

**How Will the Service Ensure That an Alien Placed in the Expedited Removal Program Will Not Be Subjected to Persecution or Torture Upon Removal From the United States?**

Service regulations provide that any alien who indicates either an intention to apply for asylum, withholding of removal under section 241(b)(3) of the Act, or protection under the Convention Against Torture, or expresses a fear of persecution, torture, or other harm shall be referred for an interview by an asylum officer to determine whether the alien has a credible fear. The Form I-867A and I-867B currently used by the officers who process aliens under the expedited removal program, in accordance with the statutory requirement at section 235(b)(1)(B)(iv) of the Act, carefully explains to all aliens in expedited removal proceedings the alien's right to a credible fear interview. The forms also require that the officer determine whether the alien has any reason to fear harm if returned to his or her country. This form will also be used for aliens subject to expedited removal under this pilot program. Additionally the training to be provided to other officers who will administer the program will emphasize the need to be alert for any verbal or non-verbal indications that the alien may be afraid to return to his or her homeland.

Once an alien is referred to an asylum officer for a credible fear interview, he or she has a right to consultation with a person of the alien's choosing, and a right to review by an immigration judge of any negative credible fear determination. Aliens found to have a credible fear are then placed into ordinary removal proceedings before an immigration judge where they may apply for asylum and withholding of removal.

**How Does the Effect of an Expedited Removal Order Issued by an Immigration Officer Differ From the Effect of a Final Removal Order Issued by an Immigration Judge Under Section 240 of the Act?**

Regardless of whether the final order is issued by an immigration judge or the Board of Immigration Appeals under section 240 of the Act or by an immigration officer under section 235(b)(1) of the Act, the consequences are the same. The alien is prohibited from returning to the United States without advance permission for the period of time specified in section 212(a)(9) of the Act. Where proceedings are initiated other than upon the alien's arrival in the United States, the alien ordered removed is inadmissible for a

period of 10 years (or 20 years in the case of a second or subsequent removal). If the alien should illegally reenter the United States, he or she is subject to reinstatement of removal under section 241(a)(5) of the Act and to civil and criminal penalties contained in the Act and in other Federal statutes.

**How Will the Service Evaluate the Integrity, Productivity and Effectiveness of This Program?**

The Service intends to monitor the process carefully and will conduct an evaluation of the program upon the termination of the pilot program after 180 days have elapsed. The Service will regularly conduct reviews of a sampling of expedited removal cases processed at the selected facilities. The files will be reviewed to ensure that all procedures are properly followed, especially those procedures designed to protect the rights of the aliens involved. This is the same process used by the Service for monitoring port-of-entry expedited removal cases. The Service will also conduct site visits to conduct follow-up training and on-site monitoring. The Service will also monitor statistics pertaining to the number of aliens removed through this program.

**Why Is the Service Soliciting Public Comments on This Notice?**

While not required under the Administrative Procedures Act, the Service is interested in receiving comments from the public on all aspects of the expedited removal program, but especially on the effectiveness of the program, problems envisioned by the commenters, and suggestions on how to address those problems. We believe that, by maintaining a dialogue with interested parties, the Service can ensure that the program remains effective in combating and deterring illegal entry while at the same time protecting the rights of the individuals affected.

**When Will These Actions Begin and How Long Will It Last?**

After evaluating and addressing the public comments, the Service will inform the public by notice in the **Federal Register** 30 days prior to the pilot program's implementation. The program will remain in effect for 180 days.

Dated: September 14, 1999.

**Doris Meissner,**

*Commissioner, Immigration and Naturalization Service.*

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**NUCLEAR REGULATORY COMMISSION**

[Docket No. 50-73]

**General Electric Company; Notice of Consideration of Application for Renewal of Facility License**

The United States Nuclear Regulatory Commission (the Commission) is considering renewal of Facility License No. R-33, issued to the General Electric Company (the licensee) for operation of the General Electric Nuclear Test Reactor located on the Vallecitos Nuclear Center in Sunol, California.

The renewal would extend the expiration date of Facility License No. R-33 for twenty years from date of issuance, in accordance with the licensee's timely application for renewal dated September 30, 1997, as supplemented on November 20, 1997, and June 18, and August 23, 1999.

Prior to a decision to renew the license, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations.

Within thirty days of publication of this notice, the licensee may file a request for a hearing with respect to renewal of the subject facility license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition 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. 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, Washington, DC. If a request for a hearing or petition for leave to intervene is filed within the time prescribed above, 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 fifteen (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 fifteen (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 and the 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 Secretary of the Commission, U.S. Nuclear Regulatory Commission,

Washington, DC 20555, Attention: Rulemaking and Adjudications staff, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW, Washington, DC within the time prescribed above. Where petitions are filed during the last ten (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) 325-6000 (in Missouri 1-(800) 342-6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to Ledyard B. Marsh: petitioner's name and telephone number; date petition was mailed; General Electric Company Nuclear Test Reactor; 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 Mr. Benton M. Murray, V18, General Electric Company, Vallecitos Nuclear Center, 6705 Vallecitos Road, Sunol, CA 94586.

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 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 renewal dated September 30, 1997, as supplemented on November 20, 1997, and June 18, and August 23, 1999, which is available for public inspection at the Commission's Public Document Room at 2120 L Street, NW, Washington, DC

Dated at Rockville, Maryland, this 16th day of September 1999.

For the Nuclear Regulatory Commission.

**Thomas Koshy,**

*Acting Chief, Events Assessment, Generic Communications and Non-Power Reactors Branch, Division of Regulatory Improvement Programs, Office of Nuclear Reactor Regulation.*

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## NUCLEAR REGULATORY COMMISSION

[Docket No. 50-151]

### University of Illinois at Urbana-Champaign; University of Illinois at Urbana-Champaign Advanced TRIGA Research Reactor Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of a license amendment to Facility License No. R-115, issued to the University of Illinois at Urbana-Champaign (UIUC or the licensee), for decommissioning of the UIUC Advanced TRIGA Research Reactor, located on the UIUC campus in Urbana, Champaign County, Illinois.

#### Environmental Assessment

##### Identification of Proposed Action

The proposed action is approval of the licensee's SAFSTOR decommissioning plan. UIUC submitted their decommissioning plan in accordance with 10 CFR 50.82(b) for the UIUC Advanced TRIGA Research Reactor located in the Nuclear Reactor Laboratory (NRL). The reactor (1.5 MW thermal power) was permanently shut down on August 9, 1998. The licensee applied for a possession-only license amendment on October 5, 1998. By License Amendment No. 10 issued on April 12, 1999, the NRC removed the authority to operate the reactor and authorized possession of the residual radioactive materials.

The proposed decommissioning plan would place the NRL and reactor into safe storage until at least 2009 because this date is the soonest the Department of Energy can accept fuel from the UIUC. Domestic spent nuclear fuel receipts at the Idaho National Engineering and Environmental Laboratory have been severely constrained because of a settlement agreement of a lawsuit concerning spent nuclear fuel and nuclear waste. The only fuel storage option the licensee has is to maintain fuel in storage at the NRL. Decontamination and dismantlement activities cannot begin until fuel is removed from the NRL. The licensee has chosen the SAFSTOR option of decommissioning. SAFSTOR is the alternative in which the facility is placed and maintained in a condition that allows the facility to be safely stored and subsequently decontaminated to levels that permit release for unrestricted use. SAFSTOR consists of a short period of preparation for safe storage, a variable safe storage