

Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

Dated at Rockville, Maryland, this December 18, 1995.

For the Nuclear Regulatory Commission.
Singh S. Bajwa,

Acting Director, Non-Power Reactors and Decommissioning Project Directorate, Division of Reactor Program Management, Office of Nuclear Reactor Regulation.

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[Docket No. 50-344]

Portland General Electric Company; Trojan Nuclear Power Station; Consideration of Issuance of an Order Authorizing Decommissioning a Facility 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 Portland General Electric Company ("PGE," the licensee), for the Trojan Nuclear Power Station ("Trojan NPS"), located near Ranier, Oregon. The order would involve approval of the Trojan NPS decommissioning plan as it relates to the decommissioning of the remaining portions of the Trojan NPS.

On October 12, 1995, the Commission issued a Memorandum and Order, CLI-95-13, 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 Trojan NPS. The Commission also announced in CLI-95-13 that it would "direct an expedited hearing process in this case."

The licensee is the holder of facility Possession Only License No. NPF-1, which was issued on May 5, 1993. All spent fuel has been removed from the reactor and placed in the plant's spent fuel pool. In addition, the pressurizer and the four steam generators have been removed from the reactor containment and shipped to a low level waste disposal facility.

By issuance of this order, the licensee would be authorized to complete the decommissioning of the Trojan NPS facility in accordance with its proposed decommissioning plan, submitted on January 25, 1995, as supplemented. Under that plan, PGE intends to dismantle the Trojan facility using the DECON decommissioning alternative as defined in NUREG-0586, "Final Generic Environmental Impact Statement on

Decommissioning of Nuclear Facilities," (1988).

The licensee has proposed to precede the DECON decommissioning and dismantlement period with a five-year transition period. Proposed activities during the transition period, which began with the permanent shutdown of the facility in January 1993, include the removal and disposal of selected components, the licensing and construction of an Independent Spent Fuel Storage Installation (ISFSI), and the transfer of the spent fuel, currently in the spent fuel pool, to the ISFSI. Licensing of the ISFSI will be the subject of a separate Notice of Opportunity for a Hearing and will not be a part of the proceeding to approve the Decommissioning Plan.

Once the spent fuel has been transferred to the ISFSI the DECON phase will begin. The DECON phase will consist of the major disassembly and dismantlement of structures systems and components that are radioactive. Low level radioactive waste resulting from decommissioning activities will be shipped to a licensed waste disposal site for burial. The DECON phase will end with the site, except for the ISFSI, being released for unrestricted use.

B. Requests for Hearing and Petitions for Leave To Intervene

By January 22, 1996, 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. (Lower Level), Washington, DC 20555, or the NRC Local Public Document Room, located at the

Bandford Price Millar Library, Portland State University, 934 S.W. Harrison Street (P.O. Box 1151), Portland Oregon 97207.

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 most important document for consideration in the formation of contentions is the licensee's proposed decommissioning plan, which has been in the public domain since January 25, 1995. The NRC Staff has now prepared

both an Environmental Assessment ("EA") of the plan and a Safety Evaluation Report ("SER") reviewing the plan and those documents are available for public review as described below.

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. (Lower Level), Washington, DC 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 20555-0001; Attention: Assistant General Counsel for Hearings and Enforcement, and to Douglas R. Nichols, Assistant General Counsel, Portland General Electric Company, 121 S.W. Salmon Street, Suite 1300, Portland, Oregon 97204, 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 January 25, 1995, as supplemented on November 13, 1995; (2) the NRC Staff's Environmental Assessment, dated December 18, 1995, and (3) the NRC Staff's Safety Evaluation Report, dated December 15, 1995. These documents are available for public inspection at both the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW. (Lower Level), Washington, DC, and at the NRC Local Public Document Room at the Brandford Price Millar Library, Portland State University, 934 S.W. Harrison Street (P.O. Box 1151), Portland, Oregon 97207. In addition, single copies of the Environmental Assessment or the Safety Evaluation Report may be requested in writing from Dr. Michael T. Masnik, Senior Project Manager, OWFN MS:11-B-20, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

Dated at Rockville, Maryland, this 18th day of December, 1995.

For the Nuclear Regulatory Commission.
John C. Hoyle,
Secretary of the Commission.
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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-36597; File No. SR-GSCC-95-03]

Self-Regulatory Organizations; Government Securities Clearing Corporation; Order Approving a Proposed Rule Change Authorizing the Release of Clearing Data Relating to Participants

December 15, 1995.

On August 28, 1995, the Government Securities Clearing Corporation ("GSCC") filed with the Securities and Exchange Commission ("Commission") a proposed rule change (File No. SR-GSCC-95-03) pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act").¹ On September 13, 1995, GSCC filed an amendment to the proposed rule change.² Notice of the proposal as amended was published in the Federal Register on November 2, 1995.³ No comment letters were received. For the reasons discussed below, the Commission is approving the proposed rule change.

I. Description of the Proposal

The purpose of the proposed rule change is to modify GSCC's rules to authorize the release of clearing data relating to GSCC's participants to the National Securities Clearing Corporation's ("NSCC") Collateral Management Service ("CMS")⁴ and to other parties. GSCC Rule 1 ("Definitions") is amended to include the term "CFTC-Recognized Clearing Organization" and to define it as "a clearing organization that is affiliated with, or designed by, a contracts market or markets trading specific futures products, and is under the oversight of the Commodity Futures Trading

¹ 15 U.S.C. 78s(b)(1) (1988).

² Letter from Jeffrey F. Ingber, General Counsel and Secretary, GSCC, to Peter R. Geraghty, Division of Market Regulation, Commission (September 13, 1995).

³ Securities Exchange Act Release No. 36430 (October 27, 1995), 60 FR 55748.

⁴ Generally, NSCC's CMS will provide participating participants and clearing agencies with access to information regarding participating participants' clearing fund, margin, and other similar requirements and deposits at participating clearing agencies. For a complete description of CMS, refer to Securities Exchange Act Release No. 36091 (August 10, 1995), 60 FR 42931 [File No. SR-NSCC-95-06] (order approving NSCC's CMS).