consideration determination. No comments have been received. The notice also provided for an opportunity to request a hearing by January 26, 1996, but indicated that if the Commission makes a final no significant hazards consideration determination any such hearing would take place after issuance of the amendment. The Commission's related evaluation of the amendments, finding of exigent circumstances, and final determination of no significant hazards consideration are contained in a Safety Evaluation dated January 16, 1996

Local Public Document Room location: Government Publications Section, State Library of Pennsylvania, (REGIONAL DEPOSITORY) Education Building, Walnut Street and Commonwealth Avenue, Box 1601, Harrisburg, Pennsylvania 17105.

Dated at Rockville, Maryland, this 23rd day of January 1996.

For the Nuclear Regulatory Commission

Steven A. Varga,

Director, Division of Reactor Projects - I/II, Office of Nuclear Reactor Regulation.

[Doc. 96–1683 Filed 1–30–96; 8:45 am]

BILLING CODE 7590–01–F

Draft Regulatory Guide; Issuance, Availability

The Nuclear Regulatory Commission has issued for public comment a draft of a guide planned for its Regulatory Guide Series. This series has been developed to describe and make available to the public such information as methods acceptable to the NRC staff for implementing specific parts of the Commission's regulations, techniques used by the staff in evaluating specific problems or postulated accidents, and data needed by the staff in its review of applications for permits and licenses.

The draft guide is a proposed Revision 1 to Regulatory Guide 5.15, and it is temporarily identified as DG–5005, ''Tamper-Indicating Seals for the Protection and Control of Special Nuclear Material.'' The guide will be in Division 5, ''Materials and Plant Protection.'' This regulatory guide is being revised to describe features of security seal systems and types of seals that are acceptable to the NRC staff for tamper-safing containers of special nuclear material.

This draft guide is being issued to involve the public in the early stages of the development of a regulatory position in this area. It has not received complete staff review and does not represent an official NRC staff position.

Public comments are being solicited on the guide. Comments should be accompanied by supporting data. Written comments may be submitted to the Rules Review and Directives Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Copies of comments received may be examined at the NRC Public Document Room, 2120 L Street NW., Washington, DC. Comments will be most helpful if received by April 12, 1996.

Although a time limit is given for comments on this draft guide, comments and suggestions in connection with items for inclusion in guides currently being developed or improvements in all published guides are encouraged at any time.

Comments may be submitted electronically, in either ASCII text or Wordperfect format (version 5.1 or later), by calling the NRC Electronic Bulletin Board on FedWorld. The bulletin board may be accessed using a personal computer, a modem, and one of the commonly available communications software packages, or directly via Internet.

If using a personal computer and modem, the NRC subsystem on FedWorld can be accessed directly by dialing the toll free number: 1–800–303–9672. Communication software parameters should be set as follows: parity to none, data bits to 8, and stop bits to 1 (N,8,1). Using ANSI or VT–100 terminal emulation, the NRC NUREGs and RegGuides for Comment subsystem can then be accessed by selecting the ''Rules Menu'' option from the ''NRC Main Menu.'' For further information about options available for NRC at FedWorld, consult the ''Help/Information Center'' from the ''NRC Main Menu.'' Users will find the ''FedWorld Online User's Guides'' particularly helpful. Many NRC subsystems and data bases also have a ''Help/Information Center'' option that is tailored to the particular subsystem.

The NRC subsystem on FedWorld can also be accessed by a direct dial phone number for the main FedWorld BBS, 703–321–3339, or by using Telnet via Internet, fedworld.gov. If using 703–321–3339 to contact FedWorld, the NRC subsystem will be accessed from the main FedWorld menu by selecting the ''Regulatory, Government Administration and State Systems,'' then selecting ''Regulatory Information Mall.'' At that point, a menu will be displayed that has an option ''U.S. Nuclear Regulatory Commission'' that will take you to the NRC Online main menu. The NRC Online area also can be accessed directly by typing ''/go nrc'' at a FedWorld command line. If you access NRC from FedWorld's main menu, you may return to FedWorld by selecting the ''Return to FedWorld'' option from the NRC Online Main Menu. However, if you access NRC at FedWorld by using NRC's toll-free number, you will have full access to all NRC systems but you will not have access to the main FedWorld system.

If you contact FedWorld using Telnet, you will see the NRC area and menus, including the Rules menu. Although you will be able to download documents and leave messages, you will not be able to write comments or upload files (comments). If you contact FedWorld using FTP, all files can be accessed and downloaded but uploads are not allowed; all you will see is a list of files without descriptions (normal Gopher look). An index file listing all files within a subdirectory, with descriptions, is included. There is a 15-minute time limit for FTP access.

Although FedWorld can be accessed through the World Wide Web, like FTP that mode only provides access for downloading files and does not display the NRC Rules menu.

For more information on NRC bulletin boards call Mr. Arthur Davis, Systems Integration and Development Branch, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone (301)415–5780; e-mail AXD3@nrc.gov. For more information on this draft regulatory guide, contact S.D. Frattali at the NRC, telephone (301)415–6261; e-mail SDF@nrc.gov.

Regulatory guides are available for inspection at the Commission's Public Document Room, 2120 L Street NW., Washington, DC. Requests for single copies of draft or final guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future draft guides in specific divisions should be made in writing to the U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Distribution and Mail Services Section; or by fax at (301)415–2260. Telephone requests cannot be accommodated. Regulatory guides are not copyrighted, and Commission approval is not required to reproduce them.

(5 U.S.C. 552(a))

Dated at Rockville, Maryland, this 18th day of January 1996.

For the Nuclear Regulatory Commission.

Frank A. Costanzi,

Deputy Director, Division of Regulatory Applications, Office of Nuclear Regulatory Research.

[FR Doc. 96–1878 Filed 1–30–96; 8:45 am]

BILLING CODE 7590–01–P

[Docket Nos. STN 50–454, STN 50–455, STN 50–456 AND STN 50–457]

Commonwealth Edison Co.; Consideration of Issuance of Amendments to Facility Operating License, Proposed no Significant Hazards Consideration Determination, and Opportunity for a Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of amendments to Facility Operating License Nos. NPF–37, NPF–66, NPF–72, and NPF–77, issued to Commonwealth Edison Company for operation of Byron Station, Units 1 and 2, located in Ogle County, Illinois and Braidwood Station, Units 1 and 2, located in Will County, Illinois.

The proposed amendments would remove certain technical specification requirements that are applicable when one of the two source range detectors is inoperable greater than 48 hours. The affected requirements are: suspension of all operation activates involving positive reactivity changes and verifying valves CV–111B, CV–8428, CV–8441, and CV–8435 are closed and secured in position. The requirement to open the reactor trip breakers when one of the two source range detectors (SRD) is inoperable greater than 48 hours or when both SRD's are inoperable will not be changed.

Before issuance of the proposed license amendments, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendments would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. The proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

This proposed change does not result in the installation of any new equipment, and no existing equipment is modified. Operability of source range detectors in Modes 3, 4 and 5 with [reactor trip breakers] RTBs open is not assumed as the precursor or initiator for any accident previously analyzed.

One operable source range detector is acceptable in Modes 3, 4, and 5 with the RTBs open, since under these conditions, no core alterations that could affect core reactivity are possible, and control rod withdrawal is not possible. Under these conditions, the source range is only providing indication and input to the boron dilution protection system (BDPS). The impact of an inoperable source range detector on BDPS is addressed by compliance with the Action Requirements of TS 3.1.2.7, ''Boron Dilution Protection System.'' TS 3.1.2.7 addresses the potential for a positive reactivity addition via a dilution event. With one source range detector operable, indication of any positive reactivity changes will still be available via the operable source range detector. Also, BDPS will still respond automatically to mitigate a positive reactivity change. Thus, with one source range detector inoperable and RTBs open, indication of a positive reactivity change is still provided via the operable source range detector, and automatic mitigation is still available via BDPS to ensure that there is no significant increase in the consequences of an accident previously evaluated.

With no source range detectors operable, the proposed action statement requires that the RTBs be immediately opened, all positive reactivity changes be immediately suspended, shutdown margin be initially verified within one hour and at least once per 12 hours thereafter and dilution valves be closed. Thus, with no source range detectors available, potential sources of positive reactivity addition are disabled and the shutdown condition of the core is periodically verified which ensures that there is no significant increase in the consequences of an accident previously evaluated.

Therefore, this proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. The proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

This proposed change deals only with the Action Requirements for inoperable source range instruments. No new equipment is being installed, no existing equipment is being modified. No new system configurations will be introduced as a result of this proposed change. Therefore, no new or different failure modes are being introduced.

Thus, the proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. The proposed change does not involve a significant reduction in a margin of safety.

With one source range detector inoperable beyond 48 hours, this proposed revision requires that the RTBs be opened. With the RTBs open, the source range instruments provide only indication and input to BDPS. With only one source range detector inoperable, the indication function is still satisfied by the operable source range detector. The impact of an inoperable source range detector on BDPS is addressed by compliance with the Action Requirements of TS 3.1.2.7, ''Boron Dilution Protection System.'' Also, BDPS will still respond automatically to mitigate a positive reactivity change based on input from the operable source range detector. Thus with one source range detector inoperable the proposed action requirement places the affected unit in a condition where the reactor trip function of the source range is no longer required, and the remaining source range functions are satisfied by the operable source range indicator. Thus, with one source range detector inoperable, this proposed change does not involve a significant reduction in a margin of safety.

With no source range detectors operable, the proposed action statement requires that the RTBs be immediately opened, all positive reactivity changes be immediately suspended, shutdown margin be initially verified within one hour and at least once per 12 hours thereafter and dilution valves be closed and secured in position. This [is] provides protection equivalent to that provided by the current specification. Thus, with both source range detectors inoperable, this proposed change does not involve a significant reduction in a margin of safety.

Therefore, this proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendments until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendments before the expiration of the 30-day notice period, provided that its final determination is that the amendments involve no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish in the Federal Register a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

Written comments may be submitted by mail to the Rules Review and Directives Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and should cite the publication date and page number of this Federal Register notice. Written comments may also be delivered to Room 6D22, Two White Flint North, 11545 Rockville Pike, Rockville, Maryland, from 7:30 a.m. to 4:15 p.m. Federal workdays. Copies of written comments received may be examined at the NRC Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC.

The filing of requests for hearing and petitions for leave to intervene is discussed below.

By March 1, 1996, the licensee may file a request for a hearing with respect to issuance of the amendments to the subject facility operating 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, and at the local public document rooms; for Byron, located at the Byron Public Library District, 109 N. Franklin, P.O. Box 434, Byron, Illinois 61010; for Braidwood, the Wilmington Public Library, 201 S. Kankakee Street, Wilmington, Illinois 60481. 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 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 amendments 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 a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. 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 amendments and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendments.

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 amendments.

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, 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 Robert A. Capra: 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, and to Michael I. Miller, Esquire; Sidley and Austin, One First National Plaza, Chicago, Illinois 60603, 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 January 11, 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 rooms; for Byron, located at the Byron Public Library District, 109 N. Franklin, P.O. Box 434, Byron, Illinois 61010; for Braidwood, the Wilmington Public Library, 201 S. Kankakee Street, Wilmington, Illinois 60481.

Dated at Rockville, Md., this 26th day of January 1996.

For the Nuclear Regulatory Commission.

Ramin R. Assa,

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

[FR Doc. 96–1863 Filed 1–30–96; 8:45 am]

BILLING CODE 7590–01–P

[Docket No. 50–352]

Philadelphia Electric Company (Limerick Generating Station, Unit 1)

Exemption

I

The Philadelphia Electric Company (the licensee) is the holder of Facility Operating License No. NPF–39, which authorizes operation of the Limerick Generating Station (LGS), Unit 1. The license provides, among other things, that the licensee is subject to all rules, regulations, and orders of the Nuclear Regulatory Commission (the Commission) now or hereafter in effect.

The LGS, Unit 1 facility consists of a boiling water reactor, located in Chester and Montgomery Counties, Pennsylvania.

II

Section III.D.1.(a) of 10 CFR Part 50, Appendix J (hereafter referred to as Appendix J) requires the performance of three Type A containment integrated leakage rate tests (ILRTs), at approximately equal intervals during each 10-year service period. The third test of each set shall be conducted when the plant is shutdown for the 10-year inservice inspection (ISI).

III

By a June 20, 1995 letter, the licensee requested a one-time exemption from the requirement to perform a set of three Type A tests at approximately equal intervals during each 10-year service period. The requested exemption would permit a one-time interval extension of the third Type A test and would permit the third Type A test of the first 10-year ISI period to not correspond with the end of the current American Society of Mechanical Engineers Boiler and Pressure Vessel Code (ASME Code) inservice inspection interval and to be performed in the seventh refueling outage. The proposed action is requested to allow the licensee to realize cost savings and reduced worker radiation.

Subsequent to the licensee's submittal, a rulemaking was completed on Appendix J (60 FR 49495, September 26, 1995) which allows the Type A test to be performed at intervals up to once every 10 years. However, because the licensee's outage is scheduled to begin in January 1996, there is insufficient time for the licensee to implement the amended rule prior to the start of the outage.

The licensee was previously granted a similar exemption on February 16, 1994 (59 FR 9257). This 1994 exemption and the related license amendment (Amendment No. 67) allowed the licensee to perform its third Type A test during the 10-year plant ISI refueling outage by extending the test interval between the second and third test to approximately 65 months.

The licensee's request cites the special circumstances of 10 CFR 50.12, paragraph (a)(2), as the basis for the exemption. The licensee also stated that the existing Type B and C testing programs are not being modified by this request and will continue to effectively detect containment leakage caused by the degradation of active containment isolation components as well as containment penetrations. Data, supplied by the licensee, from the first (August 1989) and second (November 1990) ILRTs at LGS, Unit 1, indicate that most of the measured leakage is from the containment penetrations and not from the containment barrier. The ''as-left'' leakage rate was well below the 10 CFR Part 50, Appendix J limit. Appendix J requires the leakage rate to be less than 75% of L_a to allow for deterioration in leakage paths between tests. The allowable leakage rate, L_a, is 0.5 wt.%/day. Therefore, the established acceptable limit is <0.375 wt.%/day. The as-left leakage rates for the first two ILRTs were 0.178 and 0.334 wt.%/day, which are below the acceptable limit. The Type B and C test (Local Leakage Rate Test or LLRT) program also provides assurance that containment integrity has been maintained. LLRTs demonstrate operability of components and penetrations by measuring penetration and valve leakage.

IV

The Commission has determined, for the reasons discussed below, 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 determines that special circumstances, as provided in 10 CFR 50.12(a)(2)(ii), are present; namely, that application of the regulation in the particular circumstances is not necessary to achieve the underlying purpose of the rule.

The underlying purpose of the rule is to ensure that any potential leakage pathways through the containment boundary are identified such that leakage will not exceed allowable leakage rate values. The NRC staff has reviewed the basis and supporting information provided by the licensee in its exemption request. The NRC staff notes that the first and second ILRTs of the set of three tests for the first 10-year service period were conducted in August 1987 and November 1990. The third ILRT will be scheduled for Refueling Outage 7, projected to start in April 1998. In a September 29, 1995 phone call, the licensee stated to the NRC staff that they will perform the general containment inspection although it is only required by Appendix J (Section V.A.) to be performed in conjunction with Type A tests. The NRC staff considers that these inspections, though limited in scope, provide an important added level of confidence in the continued integrity of the containment boundary. The regulatory guide (i.e., Regulatory Guide 1.163) accompanying Appendix J Option B specifies that the containment inspections be performed more often than the Type A tests.

The NRC staff has also made use of the information supporting the revised Appendix J, including NUREG–1493, which provides the technical justification for the 10-year test interval for Type A tests. The Type A test measures overall containment leakage. However, operating experience with all types of containments used in this country demonstrates that essentially all containment leakage can be detected by Type B and C testing. According to results given in NUREG–1493, out of 180 ILRT reports covering 110 individual reactors and approximately 770 years of operating history, only 5 ILRT failures were found that LLRT could not detect. This is 3% of all failures. This study agrees with previous NRC staff studies which show that Type B and C testing can detect a very large percentage of containment leaks.

The Nuclear Management and Resources Council (NUMARC), now called the Nuclear Energy Institute (NEI), collected and provided the NRC staff with summaries of data to assist in the Appendix J rulemaking effort. NUMARC collected results of 144 ILRTs from 33 units; 23 ILRTs exceeded $1.0L_a$. Of these, only nine were not due to Type B or C leakage penalties. The NEI data also added another perspective. The NEI data shows that in about one-third of the cases exceeding allowable leakage, the as-found leakage was lessthan $2L_a$; in one case the leakage was