

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 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 William H. Bateman, Director, Project Directorate IV-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 T. E. Oubre, Esquire, Southern California Edison Company, P.O. Box 800, Rosemead, California 91770, 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 amendments dated April 15, 1997, 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 Main Library, University of California, P.O. Box 19557, Irvine, California 92713.

Dated at Rockville, Maryland, this 25th day of April 1997.

For the Nuclear Regulatory Commission.

Mel B. Fields,

Project Manager, Project Directorate IV-2, Division of Reactor Projects III/IV, Office of Nuclear Reactor Regulation.

[FR Doc. 97-11294 Filed 4-30-97; 8:45 am]

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OFFICE OF PERSONNEL MANAGEMENT

Submission for OMB Review; Comment Request for Reclearance of Information Collection, OPM Form 805 Series

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (Public Law 104-13, May 22, 1995), this notice announces that the Office of Personnel Management has submitted simultaneously with publication of this notice a request to the Office of Management and Budget for reclearance of the OPM Form 805 Series that collects information from the public. OPM Form 805, Application to be Listed Under the Voting Rights Act of 1965, is used to elicit information from persons applying for voter registration under the authority of the Voting Rights Act of 1965. The requirements for voter eligibility vary from State to State; therefore, OPM Form 805 is a blanket number covering a number of forms which conform to the individual State's requirements. For a number of years, there have been forms for 10 States: Alabama, Arizona, Georgia, Louisiana, Mississippi, New Mexico, North Carolina, South Carolina, Texas (English and Spanish language versions), and Utah. Because OPM has never been asked to list voters in Arizona, New Mexico, North Carolina, and Utah, the approval of these four forms is being permitted to lapse at the request of the Voting Rights Section in the Civil Rights Division of the Department of Justice. The form requires 20 minutes to complete. Approximately 10 individuals complete the form annually for a total public burden of 4 hours.

For copies of this proposal call James M. Farron on (202) 418-3208 or e-mail to jmfarron@opm.gov.

DATES: Comments on this proposal should be received on or before May 31, 1997.

ADDRESSES: Send or deliver comments to—

Anna Marie Schuh, Acting Assistant Director for Merit Systems Oversight, Office of Personnel Management, 1900 E Street, NW., Room 7677, Washington, DC 20415-0001 and Joseph Lackey, OPM Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, NW., Room 3002, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: P. Kaziah Clayton on (202) 606-2531.

U.S. Office of Personnel Management.

James B. King,

Director.

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POSTAL SERVICE

Decision of the Governors of the United States Postal Service on the Recommended Decision of the Postal Rate Commission on the Complaint of the Coalition Against Unfair USPS Competition, Docket No. C96-1

AGENCY: Postal Service.

ACTION: Notice of decision.

SUMMARY: Notice is hereby given of the Decision of the Governors in the complaint brought to the Postal Rate Commission concerning the packaging service known as Pack & Send. By direction of the Governors, their Decision is published in the **Federal Register** following this notice.

FOR FURTHER INFORMATION CONTACT: Scott L. Reiter, (202) 268-2999.

Stanley F. Mires,

Chief Counsel, Legislative.

April 8, 1997.

With this decision, the Governors exercise their authority to act in rate complaints brought to the Postal Rate Commission under the Postal Reorganization Act ("the Act"). 39 U.S.C. §§ 3625, 3662. The circumstances in this case are unprecedented and unusual. The complainant challenged rates charged by the Postal Service for a packaging service known as Pack & Send. The complaint's principal allegation was that Pack & Send is a postal service for which a classification and fees must be recommended by the Commission. After hearings, the Commission determined that the complaint was justified, but declined to issue a Recommended Decision to us regarding the status of Pack & Send. Instead, the Commission elected to characterize its conclusion as a "declaratory order."

We believe that the Commission's obligation under the Act and its own rules was to issue a Recommended Decision. Taken at face value, the Commission's action would effectively deprive us of our role in the statutory scheme. We have thus construed the Commission's order to be a Recommended Decision. For the reasons expressed below, we hereby reject it. By separate action the Postal Service has decided to discontinue the Pack & Send service.

Statement of Explanation and Justification

Background

This docket was initiated as the result of a complaint filed under 39 U.S.C. section 3662 by the Coalition Against Unfair USPS Competition ("Coalition" or "CAUUC"). The Coalition is a trade association representing operators of commercial mail receiving agencies ("CMRAs"), who, among other things, offer mail boxes, shipping services, packaging materials and packaging services in competition with the Postal Service. For the past two years, the Postal Service has offered Pack & Send as a pilot test, extending it over that time to approximately 260 selected postal facilities in a few geographic areas. The Coalition claimed that this service was unlawful, because the Postal Service had not first sought a recommended decision from the Commission to establish it and to set appropriate fees. Conversely, the Postal Service contended that packaging service is not required by the Act to be recommended by the Commission. All parties and the Commission agreed that the only issue that needed to be resolved to determine whether the complaint was justified was whether Pack & Send was a "postal service." According to the Commission, if it made this finding, then the complaint was necessarily justified, because the service had not been established through proceedings before the Commission.

Testimony was filed on behalf of the Coalition and the Postal Service. The Postal Service provided the testimony of its Vice President for Retail, explaining the nature and operation of Pack & Send, and the reasons why it did not have to be recommended by the Commission. The Commission held hearings on the testimony under its rules governing complaints filed under 39 U.S.C. section 3662. The Commission ultimately found that the service was a postal service, and concluded that the complaint was justified. It made this determination in the form of a "Declaratory Order," PRC Order No.

1145, issued on December 16, 1996. The Postal Service moved for reconsideration of the Order. In Order No. 1156, issued on February 3, 1997, the Commission affirmed both its substantive view regarding the status of Pack & Send, and its procedural view that it need not issue a recommended decision.

As had been suggested by the Commission's Office of the Consumer Advocate (OCA), the Coalition threatened to initiate federal court litigation seeking to enjoin the Postal Service from continuing to provide the service in the face of the Commission's findings. (Letter of January 29, 1997, from Chair of the Coalition to Chairman of the Board of Governors.) In part because such litigation would have made resolution of this matter more complicated than it needed to be, the Postal Service, with our concurrence, discontinued offering Pack & Send service as of February 14, 1997.

Statutory Scheme

The Commission's handling of this matter, both substantively and procedurally, raises several serious concerns. Initially, we believe that the form of the Commission's action is fundamentally inconsistent with the statutory scheme governing the Postal Service, and the respective roles of the Commission and the Governors under the Postal Reorganization Act.

The Act gives the Postal Service both general and specific powers, including the specific authority to provide and establish nonpostal services. 39 U.S.C. §§ 401, 404(a)(6). Nowhere in the statute is there any reference to Commission action in connection with nonpostal services. For postal services, the Governors are given the final authority to establish rates, fees, and mail classifications in accordance with applicable provisions in chapter 36, which generally provide for Commission proceedings leading to a recommended decision on these matters for postal services. 39 U.S.C. §§ 3621-3625. The Postal Service alone may initiate proceedings to establish or change postal rates or fees. 39 U.S.C. § 3622. Under section 3662, interested parties may challenge postal rates or services alleged not to be in accordance with the policies of the statute, but there is no explicit reference in that provision to any activity that is not a domestic postal service. The Act, in fact, does not create an explicit mechanism for challenging the legal status of services as postal or nonpostal.

In our opinion, the suitability of section 3662 to challenge the legal status of Postal Service activities only