

provided notification when enforcement discretion is exercised in accordance with Section VII.C for natural events, such as severe weather conditions. Item (1) concerning Commission consultation was also modified to include a parenthetical phrase indicating that cases involving severe weather or other natural phenomena may be addressed by the staff without prior Commission consultation in accordance with Section VII.C.

**VII. Exercise of Discretion**

*C. Exercise of Discretion for an Operating Facility*

This section is being modified to allow the NRC staff to exercise enforcement discretion in the form of a Notice of Enforcement Discretion (NOED) in cases involving severe weather or other natural phenomena, based upon balancing the public health and safety or common defense and security of not operating, against the potential radiological or other hazards associated with continued operation, and a determination that safety will not be impacted unacceptably by exercising this discretion. Exercising enforcement discretion for this type of situation previously required prior Commission approval in accordance with Section III. This change in policy should not be viewed as lowering the threshold for granting NOEDs. The Commission has concluded that public health and safety is best served by allowing the staff to take expedited regulatory action in these cases. This section is also being modified to reflect that the Commission is to be informed expeditiously following the grant of a NOED in such situations.

**Paperwork Reduction Act**

This policy statement does not contain a new or amended information collection requirement subject to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). Existing requirements were approved by the Office of Management and Budget, approval number 3150-0136. The approved information collection requirements contained in this policy statement appear in Section VII.C.

**Public Protection Notification**

The NRC may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

**Small Business Regulatory Enforcement Fairness Act**

In accordance with the Small Business Regulatory Enforcement

Fairness Act of 1996, the NRC has determined that this action is not a major rule and has verified this determination with the Office of Information and Regulatory Affairs of OMB.

Accordingly, the NRC Enforcement Policy is revised to read as follows:

**General Statement of Policy and Procedure For NRC Enforcement Actions**

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**III. Responsibilities**

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Unless Commission consultation or notification is required by this policy, the NRC staff may depart, where warranted in the public's interest, from this policy as provided in Section VII, "Exercise of Enforcement Discretion."

The Commission will be provided written notification for the following situations:

- (1) All enforcement actions involving civil penalties or orders;
- (2) The first time that discretion is exercised for a plant that meets the criteria of Section VII.B.2;
- (3) (Where appropriate, based on the uniqueness or significance of the issue) when discretion is exercised for violations that meet the criteria of Section VII.B.6; and
- (4) All Notices of Enforcement Discretion (NOEDs) issued involving natural events, such as severe weather conditions.

The Commission will be consulted prior to taking action in the following situations (unless the urgency of the situation dictates immediate action):

- (1) An action affecting a licensee's operation that requires balancing the public health and safety or common defense and security implications of not operating against the potential radiological or other hazards associated with continued operation (cases involving severe weather or other natural phenomena may be addressed by the staff without prior Commission consultation in accordance with Section VII.C);

\* \* \* \* \*

**VII. Exercise of Discretion**

\* \* \* \* \*

*C. Exercise of Discretion for an Operating Facility*

On occasion, circumstances may arise where a licensee's compliance with a Technical Specification (TS) Limiting Condition for Operation or with other license conditions would involve an unnecessary plant transient or performance of testing, inspection, or

system realignment that is inappropriate with the specific plant conditions, or unnecessary delays in plant startup without a corresponding health and safety benefit. In these circumstances, the NRC staff may choose not to enforce the applicable TS or other license condition. This enforcement discretion, designated as a Notice of Enforcement Discretion (NOED), will only be exercised if the NRC staff is clearly satisfied that the action is consistent with protecting the public health and safety. The staff may also grant enforcement discretion in cases involving severe weather or other natural phenomena, based upon balancing the public health and safety or common defense and security of not operating, against the potential radiological or other hazards associated with continued operation, and a determination that safety will not be impacted unacceptably by exercising this discretion. The Commission is to be informed expeditiously following the granting of an NOED in such situations. A licensee seeking the issuance of a NOED must provide a written justification, or in circumstances where good cause is shown, oral justification followed as soon as possible by written justification, that documents the safety basis for the request and provides whatever other information the NRC staff deems necessary in making a decision on whether or not to issue a NOED.

\* \* \* \* \*

Dated at Rockville, MD, this 30th day of December, 1998.

For the Nuclear Regulatory Commission.

**John C. Hoyle,**  
*Secretary of the Commission.*

[FR Doc. 99-193 Filed 1-5-99; 8:45 am]

BILLING CODE 7590-01-P

**NUCLEAR REGULATORY COMMISSION**

**Sunshine Act Meeting**

**AGENCY HOLDING THE MEETING:** Nuclear Regulatory Commission.

**DATES:** Weeks of January 4, 11, 18, and 25, 1999.

**PLACE:** Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

**STATUS:** Public and Closed.

**MATTERS TO BE CONSIDERED:**

*Week of January 4*

Thursday, January 7

11:00 a.m. Affirmation Session (Public Meeting) (If Needed)

*Week of January 11—Tentative*

Monday, January 11

2:00 p.m. Briefing on Risk-Informed Initiatives (Public Meeting)  
(Contact: Gary Holahan/Tom King, 301-415-5790)

Tuesday, January 12

9:00 a.m. Briefing on Decommissioning Criteria for West Valley (Public Meeting) (Contact: Jack Parrot, 301-415-6700)

Wednesday, January 13

10:00 a.m. Briefing on Reactor Licensing Initiatives (Public Meeting)  
(Contact: Roy Zimmerman/Bob Perch, 301-415-1422)

11:30 a.m. Affirmation Session (Public Meeting) (If Needed)

Friday, January 15

9:00 a.m. Briefing on Investigative Matters (Closed—Ex. 5 & 7)

10:00 a.m. Briefing by Executive Branch (Closed—Ex. 1)

*Week of January 18—Tentative*

Tuesday, January 19

2:00 p.m. Briefing on Status of Third Party Oversight of Millstone Station's Employee Concerns Program and Safety Conscious Work Environment (Public Meeting)  
(Contact: Bill Dean, 301-415-7380)

Wednesday, January 20

9:30 a.m. Briefing on Reactor Inspection, Enforcement And Assessment (Public Meeting) (Contact: Frank Gillespie, 301-415-1275)

11:00 a.m. Affirmation Session (Public Meeting) (If Needed)

*Week of January 26—Tentative*

Tuesday, January 26

3:30 p.m. Affirmation Session (Public Meeting) (If Needed)

\*The Schedule for Commission Meetings is Subject to Change on Short Notice. To Verify the Status of Meetings Call (Recording)—(301) 415-1292. Contact Person for More Information: Bill Hill (301) 415-1661.

\* \* \* \* \*

The NRC Commission Meeting Schedule can be found on the Internet at:

<http://www.nrc.gov/SECY/smj/schedule.htm>

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This notice is distributed by mail to several hundred subscribers; if you no longer wish to receive it, or would like to be added to it, please contact the Office of the Secretary, Attn: Operations Branch, Washington, D.C. 20555 (301-

415-1661). In addition, distribution of this meeting notice over the Internet system is available. If you are interested in receiving this Commission meeting schedule electronically, please send an electronic message to [wmh@nrc.gov](mailto:wmh@nrc.gov) or [dkw@nrc.gov](mailto:dkw@nrc.gov).

Dated: December 31, 1998.

**William M. Hill, Jr.,***Secy Tracking Officer, Office of the Secretary.*

[FR Doc. 98-34850 Filed 12-31-98; 3:35 pm]

BILLING CODE 7590-01-M

**NUCLEAR REGULATORY COMMISSION****Docket Nos. 50-275 and 50-323]****Pacific Gas & Electric Co., Diablo Canyon Nuclear Power Plant (Units 1 and 2); Receipt of Petition for Director's Decision Under 10 CFR 2.206**

Notice is hereby given that by petition dated November 24, 1998, Mr. David A. Lochbaum has requested that the U.S. Nuclear Regulatory Commission (NRC) take action with regard to Diablo Canyon Nuclear Power Plant, Units 1 and 2. Petitioner requests that the NRC modify the licenses for Diablo Canyon Units 1 and 2 to require that the plant's owner have an independent contractor evaluate the plant's safety culture and that the independent contractor monitor the safety culture until the NRC concurs that a safety-conscious work environment has been established and maintained. The petition also requests an informal hearing near Diablo Canyon to present new information on the safety culture at Diablo Canyon.

As the basis for this request, petitioner states that the safety culture at the Diablo Canyon site is not conducive to employees' raising safety issues freely without fear of retaliation.

The request is being treated pursuant to 10 CFR 2.206 of the Commission's regulations. The request has been referred to the Director of the Office of Nuclear Reactor Regulation. As provided by § 2.206, appropriate action will be taken on this petition within 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 20555-0001.

Dated at Rockville, Maryland, this 30th day of December 1998.

For the Nuclear Regulatory Commission.

**Bruce A. Boger,***Acting Director, Office of Nuclear Reactor Regulation.*

[FR Doc. 99-195 Filed 1-5-99; 8:45 am]

BILLING CODE 7590-01-P

**POSTAL RATE COMMISSION****Commission Visit; John F. Kennedy Airport****AGENCY:** Postal Rate Commission.**ACTION:** Notice of Commission visit.

**SUMMARY:** Members of the Postal Rate Commission will visit the air mail facility at John F. Kennedy Airport (outside New York City) to observe handling of inbound and outbound international mail, the nearby Halmar facility to observe handling of global package link, and the New York bulk mail center to observe handling of international mail. Discussions will be held at all facilities with supervisory personnel concerning data collection.

**DATES:** The visit is scheduled for January 5 and 6, 1999.

**FOR FURTHER INFORMATION CONTACT:** Stephen L. Sharfman, General Counsel, Postal Rate Commission, Suite 300, 1333 H Street, NW, Washington, DC 20268-0001, 202-789-6820.

Dated: January 4, 1999.

**Margaret P. Crenshaw,***Secretary.*

[FR Doc. 99-270 Filed 1-4-99; 1:56 pm]

BILLING CODE 7710-FW-M

**SECURITIES AND EXCHANGE COMMISSION****Issuer Delisting; Notice of Application To Withdraw From Listing and Registration (Grubb & Ellis Company, Common Stock, Par Value, \$.01 Per Share); File No. 1-1822**

December 30, 1998.

Grubb & Ellis Company ("Company") has filed an application with the Securities and Exchange Commission ("Commission"), pursuant to Section 12(d) of the Securities Exchange Act of 1934 ("Act") and Rule 12d2-2(d) promulgated thereunder, to withdraw the above specified security ("Security") from listing and registration on the Pacific Stock Exchange, Inc. ("PCX" or "Exchange").

The reasons cited in the application for withdrawing the Security from listing and registration include the following:

The Security of the Company has been listed for trading on the Exchange and, pursuant to a Registration Statement on Form 8A which became effective on April 15, 1981, was listed for trading on the American Stock Exchange ("Amex"). Trading in Company's Security on the New York Stock Exchange ("NYSE") commenced