

authority and amendments and published in the **Federal Register** a Proposed Finding of No Significant Hazards Consideration and Opportunity for Hearing (57 FR 47135). By letter dated October 22, 1992, attorneys for two former employees of GPC filed with the NRC a "Petition To Intervene and Request For Hearing Of Allen L. Mosbaugh and Marvin B. Hobby" in opposition to the proposed action. Mr. Mosbaugh was admitted as a party with an issue regarding GPC character. Hearings were completed, but prior to a decision being issued, GPC and the Intervenor reached a settlement. The hearing Board dismissed the contention and terminated the proceeding.

III.

Pursuant to 10 CFR 50.80(a), the transfer, assignment, or disposal of any right under a license is subject to the NRC's written consent. On the basis of information provided by GPC and other information before the Commission, it is determined that the proposed transfer of authority under the Vogtle licenses to the extent Southern Nuclear becomes the operator of the Vogtle facility with exclusive responsibility and control over its physical construction, operation, and maintenance, subject to the conditions set forth herein, is consistent with applicable provisions of law, regulations, and orders issued by the Commission, and Southern Nuclear is qualified to hold the licenses to the extent described above. These findings are supported by a Safety Evaluation dated March 17, 1997, which contains a final no significant hazards consideration determination.

The staff has evaluated the application and relied on GPC and Southern Nuclear commitments in a letter dated December 30, 1996, which iterated commitments made in a licensee letter dated February 1, 1995, with respect to an enforcement action related to the Vogtle facility 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 Vogtle.

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 Vogtle 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 Vogtle 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. 97-7335 Filed 3-21-97; 8:45 am]

BILLING CODE 7590-01-P

[Docket Nos. 50-321 and 50-366]

Georgia Power Company, et al. (Edwin I. Hatch Nuclear Plant, Units 1 and 2) Order Approving Southern Nuclear Operating Company, Inc., as Exclusive Operator

I

Georgia Power Company (GPC), Oglethorpe Power Corporation, Municipal Electric Authority of Georgia, and City of Dalton, Georgia (the Owners), are the holders of Facility Operating License No. DRP-57 for Edwin I. Hatch Nuclear Plant (Hatch) Unit 1 and Facility Operating License

No. NPF-5 for Hatch Unit 2. These licenses generally authorize GPC to possess, use, and operate—and the other Owners to possess but not operate—the Hatch facility in accordance with the Atomic Energy Act of 1954, as amended, and the rules and regulations of the U.S. Nuclear Regulatory Commission (NRC). In its capacity as licensed operator, GPC acts for itself and on behalf of the Owners. The Hatch facility is located in Appling County, Georgia.

II

By letter dated September 18, 1992, as supplemented October 6, 8, 15, 23, and November 13 and 20, 1992, March 5, May 24, June 10, and December 20, 1993, April 6 and July 28, 1995, and September 11, October 1, December 13, 19, and 23, 1996, GPC requested approval, and amendments to the licenses for Southern Nuclear Operating Company, Inc. (Southern Nuclear), to become the operator of the Hatch facility and to have exclusive responsibility and control over its physical construction, operation, and maintenance. Southern Nuclear and GPC are wholly owned subsidiaries of The Southern Company. Southern Nuclear was formed in December 1990 for the purpose of consolidating into a single organization personnel within The Southern Company's electric system engaged in nuclear operation. Southern Nuclear is the exclusive operator of the Joseph M. Farley Nuclear Plant, Units 1 and 2, located near Dothan, Alabama.

III

Pursuant to 10 CFR 50.80(a), the transfer, assignment, or disposal of any right under a license is subject to the NRC's written consent. On the basis of information provided by GPC and other information before the Commission, it is determined that the proposed transfer of authority under the Hatch licenses to the extent Southern Nuclear becomes the operator of the Hatch facility with exclusive responsibility and control over its physical construction, operation, and maintenance, subject to the conditions set forth herein, is consistent with applicable provisions of law, regulations, and orders issued by the Commission, and Southern Nuclear is qualified to hold the licenses to the extent described above. These findings are supported by a Safety Evaluation, dated March 17, 1997.

The staff has evaluated the application and relied on GPC and Southern Nuclear commitments in a letter dated December 23, 1996, which iterated commitments made in a licensee letter dated February 1, 1995,

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]
 BILLING CODE 7590-01-P

[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.