

document room located at the Cameron Village Regional Library, 1930 Clark Avenue, Raleigh, North Carolina. 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 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 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 the amendment is issued before the expiration of the 30-day hearing period, the Commission will make a final determination on the issue of no significant hazards consideration. If a hearing is requested, 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, 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 Mr. Eugene V. Imbro: 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, and to W.D. Johnson, Vice President and Senior counsel, Carolina Power &

Light Company, Post Office Box 1551, Raleigh, North Carolina, 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 February 16, 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 Cameron Village Regional Library, 1930 Clark Avenue, Raleigh, North Carolina.

Dated at Rockville, Maryland, this 20th day of February 1996.

For the Nuclear Regulatory Commission.

Ngoc B. Le,

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

[FR Doc. 96-4225 Filed 2-23-96; 8:45 am]

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[Docket No. Part 110]

Notice of Receipt of Assurances From EURATOM Under Section 109B of the Atomic Energy Act

In the matter of general and specific licenses authorizing exports of nuclear reactor components, substances, and items under section 190b of the Atomic Energy Act to EURATOM.

By order issued December 28, 1995, effective January 1, 1996, the Nuclear Regulatory Commission ("Commission") suspended general and specific licenses issued under Section 109b of the Atomic Energy Act of 1954, as amended (AEA), and 10 CFR Part 110, to export nuclear reactor components, substances, and items to EURATOM. The suspension was necessary due to the expiration on December 31, 1995 of the safeguards, peaceful use, and retransfer assurances required for such exports under Section 109b. The Commission suspended the licenses until such time that EURATOM provided the necessary assurances to the U.S. This notice is to inform section 109b specific and general licensees that, on February 16, 1996, the assurances required under Section 109b were received from EURATOM. On that date,

accordingly, the Commission's suspension order expired by operation of law.

Dated at Rockville, Maryland this 20th day of February 1996.

For the Nuclear Regulatory Commission.
Carlton R. Stoiber,

Director, Office of International Programs.

[FR Doc. 96-4226 Filed 2-23-96; 8:45 am]

BILLING CODE 7590-01-M

Uranium Mill Facilities: Availability of Final "Staff Technical Position on Alternate Concentration Limits for Title II Uranium Mills"

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of availability.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is announcing the availability of its final "Staff Technical Position on Alternate Concentration Limits for Title II Uranium Mills." The purposes of this final Staff Technical Position (STP) are to provide: (1) Guidance on NRC staff's interpretation of the applicable regulations for establishing alternate concentration limits (ACLs) at uranium mills and tailings impoundment sites regulated under Title II of the Uranium Mill Tailings Radiation Control Act (UMTRCA) of 1978; (2) a Standard Format and Content Guide for ACL applications; and (3) standard criteria and procedures for ACL application reviews by NRC and Agreement States.

The final STP on ACLs for Title II uranium mills represents a revised and updated version of NRC's draft final STP, which was announced in the Federal Register on March 21, 1994 (59 FR 13345). The revisions were made largely in response to comments that NRC received on the draft final STP.

The final STP on ACLs for Title II uranium mills was prepared pursuant to the regulatory requirements for ground-water protection in Criterion 5 of Appendix A to 10 CFR Part 40, and is therefore only applicable to uranium mills and mill tailings impoundment sites regulated under Title II of UMTRCA. However, NRC will use the same technical approach in reviewing ACL applications for uranium mills and mill tailings impoundment sites that are regulated under Title I of UMTRCA, with modifications to reflect differences between UMTRCA's Title I and Title II programs.

Effective immediately, the staff will use this final STP instead of the draft final STP in reviewing ACL applications on file as well as new ACL applications.

ADDRESSES: Copies of the final STP on ACLs for Title II uranium mills may be requested by writing to: Mr. Joseph J. Holonich, Chief, Uranium Recovery Branch, Division of Waste Management, Office of Nuclear Material Safety and Safeguards, Mailstop T7J-9, U.S. Nuclear Regulatory Commission, Washington, DC 20555, or by calling (301) 415-7238.

FOR FURTHER INFORMATION CONTACT: Dr. Latif S. Hamdan, Uranium Recovery Branch, Division of Waste Management, Office of Nuclear Material Safety and Safeguards, Mailstop T7J-9, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Telephone: (301) 415-6639.

SUPPLEMENTARY INFORMATION: Persons interested in commenting on the final STP on ACLs for Title II uranium mills may provide written comments to Chief, Uranium Recovery Branch, Division of Waste Management, Office of Nuclear Material Safety and Safeguards, Mailstop T7J-9, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Comments received will be considered in any future revisions of the STP. There is no date set for expiration of the comment period.

Dated at Rockville, Maryland, this 14th day of February, 1996.

For the Nuclear Regulatory Commission.
Joseph J. Holonich,
Chief, Uranium Recovery Branch, Division of Waste Management, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 96-4224 Filed 2-23-96; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-36859; File No. SR-NASD-95-62]

Self-Regulatory Organizations; National Association of Securities Dealers, Inc.; Order Granting Accelerated Approval of Proposed Rule Change Amending the Prompt Receipt and Delivery of Securities Interpretation Relating to Short Sales

February 20, 1996.

I. Introduction

On January 11, 1996, the National Association of Securities Dealers, Inc. ("NASD" or "Association") filed with the Securities and Exchange Commission ("SEC" or "Commission") a proposed rule change¹ pursuant to

Section 19(b)(1) of the Securities Exchange Act of 1934 ("Exchange Act")² and Rule 19b-4 thereunder.³ The rule change amends the Prompt Receipt and Delivery of Securities Interpretation ("Interpretation") issued by the NASD Board of Governors under Article III, Section 1 of the NASD Rules of Fair Practice.⁴ The NASD proposes to amend the Interpretation to provide that under certain circumstances members may rely on "blanket" or standing assurances as to stock availability to satisfy their affirmative determination requirements under the Interpretation.

Notice of the proposed rule change, as amended, together with its terms of substance was provided by issuance of a Commission release⁵ and by publication in the Federal Register.⁶ One comment letter was received in response to the Commission release, in support of the NASD's proposal. This order approves the proposed rule change.

II. Description

On September 12, 1994, the SEC approved an NASD rule change that amended the Interpretation.⁷ As part of that rule change, the NASD amended the Interpretation to make clear that the use of a "blanket" or standing assurance that securities are available for borrowing is not acceptable to satisfy the affirmative determination requirement ("standing assurance provision").⁸ Based upon feedback from a broad spectrum of NASD members, the effective date of the standing assurance provision was postponed so as to give the NASD an opportunity to reexamine the issue.⁹

Accordingly, after reexamination, the NASD is now proposing to replace the standing assurance provision with a new provision. Specifically, under the amendment, a member may rely on a "blanket" or standing assurance that securities will be available for borrowing on settlement date to satisfy its affirmative determination

corrected a technical error in the proposed amended language and is available for copying in the Commission's Public Reference Room.

² 15 U.S.C. § 78s(b)(1).

³ 17 CFR 240.19b-4.

⁴ NASD Manual, Rules of Fair Practice, Art. III, Sec. 1, (CCH) ¶2151.04.

⁵ Securities Exchange Act Release No. 36717 (January 16, 1996).

⁶ 61 FR 1805 (January 23, 1996).

⁷ Securities Exchange Act Release No. 34653 (September 12, 1994), 59 FR 47965 (September 19, 1994).

⁸ These "blanket" or standing assurances often are sent via facsimile to member firms.

⁹ See Securities Exchange Act Release Nos. 35207 (January 10, 1995), 60 FR 3445 (January 17, 1995); and 36245 (September 18, 1995), 60 FR 49307 (September 22, 1995).

¹ The proposed rule change initially was submitted on December 27, 1995, but was amended subsequent to its original filing. The amendment