holding company, thus potentially improving Great Bay's financial position, benefiting public health and safety.

To allow the staff to act upon Great Bay's request for approval of indirect transfer of control of Great Bay, without further delaying the potential benefits that may result therefrom, and at the same time to afford Great Bay a reasonable opportunity to implement a suitable decommissioning funding assurance method required of a non-electric utility, the staff proposes to grant Great Bay a 6 month exemption from compliance with the provisions of 10 CFR 50.75(e)(2) pertaining to the additional surety arrangements for decommissioning funding assurance for non-electric utility licensees.

Environmental Impacts of the Proposed Action

The Commission has evaluated the environmental impact of the proposed action and has determined that the probability or consequences of accidents would not be increased by the temporary exemption, and that post-accident radiological releases would not be greater than previously determined. Further, the Commission has determined that the temporary exemption would not affect routine radiological plant effluents and would not increase occupational radiological exposure. Accordingly, the Commission concludes that there are no significant radiological environmental impacts associated with the proposed action.

With regard to potential nonradiological impacts, the temporary exemption would not affect nonradiological plant effluents and would have no other environmental impact. Therefore, the Commission concludes that there are no significant

nonradiological environmental impacts associated with the proposed action.

Alternative to the Proposed Action

Since the Commission concluded that there are no significant environmental effects that would result from the proposed action, any alternative with equal or greater environmental impacts need not be evaluated.

The principal alternative would be to not issue the temporary exemption and, thereby, delay completion of the staff's review of the request for approval for indirect transfer of control until the necessary surety arrangement is in place. Delay would result in no change in current environmental impacts. The environmental impacts of the proposed action and the alternative action are identical.

Alternative Use of Resources

This action does not involve the use of any resources not previously considered in the Final Environmental Statement for the Seabrook Station, Unit No. 1, dated March 1983.

Agencies and Persons Contacted

In accordance with its stated policy, on January 15, 1997, the NRC staff consulted with the New Hampshire state official, Mr. George Iverson of the New Hampshire Emergency Management Agency regarding the environmental impact of the proposed action. On January 15, 1997, the NRC staff consulted with the Massachusetts state official, Mr. James Muckerheid of the Massachusetts Emergency Management Agency. The state officials 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 licensee's letters dated May 8, 1996, October 18, 1996, and December 9, 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 rooms located at the Local Public Document Room located at Exeter Public Library, Founders Park, Exeter, New Hampshire 03833.

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

For the Nuclear Regulatory Commission.
Albert W. De Agazio,
Senior Project Manager, Project Directorate I-1, Division of Reactor Projects—I/II, Office of Nuclear Reactor Regulation.
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[Docket No. 50-443]

North Atlantic Energy Service Corporation et al.; Seabrook Station, Unit No. 1; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering approval under 10 CFR 50.80 of the transfer of control of certain interests in Facility Operating License No. NPF-86 issued to North Atlantic Energy Service Corporation (North Atlantic) and the eleven joint owners (the licensees) of the Seabrook Station, Unit No. 1 (Seabrook) located in Rockingham County, New Hampshire. North Atlantic is authorized to act as agent for the eleven owners of the facility, and has exclusive authority to operate the plant. The transfer of control would be effected indirectly by the corporate restructuring of Great Bay Power Corporation, the owner of an undivided 12.1324 percent share of Seabrook.

Environmental Assessment

Identification of the Proposed Action

The proposed action would consent, under 10 CFR 50.80, to the transfer of control of Great Bay's interest in the Seabrook license that would result indirectly from the restructuring of Great Bay by the establishment of a holding company, Great Bay Holdings Corporation. Great Bay would become a wholly-owned subsidiary of Great Bay Holdings Corporation. Great Bay would remain the owner of an undivided 12.1324 percent share of Seabrook and continue to hold its interest in the Seabrook operating license. As a part of the restructuring, the current equity owners of Great Bay would exchange ownership of Great Bay for ownership of Great Bay Holdings Corporation on a share for share basis.

The Need for the Proposed Action

The proposed action is required to enable Great Bay to restructure as described above. Great Bay is an exempt wholesale generator as defined in the Energy Policy Act of 1992. Because of its status as an exempt wholesale