

Building, 2120 L Street, NW., Washington, DC, and at the local public document room located at the Osterhout Free Library, Reference Department, 71 South Franklin Street, Wilkes-Barre, Pennsylvania. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request 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 basis 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.

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 20555-0001, 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 F. Stolz, Director, Project Directorate I-2: 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 20555-0001, and to Jay Silberg, 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).

If a request for a hearing is received, the Commission's staff may issue the amendment after it completes its technical review and prior to the completion of any required hearing if it

publishes a further notice for public comment of its proposed finding of no significant hazards consideration in accordance with 10 CFR 50.91 and 50.92.

For further details with respect to this action, see the application for amendments dated August 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 Osterhout Free Library, Reference Department, 71 South Franklin Street, Wilkes-Barre, Pennsylvania.

Dated at Rockville, Maryland, this 30th day of October 1996.

For the Nuclear Regulatory Commission.
John F. Stolz,

Director, Project Directorate I-2, Division of Reactor Projects—I/II, Office of Nuclear Reactor Regulation.

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NRC Requirements Regarding Mandatory Review for Declassification

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice announcing updates to NRC's Mandatory Review for Declassification requirements.

SUMMARY: The Nuclear Regulatory Commission (NRC) is updating its requirements regarding Mandatory Review for Declassification Pursuant to Section 3.6 of Executive Order (E.O.) 12958, "Classified National Security Information." This action is necessary to inform the public of these updates. This notice also presents instructions for submitting suggestions or questions regarding NRC's information security program.

FOR FURTHER INFORMATION CONTACT: A. Lynn Silvius, Chief, Information Security Branch, Division of Security, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001. Telephone: (301) 415-2214.

SUPPLEMENTARY INFORMATION: Pursuant to E.O. 12958 published April 20, 1995 (60 FR 12925) and its implementing directive, the NRC is updating its mandatory review for declassification to read as follows:

I. Mandatory Review for Declassification Requirements

A. NRC information classified under E.O. 12958 or predecessor orders shall be subject to a *mandatory* review for declassification by NRC, whenever:

1. The request is made by a United States citizen, permanent resident alien, Federal, State, or local government;

2. The information is not exempted from search and review under the Central Intelligence Agency Information Act;

3. The information has not been reviewed for declassification within the past 2 years; and

4. The request describes the document or material containing the information with sufficient specificity to enable NRC to locate it with a reasonable amount of effort.

B. Any person desiring a mandatory review for declassification of NRC documents containing classified information should address these requests to the Director, Division of Security, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001. Requests need not be made on any special form, nor does the requested information have to be identified by date or title, but shall, as specified in the E.O., describe the information with sufficient specificity to enable NRC to locate the records containing the requested information with a reasonable amount of effort.

C. The Director, Division of Security, will acknowledge receipt of the request and initiate action to obtain the requested information.

D. Responses to mandatory declassification review requests shall be governed by the amount of time required to process the request.

1. A prompt declassification determination will be made and the requester notified accordingly. If a prompt declassification determination cannot be made, the Director, Division of Security, will advise the requester of the additional time needed to process the request.

2. A final determination shall be made on each request within 180 days from the date of receipt, except in unusual circumstances, in which case the Director, Division of Security, will advise the requester of the additional time required.

3. If the NRC has reviewed the information within the past 2 years, or the information is subject of pending litigation, NRC shall inform the requester of this fact and of the requester's appeal rights.

E. When information cannot be declassified in its entirety, effort will be made to release, consistent with other applicable law, those declassified portions of the requested information that constitute a coherent segment.

F. Upon the denial of an initial request, the Director, Division of Security, will notify the requester of his/her rights to appeal the denial to the Executive Director for Operations (EDO). The appeal shall be in writing,

addressed to the EDO, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, and shall specify why the requester believes the information or material does not warrant classification. This appeal must be filed within 60 days of receipt of the denial.

G. The EDO will normally render a decision on the matter within 60 working days following receipt of the appeal. The EDO will notify the requester in writing of the final decision and of the reason(s) for any denial. If additional time is required in rendering a decision, the EDO will notify the requester of the additional time needed and the reason for the extension. If the appeal has been denied, the EDO shall notify the requester in writing of the right to appeal the final NRC decision to the Interagency Security Classification Appeals Panel (ISCAP). The rules and procedures for bringing mandatory declassification appeals before the ISCAP are published in the March 15, 1996; 61 FR 10854, Federal Register. The appeal to the ISCAP must be filed within 60 days of:

1. The date of the final NRC decision;

2. The NRC's failure to notify requester of the status of the classification challenge within 120 days of its filing; or

3. The NRC's failure to notify requester of the status of the appeal within 90 days of the filing of the appeal.

H. If the ISCAP reverses a final NRC decision, NRC may petition the President within 60 days of receipt of an ISCAP decision through the Assistant to the President for National Security Affairs to overrule the decision of the ISCAP.

I. If the NRC receives a mandatory review request for declassification of records in its possession that were originated by another agency, the NRC shall forward the request, a copy of the records requested and its recommendation for action to that agency for processing in accordance with that agency's mandatory review procedures. In those instances where the originating agency does not want their identity disclosed or the existence or nonexistence of the requested information is itself classifiable under the provisions of the E.O., NRC will advise the requester accordingly.

J. Except as provided in Paragraphs 1, 2, and 3 below, a mandatory review for declassification request for classified records in NRC's possession which contain foreign government information shall be processed in accordance with the provisions of this section.

1. If the NRC initially received or classified the foreign government

information, the NRC shall be responsible for making a declassification determination after consultation with concerned governments/agencies.

2. If the NRC did not initially receive or classify the foreign government information, the NRC shall refer the request to the agency that received or classified the foreign government information for appropriate action.

3. Consultation with the foreign originator through appropriate channels may be necessary before final action on the request.

K. If the NRC receives a mandatory review request for declassification of records in its possession that pertain to cryptologic information or information concerning intelligence activities (including special activities) or intelligence sources or methods, it shall be processed solely in accordance with special procedures issued by the Secretary of Defense and the Director of Central Intelligence, respectively.

L. Charges for services (e.g., locating and reproducing copies of records) will be made, when deemed applicable, in accordance with NRC regulations and will be consistent with charges for information requested under section 9701 of title 31, United States Code and the NRC's regulations implementing the Freedom of Information Act (10 CFR 9.35—Duplication Fees), or the Privacy Act (10 CFR 9.85—Fees).

II. Instructions for Submitting Suggestions or Questions Regarding NRC's Information Security Program

Requirements regarding the NRC's Information Security Program are contained in NRC Management Directive 12, "Security." Copies of individual sections of Management Directive 12 are available for review and copying for a fee, at the NRC'S Public Document Room, 2120 L Street, NW, Lower Level, Washington, DC 20555-0001. Suggestions or questions regarding NRC's Information Security Program should be submitted in writing to the U.S. Nuclear Regulatory Commission, Director, Division of Security, Washington, DC 20555-0001.

Dated at Rockville, Maryland, this 28th day of October 1996.

For the Nuclear Regulatory Commission.

James M. Taylor,

Executive Director for Operations.

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