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Dated at Rockville, Maryland, this 24th day of October, 1995.

For the Nuclear Regulatory Commission.  
Michael F. Weber,  
Chief, Low-Level Waste and Decommissioning  
Projects Branch, Division of Waste  
Management, Office of Nuclear Material  
Safety and Safeguards.

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**[Docket No. 50-029]**

**Yankee Nuclear Power Station;  
Consideration of Issuance of an Order  
and Opportunity for a Hearing**

**A. Introduction.**

Pursuant to 10 CFR 2.105(a)(9), the U.S. Nuclear Regulatory Commission ("the Commission") hereby gives notice that it is considering issuance of an order under 10 CFR 50.82(e) to the Yankee Atomic Electric Company ("YAEC," the licensee), for the Yankee Nuclear Power Station ("Yankee NPS"), located in Franklin County, Massachusetts. The order would involve approval of the Yankee NPS decommissioning plan as it relates to the decommissioning of the remaining portions of the Yankee NPS. The Commission initially approved the plan, see (60 FR 11699; February 22, 1995), but that approval is no longer considered effective in view of the reinstatement of the pre-1993 interpretation of the Commission's decommissioning regulations as a result of a decision by the U.S. Court of Appeals for the First Circuit. See *Citizens Awareness Network v. NRC*, 39 F.3d 284 (1st Cir. 1995).

On October 12, 1995, the Commission issued a Memorandum and Order, CLI-95-14, in which it announced that it would issue a Notice of Opportunity for a Hearing on the licensee's decommissioning plan and the application of that plan to the completion of the decommissioning of the Yankee NPS. The Commission also announced in CLI-95-14 that it would "direct an expedited hearing process in this case."

The licensee is the holder of facility Possession Only License No. DPR-3 that was issued on August 5, 1992. All spent fuel has been removed from the reactor and placed in the plant's spent fuel pool. In addition, a large portion of the non-fuel radioactive inventory has also been removed from the reactor and either placed in the spent fuel pool or shipped to an off-site disposal facility. These activities have been taken in accordance with either the licensee's previously-approved decommissioning plan, which was filed with the Commission by a letter dated December 20, 1993, or with a component removal program undertaken by the licensee before the NRC's previous approval of the decommissioning plan.

By issuance of this order, the licensee would be authorized to complete the decommissioning of the Yankee NPS facility in accordance with the plan. Under that plan, YAEC intends (1) to dismantle the plant except for those systems that are required for safe maintenance of the Spent Fuel Pool; (2) to dismantle the spent fuel pool when other options for fuel and high level waste storage and/or removal become available; (3) to ship contaminated and radioactive materials, including the intact pressure vessel along with some insulation, to a low level waste facility; and (4) to decontaminate the site so that it can be released for unrestricted use.

**B. Requests for Hearing and Petitions for Leave to Intervene**

By November 27, 1995, the licensee may file a request for a hearing with respect to issuance of the order to the subject facility. During that same period, any other person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file both a written request for a hearing and a petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2, and the special instructions provided in this notice.

This notice provides a brief overview of the requirements in 10 CFR 2.714. However, the fact that a requirement is not addressed in this notice does not excuse compliance with that requirement. Each person seeking to participate in this proceeding is responsible for complying with all applicable requirements. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, the Gelman Building, 2120 L

Street, NW., Washington, DC 20555-0001, or the NRC Local Public Document Room, located at the Greenfield Community College, 1 College Drive, Greenfield, Massachusetts 01301.

If a request for hearing or a petition for leave to intervene is filed by the above date, either the Commission or an Atomic Safety and Licensing Board, designated by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition, and either the Secretary of the Commission or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, both a request for hearing and a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of that proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which the petitioner wishes to intervene.

**C. Filing of Contentions**

The Commission has determined to take several steps to expedite this proceeding. The first step toward expediting this proceeding is to require that all contentions be filed at the same time as petitions for leave to intervene. Accordingly, any person who files a request for hearing and a petition for leave to intervene shall, at the same time, submit a supplement to the petition for leave to intervene which must include a list of contentions which are sought to be litigated in the proceeding. The Commission will issue additional directions to expedite this proceeding where appropriate in the future.

Potential petitioners should not be prejudiced by this requirement because the documents which would give rise to potential disputes are already in existence and in the public domain. For example, the licensee has prepared an Environmental Review of the decommissioning plan and the NRC Staff has prepared both an

Environmental Assessment of the plan and a Safety Evaluation Report reviewing the plan. These documents, in addition to the plan itself, are available at both Public Document Rooms. In addition, the Commission held a public meeting to obtain public comments on the decommissioning plan on August 16, 1994, in Greenfield, Massachusetts. The NRC Staff addressed those comments in the Safety Evaluation Report issued on the Decommissioning Plan.

Pursuant to 10 CFR 2.714(b)(2), each contention must consist of a specific statement of the issue of law or fact to be raised or controverted, including any alleged omission by the licensee or the Staff in any action taken or in any document issued relating to this matter. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. The petitioner must also provide sufficient information to show that a genuine dispute exists with the licensee on a material issue of law or fact. Under the circumstances of this case, the Commission will consider a valid contention to satisfy the aspect requirement noted above.

If a hearing is held, the issue shall be whether an order approving the decommissioning plan should be issued. Thus, contentions shall be limited to matter relevant to the order under consideration. The contention must be one which, if proven, would entitle petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party. Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene.

#### D. Filing Instructions

A request for hearing and/or petition for leave to intervene shall be filed with the Secretary of the Commission, United States Nuclear Regulatory Commission, Washington, DC 20555-0001; Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room at 2120 L Street, NW., by the above date. If a request for hearing or a petition for leave to intervene is filed within the last five (5)

calendar days of this period, the filing party should not only file the documents by U.S. Mail, but should also fax them to the Secretary of the Commission. The fax number for the Office of the Secretary is (301) 415-1672.

A copy of all filings should also be sent to the Office of General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555; Attention: Assistant General Counsel for Hearings and Enforcement, and to Thomas G. Dignan, Ropes & Gray, One International Plaza, Boston, Massachusetts 02110-2624, attorney for the licensee.

Non-timely filings of (1) petitions for leave to intervene, (2) amended petitions, (3) supplemental petitions and/or (4) requests for hearing will not be entertained absent a determination by the Commission or the designated Atomic Safety and Licensing Board that the non-timely filing should be accepted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)-(v) and 10 CFR 2.714(d). Notwithstanding the provisions of 10 CFR 2.714(a)(3), the participants will not be allowed to amend their pleadings without leave of the Commission or of the designated Board. Under that provision, amendment of pleadings without leave is tied to the submission of contentions which has been expedited in this case. Answers to any request for hearing or petition for leave to intervene should be filed in accordance with 10 CFR 2.714(c).

For further details with respect to this action, see (1) the application for decommissioning, including the decommissioning plan, dated December 20, 1993, as supplemented on August 5, August 22, October 24, and October 26, 1994; (2) the NRC Staff's Environmental Assessment, dated February 14, 1995, and (3) the NRC Staff's Safety Evaluation Report, dated February 14, 1995. These documents are available for public inspection at both the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the NRC Local Public Document Room at the Greenfield Community College, 1 College Drive, Greenfield, Massachusetts 01301.

Dated at Rockville, Maryland, this 23rd day of October, 1995.

For the Nuclear Regulatory Commission,  
John C. Hoyle,  
*Secretary of the Commission.*

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## OFFICE OF PERSONNEL MANAGEMENT

### Notice of Intent To Request OMB Approval for Continuation of Form OPM-1386

**AGENCY:** Office of Personnel Management (OPM).

**ACTION:** Proposed Information Collection Submitted for Public Comment and Recommendations.

**SUMMARY:** Under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3506-3507), the Office of Personnel Management plans to submit to the Office of Management and Budget a request to extend its approval of form OPM-1386, Applicant Race and National Origin Questionnaire, which gathers information concerning the race and national origin of applicants for employment under the Outstanding Scholar provision of the Luevano Consent Decree, 93 F.R.D. 68 (1981).

Under the terms of 44 U.S.C. 3507, the public is invited to comment on the need for this information, its practical utility, the accuracy of OPM's burden estimate, and on ways to minimize that reporting burden.

**DATES:** Comments are requested by December 26, 1995.

**ADDRESSES:** Address comments to: Leonard R. Klein, Associate Director for Employment, Room 6F08, U.S. Office of Personnel Management, 1900 E Street, NW., Washington, DC 20415.

**FOR FURTHER INFORMATION CONTACT:** For copies of the form, and further information, contact Mike Carmichael or Christina Gonzales, (202) 606-0830, FAX (202) 606-2329.

#### SUPPLEMENTARY INFORMATION:

Purpose of Form OPM-1386

A Federal court decree, issued in 1981 and still binding, requires recordkeeping on Federal employment selection procedures, including race and national origin (RNO) data, to determine the "relative impact of the procedure upon blacks and upon Hispanics as compared with non-Hispanic whites." OPM and other agencies use form OPM-1386 to collect the RNO data from applicants being considered for selection under the Outstanding Scholar provision of the decree. Using the standardized form makes it easier to collect and consolidate the required data for use by the Federal Government and by the plaintiffs. OPM and agencies do not need to use form OPM-1386 to collect data on applicants being considered through traditional examining processes; court-required