assessment (EA) by January 10, 1996. Interested persons may obtain a copy of the EA by writing to SEA (Room 3219, Interstate Commerce Commission, Washington, DC 20423) or by calling Elaine Kaiser, Chief of SEA, at (202) 927–6248. Comments on environmental and historic preservation matters must be filed within 15 days after the EA is available to the public.

Environmental, historic preservation, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Decided: December 28, 1995.

By the Commission, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 96–157 Filed 1–4–96; 8:45 am]

BILLING CODE 7035–01–P

[Docket No. AB–12 (Sub-No. 170X)]

Southern Pacific Transportation Company—Abandonment Exemption—in San Mateo County, CA

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: The Commission exempts from the requirements of 49 U.S.C. 10903–06 the abandonment by Southern Pacific Transportation Company of approximately 2.54 miles of rail line, known as the San Bruno Branch, from milepost 10.80, at or near the Baden rail station, to milepost 13.34, at or near the Tanforan rail station, in San Mateo County, CA, subject to standard labor protective conditions.

DATES: This exemption will be effective on January 20, 1996. Petitions to stay or reopen must be filed by January 16, 1996.

ADDRESSES: Send pleadings, referring to Docket No. AB–12 (Sub-No. 170X), to: (1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, 1201 Constitution Avenue, NW., Washington, DC 20423;[1] and (2) Petitioner's representatives: John MacDonald Smith, Gary A. Laakso, Southern Pacific Building, One Market Plaza, San Francisco, CA 94105 and Karl Morell, Louis E. Gitomer, Ball, Janik & Novack, Suite 1035, 1101 Pennsylvania Avenue, NW., Washington, DC 20004.

[1] Legislation to terminate the Commission on December 31, 1995, is now pending enactment. Until further notice, parties submitting pleadings should continue to use the current name and address.

FOR FURTHER INFORMATION CONTACT: Beryl Gordon, (202) 927–5610. [TDD for the hearing impaired: (202) 927–5721.]

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to, call, or pick up in person from: DC News & Data Inc., Room 2229, Interstate Commerce Commission Building, 1201 Constitution Avenue, NW., Washington, DC 20423. Telephone: (202) 289–4357/4359. [Assistance for the hearing impaired is available through TDD services at (202) 927–5721.]

Decided: December 21, 1995.

By the Commission, Chairman Morgan, Vice Chairman Owen, and Commissioner Simmons.

Vernon A. Williams,

Secretary.

[FR Doc. 96–158 Filed 1–4–96; 8:45 am]

BILLING CODE 7035–01–P

NATIONAL COMMUNICATIONS SYSTEM

Industry Executive Subcommittee of the National Security Telecommunications Advisory Committee

AGENCY: National Communications System (NCS), Plans, Customer Service, and Information Assurance Division.

ACTION: Notice of meeting.

SUMMARY: A meeting of the Industry Executive Subcommittee of the National Security Telecommunications Advisory Committee will be held on Wednesday, January 31, 1996, from 9 a.m. to 11:00 a.m. The meeting will be held at Booz, Allen & Hamilton, Inc., 8283 Greensboro Drive, McLean, VA 22102. The agenda is as follows:

A. Call to Order/Welcoming Remarks

B. Kyl Amendment Status

C. NSTAC XVIII Planning Update

D. Issues Group

E. Information Assurance Task Force

F. National Information Infrastructure Task Force

G. Network Security Group

Due to the requirements to discuss classified information, in conjunction with the issues listed above, the meeting will be closed to the public in the interest of National Defense.

FOR FURTHER INFORMATION CONTACT: Telephone (703) 607–6221 or write the Manager, National Communications System, 701 S. Court House Road, Arlington, VA 22204–2198.

Dennis Bodson,

Chief, Technology and Standards Division.

[FR Doc. 96–140 Filed 1–4–96; 8:45 am]

BILLING CODE 5000–03–M

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–295 and 50–304]

Commonwealth Edison Co., (Zion Nuclear Power Station, Unit Nos. 1 and 2); Exemption

I

Commonwealth Edison Company (ComEd or the licensee) is the holder of Facility Operating License Nos. DPR–39 and DPR–48, which authorize operation of the Zion Nuclear Power Station, Unit Nos. 1 and 2, at a steady-state reactor power level not in excess of 3250 megawatts thermal. The facilities are pressurized water reactors located at the licensee's site in Lake County, Illinois. The licenses provide, among other things, that the Zion Nuclear Power Station is subject to all rules, regulations, and Orders of the U.S. Nuclear Regulatory Commission (the Commission or NRC) now or hereafter in effect.

II

Sections III.C and III.D.3 of 10 CFR part 50, appendix J, option A, require that Type C local leakage rate periodic tests shall be performed during reactor shutdown for refueling, or other convenient intervals, but in no case at intervals greater than 2 years. These requirements are reflected in the Zion Technical Specifications (TS) as requirements to perform Type C containment leakage rate testing in accordance with 10 CFR part 50, appendix J, and approved exemptions.

III

The licensee has determined that certain containment isolation pathways have not been locally leakage rate tested (Type C tests) as required by option A of appendix J to 10 CFR part 50. In a letter dated August 16, 1995, the licensee requested relief from the requirement to perform the Type C containment leakage rate tests of certain penetrations and valves in these pathways in accordance with the requirements of sections III.C and III.D of 10 CFR part 50, appendix J, option A. On August 16, 1995, the staff authorized in writing, continued operation of the Zion units in a notice of enforcement discretion (NOED) until such time as the

staff acted on the exemption requests. In a letter dated November 20, 1995, the staff granted the schedular exemptions requested in the licensee's letter of August 16, 1995, and granted schedular exemptions for the permanent exemption requests to allow time for additional staff review and until final staff action could be taken. In its letter of November 28, 1995, and supplemented on December 6, 1995, the licensee requested, in part, that certain schedular exemption requests be granted as permanent exemptions. As requested, the staff granted permanent exemptions for the containment isolation valves in containment penetrations P–70 and P–99 by letter dated December 11, 1995.

The licensee's letter of November 28, 1995, also requested that the following permanent exemption requests be changed to schedular exemption requests.

Units 1 and 2: P–77, 1(2)PP0101, 1(2)PP0102, 1(2)PP0103, 1(2)PP0104, Penetration Pressurization to Containment Valve Stations; and P–102, 1(2)AOV–RC8029, Primary Water to the Pressurizer Relief Tank.

For Unit 1, the penetrations would be tested during the refueling outage in the fall of 1995, and for unit 2, they would be tested during the next cold shutdown of sufficient duration, and subsequently thereafter as required. For P–77 and P–102, the staff's letter of November 20, 1995, granted schedular exemptions until December 31, 1995. The final action for these penetrations is addressed below.

The licensee's letter of November 28, 1995, also requested that the staff grant a schedular exemption for penetration P–44. In a letter dated December 6, 1995, the licensee withdrew the request because it had recently tested the penetration for both units 1 and 2 and intends to continue to test the penetration in accordance with the requirements of 10 CFR part 50, appendix J, option A.

The final resolution of the remaining issues is provided below.

Pathways Listed in Licensee's Letter Dated August 16, 1995

Attachment 2 of the licensee's letter of August 16, 1995, requested permanent exemptions for components in the following containment penetrations:

Units 1 and 2: P–14, Valve 1(2) FCV–SA01A, Service Air Supply to Containment; P–19, Valve 1(2) MOV–CC9413A, Component Cooling Water Supply to the Reactor Coolant Pumps; P–34, Valve 1(2) DW0030, Demineralized Flushing Water to Containment; P–43, Valve 1(2) LCV–DT1003, Reactor Coolant Drain Tank Pump Discharge; P–75, Valves 1(2) VC8402A, 1920HCV–VC182, 1(2) VC8402B, 1(2) VC8403, Chemical and Volume Control to Regenerative Heat Exchanger; P–76, Valve 1(2) VC8480A, Reactor Coolant Loop Fill Header; P–77, Valves 1(2) PP0101, 1(2) PP0102, 1(2) PP0103, 1(2) PP0104, Penetration Pressurization to Containment Valve Stations; P–88, Valve 1(2) FCV–RV112, Containment Hot Water Supply; and P–102, Valve 1(2) AOV–RC8029, Primary Water to the Pressurizer Relief Tank.

Unit 1 only: P–16, Compression Fittings on Five Reactor Vessel Leak Detection System Lines.

As stated above, the requests for P–77 and P–102 were changed from permanent to schedular exemptions.

Also, in attachment 3 of the licensee's letter of August 16, 1995, the licensee requested staff concurrence concerning certain clarifications for the testing of P–23, P–44, and P–66.

Schedular Exemptions

As requested, penetrations P–77 and P–102 will receive extensions of the schedular exemptions granted on November 20, 1995, rather than permanent exemptions. For Unit 1, the penetrations were tested during the refueling outage which concluded on December 17, 1995, and will be tested hereafter as required by Appendix J, Option A, so no further exemption is needed. For Unit 2, they will be tested during the next cold shutdown of sufficient duration (no later than the next refueling outage), and subsequently thereafter as required. The staff's review and justification for the schedular exemptions granted for these penetrations on November 20, 1995, remains valid and will not be repeated here. The staff finds that, on the basis stated in the November 20, 1995, exemption, it is acceptable to delay the testing of P–77 and P–102 until the next cold shutdown of sufficient duration, but no later than the next refueling outage, for Unit 2. The next Unit 2 refueling outage is currently scheduled for September 1996. Further, the staff finds that the special circumstances required by 10 CFR 50.12(a)(2)(v) are present as described in the November 20, 1995 exemption, namely, that the requested exemptions provide only temporary relief and the licensee made good faith efforts to comply.

Permanent Exemptions

The licensee has requested permanent exemptions for several penetrations because it is not possible to perform the required testing with the current hardware configurations, such as the absence of test taps or block valves that would be needed to perform the tests. In each case, the relief is not from testing through-valve leakage paths, but rather leakage paths out of containment isolation valves through valve packing, diaphragms, or compression fittings. The permanent exemption requests may be divided into three groups, as follows:

1. P–14: The licensee proposes to test the valve packing by pressurizing it with air to a pressure greater than or equal to P_a and performing a soap bubble test on the packing, with an acceptance criterion of zero observed bubbles. This will be done at the normal Type B and C testing frequency; further, the test was performed and passed during the recent Unit 1 refueling outage and during January 1995 for Unit 2. Generally, a soap bubble test cannot be used to quantify a leakage rate, which is required by the regulation, but when the observed leakage is zero (no bubbles being produced), then the leakage rate is also zero. Therefore, the proposed testing method in fact complies with the requirements of Appendix J, Option A, and no exemption is required.

2. P–19, P–34, P–43, P–75, P–76, P–88: In each case, the licensee proposes to test the valve packing (or, in the case of P–43, the valve diaphragm) by pressurizing it with water to a pressure greater than or equal to 1.1 P_a and then visually examining the packing or diaphragm for water leakage, with an acceptance criterion of zero observed leakage. This will be done at the normal Type B and C testing frequency. The significant difference between these penetrations and P–14 is the use of water instead of air as the test medium. The proposed test, with water as the test medium and with a zero leakage acceptance criterion, is conservative enough to provide reasonable assurance of no significant increase in risk to health and safety of the public when compared to testing with air, especially when considering the nature of the potential leakage paths. The leakage pathways do not consist of through-valve leakage paths, but rather leakage paths out of containment isolation valves through valve packing or diaphragms. The potential leakage paths are small or restrictive, through packing openings or through cracks or tears in valve diaphragms. The leakage path for a significant leak to occur also requires a sequence of events for which the probability of occurrence is low, as detailed in the licensee's letter of August 16, 1995. In addition, for some of the systems, seismic support and the isolation valve seal water system provide additional assurance that the risk of a significant leak is minimal.

Therefore, the proposed testing provides an acceptable alternative to the requirements of Appendix J, Option A.

3. P–16 (Unit 1 only): The licensee proposes to test the compression fittings on five small lines by pressurizing them with air to a pressure greater than or equal to P_a and performing a soap bubble test on the fittings, with an acceptance criterion of zero observed bubbles. However, these lines cannot be locally pressurized to the test pressure, so this will be done only during Type A tests, which are required at a frequency of 3 times in 10 years, instead of the Type B and C testing interval (every refueling outage, but not to exceed 2 years). The staff will accept the proposed testing frequency because Type A test history at Zion Station has shown that this type of fitting has not been problematic. Further, these particular fittings have never caused a Type A test failure by leaking excessively. As such, the staff does not expect the lesser testing frequency to significantly impact the leak-tightness of the containment boundary. However, this exemption is applicable only to Option A of Appendix J. If the licensee adopts Option B of Appendix J for containment leakage rate testing at Zion Unit 1, the exemption for P–16 is hereby revoked and the matter will have to be reexamined under the requirements of Option B.

Clarifications for P–23, P–44, and P–66

P–23: 1(2) MOV–CC9414, CC Return from the RPC Lube Oil Coolers.

The licensee requested staff concurrence that this valve is a single barrier and that the Type C test performed on the outboard disk is adequate. As stated in the staff's Request for Additional Information letter of December 11, 1995, the staff concurs with the licensee.

P–44: 1(2) PR0029, Containment Sping Return Line to the Containment.

As stated above, the licensee withdrew its request and will test the penetration in accordance with Appendix J, Option A.

P–66: Reactor Coolant Pump Seal Injection System.

The licensee requested staff concurrence that the subject system may be considered a qualified water seal system for penetration P–66. In its letter of November 28, 1995, the licensee provided additional details as to the procedural requirements and the time frames involved in the switch over from the injection phase to cold leg recirculation using the containment sump as a water supply. The additional information indicates that, although there may be a brief interruption in sealing water pressure during switch over, the water-sealing action of the system would be essentially continuous throughout the 30-day post-accident period. Therefore, the staff concurs that the subject system may be considered a qualified water seal system for penetration P–66.

To justify granting an exemption to the requirements of 10 CFR Part 50, Appendix J, Option A, a licensee must show that the requirements of 10 CFR 50.12(a)(1) are met. The licensee stated that all its exemption requests meet the requirements of 10 CFR 50.12(a)(1), for the following reasons:

Criteria for Granting Exemptions are Met Per 10 CFR 50.12(a)(1)

1. The requested exemptions and the activities which would be allowed thereunder are authorized by law.

If the criteria established in 10 CFR 50.12(a) are satisfied, as they are in this case, and if no other prohibition of law exists to preclude the activities which would be authorized by the requested exemption, and there is no such prohibition, the Commission is authorized by law to grant this exemption request.

2. The requested exemption will not present undue risk to the public.

As stated in 10 CFR 50, Appendix J, Option A, the purpose of primary containment leak rate testing is to assure that leakage through primary containment and systems and components penetrating primary containment shall not exceed the allowable leakage rate values as specified by the Technical Specifications or associated bases and to ensure that the proper maintenance and repairs are made during the service life of the containment and systems and components penetrating primary containment. The requested exemption is consistent with this intent for those penetrations in that alternate means of ensuring leakage remains acceptably low will be performed as proposed herein.

3. The requested exemption will not endanger the common defense and security.

The common defense and security are not in any way compromised by this exemption request.

In addition, the licensee must show that at least one of the special circumstances, as defined in 10 CFR 50.12(a)(2) is present. One of the special circumstances that a licensee may show to exist is that the application of the regulation in the particular circumstance is not necessary to achieve the underlying purposes of the rule. The purposes of the rule, as stated in Section I of 10 CFR 50, Appendix J, Option A, are to ensure that: (1) Leakage through the primary reactor containment and systems and components penetrating containment shall not exceed allowable values, and (2) periodic surveillance of reactor containment penetrations and isolation valves is performed so that proper maintenance and repairs are made. The staff has reviewed the licensee's proposal and has concluded for the reasons discussed above that the proposed alternative tests will confirm the integrity of the subject pathways. Therefore, application of the regulation in this particular circumstance is not necessary to achieve the underlying purpose of the rule.

IV

Sections III.C and III.D.3 of 10 CFR Part 50, Appendix J, Option A, require that Type C local leak rate periodic tests shall be performed during reactor shutdown for refueling, or other convenient intervals, but in no case at intervals greater than 2 years.

The licensee proposes exemptions to these sections which would provide relief from the requirement to perform the Type C containment leak rate tests of certain valves in accordance with the requirements of Sections III.C and III.D of 10 CFR Part 50, Appendix J, Option A.

The Commission has determined that, pursuant to 10 CFR 50.12(a)(1), this exemption is authorized by law, will not present an undue risk to the public health and safety, and is consistent with the common defense and security. The Commission further determined that special circumstances, as provided in 10 CFR 50.12(a)(2) (ii), or (v) are present justifying the exemption; namely, that the application of the regulation is not necessary to achieve the underlying purpose of the rule; or the exemptions provide only temporary relief and the licensee made good faith efforts to comply.

Therefore the Commission hereby grants the following exemptions:

The requirement of 10 CFR Part 50, Appendix J, Option A, to perform Type C local leakage rate periodic tests of penetrations P–77 and P–102 at intervals no greater than 2 years is not required. For P–77 and P–102, for Unit 1, the penetrations were tested during the Unit 1 refueling outage in the fall of 1995, and for Unit 2, they will be tested during the next cold shutdown of sufficient duration, but no later than the next refueling outage and subsequently thereafter as required.

The requirement of 10 CFR Part 50, Appendix J, Option A, to test penetrations P–19, P–34, P–43, P–75, P–76, and P–88 for Units 1 and 2 with air is not required. Instead, the test pressure medium may be water. These tests will be performed at the normal Type B and C testing frequency.

The requirement of 10 CFR Part 50, Appendix J, Option A, to test penetration P–16 for Unit 1 at intervals no greater than 2 years is not required. Instead, this penetration may be tested during Type A tests, which are required 3 times at approximately equal intervals each 10 year

service period. However, if the licensee adopts 10 CFR Part 50, Appendix J, Option B, for containment leakage rate testing at Zion, Unit 1, with the potential for Type A test intervals of 10 years, the exemption for P–16 is hereby revoked.

Pursuant to 10 CFR 51.32, the Commission has determined that granting these exemptions will not have a significant impact on the human environment (60 FR 45499).

Dated at Rockville, Maryland, this 28th day of December 1995.

For the Nuclear Regulatory Commission.

Gail Marcus,

Acting Director, Division of Reactor Projects—III/IV, Office of Nuclear Reactor Regulation.

[FR Doc. 96–146 Filed 1–4–96; 8:45 am]

BILLING CODE 7590–01–P

[Docket No. 50–341]

Detroit Edison Co., (Fermi 2); Exemption

I

Detroit Edison Company (the licensee) is the holder of Facility Operating License No. NPF–43, which authorizes operation of the Enrico Fermi Atomic Power Plant, unit 2 (the facility). The facility is a boiling water reactor located at the licensee's site in Monroe County, Michigan. This license provides, among other things, that the facility is subject to all rules, regulations, and orders of the U.S. Nuclear Regulatory Commission (the Commission) now or hereafter in effect.

II

By letter dated September 1, 1995, the licensee requested, pursuant to 10 CFR 50.12(a), a one-time schedular exemption for Fermi, unit 2, from the local leak rate test intervals for types B and C leak rate tests required by 10 CFR part 50, appendix J, sections III.D.2(a) and III.D.3. types B and C tests are associated with leakage testing of bellows, manway gasket seals, flanges, and containment isolation valves. The purpose of the tests is to assure that leakage through primary reactor containment does not exceed allowable leakage rate values as specified in the Technical Specifications and that periodic surveillance is performed. Sections III.D.2(a) and III.D.3 require, in part, that types B and C tests be performed at intervals no greater than 2 years. The licensee has proposed a one-time exemption to allow a 25-percent extension to the 2-year testing interval.

The exemption is requested to support a revised outage schedule and to avoid the potential for a forced reactor shutdown. If a forced outage is imposed to perform testing, it would present undue hardship and cost in the form of increased radiological exposure. Furthermore, if a forced outage is imposed to perform the required testing, an additional plant shutdown and startup will be required.

III

Due to a lengthy turbine outage and power ascension program, the licensee has deferred the 1996 refueling outage from March 1996 until September 1996. This will permit targeted fuel burnup to be met so that cycle 6 operation can be conducted as planned. However, the 2-year interval for performing types B and C tests expires in April 1996. Since these tests cannot be performed when the plant is at power, performance of these tests to meet the 2-year interval would necessitate a plant shutdown. Therefore, Detroit Edison has proposed a one-time exemption to allow a 25-percent extension to the testing interval. This will allow for a maximum types B and C test interval of 30 months and will permit continued plant operation until the September 27, 1996, outage date.

The proposed exemption would add a one-time only 6-month extension to the appendix J test intervals for types B and C testing. As stated in 10 CFR part 50, appendix J, the purpose of the primary containment leak rate testing requirements is to ensure that leakage rates are maintained within the Technical Specification requirements and to assure that proper maintenance and repair is performed throughout the service life of the containment boundary components. The requested exemption is consistent with the intent of 10 CFR 50.12(a), in that it represents a one-time only schedular extension of short duration. The required leak tests will still be performed to assess compliance with Technical Specification requirements, albeit later, and to assure that any required maintenance or repair is performed. As noted in section III.D.2(a) of appendix J, it was intended that the testing be performed during refueling outages or other convenient intervals. Extending the appendix J intervals by a small amount to reach the next refueling outage will not significantly impact the integrity of the containment boundary, and therefore, will not significantly impact the consequences of an accident or transient in the unlikely event of such an occurrence during the 6-month extended period.

Past Unit 2 local leak rate test data have, in general, demonstrated good leak rate test results. A combined Type B and C leakage rate was established by the licensee at the conclusion of the last refueling outage and a running total leakage is maintained during each operating cycle. This running total leakage rate is 73.81 standard cubic feet per hour, which is 41.5 percent of the limit of 0.6 L_a. Based on this margin, it is clear that extending the test interval a maximum of 6 months will not affect the overall integrity of the containment.

On September 12, 1995, shortly after the licensee's submittal, the Commission approved amendments to 10 CFR Part 50, Appendix J, to adopt performance-oriented and risk based approaches to containment leakage testing. The new rule allows licensees the option of continuing to comply with the previous Appendix J or to adopt the new performance-based standards. The new rule allows for extending the test intervals for up to 5 years for Type C tests and 10 years for Type B tests. Industry guideline NEI 94–01 provides a methodology for establishing test frequencies based on performance. An interval of 30 months is initially established (except for air locks), with provisions to increase the test intervals based on satisfactory performance. Additionally, an extension of up to 25-percent of the test interval (not to exceed 12 months) is allowed for scheduling purposes only. Thus, the licensee's proposal to extend the interval for Type B and C tests to a maximum of 30 months is within the most limiting test interval that is permitted by the new rule, i.e., 30 months plus 25-percent extension for scheduling.

As indicated, the revised Appendix J was not available when the licensee was preparing this exemption request. The option involving performance-oriented and risk-based approaches is strictly voluntary and the licensee is under no obligation to adopt it. Adoption of the new rule would require revisions to the technical specifications, additional training, a number of planning and scheduling changes, and a considerable amount of procedural modifications that are inconsistent with the time remaining before the April 1996 end date for the 2-year interval for Type B and C tests.

IV

Based on the above, the staff concludes that the licensee's proposed extension of the test intervals for test components identified in its submittal is acceptable. This is a one-time exemption from the Type B and C test interval requirements as prescribed in Appendix J, and is intended to be in effect until the tests are performed during the fall 1996 refueling outage. This approval is based on the