

and/or petition; and the Secretary 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, 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 the 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 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 petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to 15 days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than 15 days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. 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. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the 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, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment request involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Services Branch, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, by the above date. Where petitions are filed during the last 10 days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at 1-(800) 248-5100 (in Missouri 1-(800) 342-6700). The Western Union operator should be given Datagram Identification Number N1023 and the following message addressed to John N. Hannon: petitioner's name and telephone number, date petition was mailed, plant name, and publication date and page number of this Federal Register notice. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to Gerald Charnoff, Esq., Shaw, Pittman, Potts and Trowbridge, 2300 N Street, NW., Washington, DC 20037, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)-(v) and 2.714(d).

For further details with respect to this action, see the application for amendment dated March 1, 1996, which is 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 room located at the Minneapolis Public Library, Technology and Science Department, 300 Nicollet Mall, Minneapolis, Minnesota 55401.

Dated at Rockville, Maryland, this 4th day of March 1996.

For the Nuclear Regulatory Commission.

Tae Kim,

Project Manager, Project Directorate III-1, Division of Reactor Projects—III/IV, Office of Nuclear Reactor Regulation.

[FR Doc. 96-5495 Filed 3-7-96; 8:45 am]

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[Docket Number 40-0299]

Federal Register Notice of Amendment to Change Reclamation Milestone Dates in Source Material License SUA-648 Held by UMETCO Minerals Corporation for the Gas Hills, Wyoming Site

AGENCY: Nuclear Regulatory Commission.

ACTION: Amendment of Source Material License SUA-648 to change reclamation milestone dates.

SUMMARY: Notice is hereby given that the U.S. Nuclear Regulatory Commission has amended Umetco Mineral Corporation's (Umetco's) Source Material License SUA-648 to change the reclamation milestone dates. This amendment was requested by Umetco by letters dated November 27, 1995, and January 4, 1996, and the receipt by NRC was noticed in the Federal Register on January 22, 1996.

The license amendment modifies License Condition 59 to change the completion dates for three site-reclamation milestones. The new dates approved by the NRC extend completion of (1) Placement of final radon barrier on the A-9 impoundment by three years, (2) placement of erosion protection on the A-9 impoundment by three years, and (3) projected completion of groundwater corrective actions by four years. Umetco attributes the delays to the following factors: (1) Umetco's management has ordered a complete site reassessment in order to assure that the longevity goals will be satisfied. There are materials on site that had not previously been addressed that may require stabilization in the A-9 impoundment prior to completion of the radon barrier. (2) Umetco has

discovered some off-site areas that may require some remediation. Umetco will need to characterize those areas to determine volumes of materials affected and where necessary to generate a plan for their disposal. If the current A-9 design capacity is exceeded, a design change may be required. Based on review of Umetco's submittal, the NRC staff concludes that the delays are attributable to factors beyond the control of Umetco, the proposed work is scheduled to be completed as expeditiously as practicable, and the added risk to the public health and safety is not significant.

An environmental assessment is not required since this action is categorically excluded under 10 CFR 51.22(c)(11), and an environmental report from the licensee is not required by 10 CFR 51.60(b)(2).

SUPPLEMENTARY INFORMATION: Umetco's license, including an amended License Condition 59, and the NRC staff's technical evaluation of the amendment request are being made available for public inspection at the Commission's Public Document Room at 2120 L Street, NW (Lower Level), Washington, DC 20555.

FOR FURTHER INFORMATION CONTACT: Mohammad W. Haque, Uranium Recovery Branch, Division of Waste Management, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Telephone (301) 415-6640.

Dated at Rockville, Maryland, this 29th day of February 1996.

Daniel M. Gillen,

*Acting Chief, Uranium Recovery Branch,
Division of Waste Management, Office of
Nuclear Material Safety and Safeguards.*

[FR Doc. 96-5497 Filed 3-7-96; 8:45 am]

BILLING CODE 7590-01-P

[Docket Nos. 50-440 and 50-346]

**Perry Nuclear Power Plant, Unit 1;
Davis-Besse Nuclear Power Station,
Unit 1; Receipt of Petition for
Director's Decision Under 10 CFR
2.206**

Notice is hereby given that by Petition from the City of Cleveland, Ohio, for the "Expedited Issuance of Notice of Violation, Enforcement of License Conditions, and Imposition of Appropriate Fines" (Petition), dated January 23, 1996, the City of Cleveland (Petitioner) requests, *inter alia*, that the NRC, pursuant to 10 CFR 2.201, 2.202, 2.205 and 2.206, find that the Cleveland Electric Illuminating Company (CEI) is obligated to provide the wheeling and interconnection services as specified in the Petition and allegedly required by

the Antitrust License Conditions that are a part of CEI's license for the Davis-Besse Nuclear Power Plant, Unit 1, and Perry Nuclear Power Plant, Unit 1. In addition, the Petitioner has filed a Motion for Partial Summary Judgment on this issue, and has also requested in the alternative that if partial summary judgment is denied, the Commission sever the matter from the remainder of the Petitioner's other requests contained in the Petition and initiate "an expedited hearing procedure."

More specifically, the Petitioner requests the following NRC actions on an expedited schedule: (1) That the NRC issue a Notice of Violation against CEI for its failure to comply fully with the obligations under the Antitrust License Conditions; (2) that the NRC require CEI to submit a timely reply admitting or denying that CEI is in violation of these obligations, setting forth the steps it is taking to ensure compliance with the Antitrust License Conditions, and providing other compliance information required by the NRC; (3) that the NRC direct CEI to comply immediately with the portions of the Antitrust License Conditions at issue, including requiring CEI to withdraw immediately from the Federal Energy Regulatory Commission portions of its filings in Docket No. ER93-471-000 that are inconsistent with the Antitrust License Conditions, to withdraw the \$75.00/KW-month "deviation charge" from the rate schedules, and to withdraw that portion of the "Agreement" providing Toledo Edison "highest priority" treatment for its purchases of emergency power from CEI; (4) that the NRC impose the maximum appropriate fines for CEI's repeated violations of the Antitrust License Conditions; and (5) that the NRC direct CEI to provide firm wheeling service during 1996 in the amounts requested by the Petitioner in its August 11, 1995, letter to CEI and in accordance with CEI's obligation under Antitrust License Condition No. 3.

The Petition asserts the following as bases for the requests enumerated above: (1) That CEI violated Antitrust License Condition No. 3 by refusing to provide firm wheeling service to the Petitioner; (2) that CEI violated Antitrust License Condition Nos. 6 and 11 by entering into a contract to provide Toledo Edison Company with emergency power on a preferential basis; (3) that CEI violated Antitrust License Condition No. 2 by failing to offer the Petitioner a fourth interconnection point upon reasonable terms and conditions; and (4) that CEI violated Antitrust License Condition No. 2 by unreasonably burdening use of the existing interconnections through

unilateral imposition of a \$75.00/KW-month "deviation charge." The Petitioner asserts that expedited action is by the Commission appropriate and necessary because of the "ongoing, intensive, and unique door-to-door competition" in which the Petitioner and CEI are engaged and that CEI stands to gain enormously, and the Petitioner to lose by equal measure, for each day that CEI refuses to comply with its license condition obligations. The Petitioner also expresses concern that expedited action by the Commission is required by reason of the Petitioner's 40 MW power purchase from Ohio Power Company to be supplied to the Medical Center Company scheduled to begin by September 1, 1996, which will require wheeling by CEI.

The Petition has been referred to the Office of Nuclear Reactor Regulation for action in accordance with 10 CFR § 2.206. The request for partial summary judgment, the consideration of which is not provided for under 10 CFR § 2.206, is accordingly not being considered, as described in a letter dated March 4, 1996. The request for an expedited Director's Decision that would implement the requested actions was also denied in that letter.

As provided by 10 CFR § 2.206, the NRC will take appropriate action on the Petitioner's requests, other than Motion for Partial Summary Judgment, 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, and at the local public document rooms for: Perry Nuclear Power Plant—Perry Public Library, 3753 Main Street, Perry, Ohio; and Davis-Besse Nuclear Power Station—Government Documents Collection, William Carlson Library (Depository) University of Toledo, 2801 West Bancroft Avenue, Toledo, Ohio.

Dated at Rockville, Maryland this 4th day of March 1996.

For the Nuclear Regulatory Commission.

William T. Russell,

*Director, Office of Nuclear Reactor
Regulation.*

[FR Doc. 96-5496 Filed 3-7-96; 8:45 am]

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