44115; and Martha R. McCorkle, Assistant Director of Law, City of Cleveland Department of Law, Room 106, City Hall, 601 Lakeside Avenue, Cleveland, Ohio 44114. Pursuant to 10 CFR 2.1205(j)(2), any party may file an answer to a petition to intervene within 10 days of service of such petition (15 days in the case of the NRC Staff).

Pursuant to 10 CFR 2.1211(a), any member of the public who is not a party to this proceeding may make a written statement in order to express his or her views of the issues involved in this license renewal proceeding. These statements are not evidence and do not become part of the decisional record under 10 CFR 2.1251(c). Written statements should be submitted to the Secretary of the Commission, ATTN: Chief, Docketing and Services Branch, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

Dated: March 13, 1995.

Marshall E. Miller,

Presiding Officer, Administrative Judge.

[FR Doc. 95–6617 Filed 3–16–95; 8:45 am]

BILLING CODE 7590–01–M

[Docket Nos. 50–373 50–374

Exemption

In the Matter of Commonwealth Edison Co., LaSalle County Station, Units 1 and 2.

I

Commonwealth Edison Company (ComEd, the licensee) is the holder of Facility Operating License Nos. NPF–11 and NPF–18, which authorize operation of the LaSalle County Station, Units 1 and 2 (the facility), at a steady state power level not in excess of 3323 megawatts thermal. The facility consists of two boiling water reactors at the licensee's site located in LaSalle County, Illinois. The licenses provide, among other things, that they are subject to all rules, regulations, and orders of the U.S. Nuclear Regulatory Commission (the Commission) now or hereafter in effect.

II

Section III.A.6(b) of Appendix J to 10 CFR Part 50 states the following in regard to performing Overall Integrated Containment Leakage Rate (Type A) Tests (ILRT):

If two consecutive periodic Type A tests fail to meet the applicable acceptance criteria in III.A.5(b), notwithstanding the periodic retest schedule of III.D., a Type A test shall be performed at each plant shutdown for refueling or approximately every 18 months, whichever occurs first, until two consecutive Type A tests meet the acceptance criteria in III.A.5(b), after which time the retest schedule specified in III.D. may be resumed.

The Type A tests performed during the first, third and fourth refueling outages for LaSalle County Station, Unit 2, were considered to be failures in the ''as-found'' condition due to penalties incurred as a result of leakage measured in Type B and C local leak rate tests (LLRT). Pursuant to Section III.A.6(b) of Appendix J, Type A testing was performed during the fifth refueling outage for LaSalle County Station, Unit 2, in December 1993. That Type A test satisfied the ''as-found'' acceptance criteria. Section III.A.6(b) of Appendix J requires an additional Type A test during the sixth refueling outage, currently scheduled for February 1995, in order to fulfill the condition of two consecutive successful tests prior to resuming the Type A test interval of Section III.D.

As an alternative to performing the required Type A test, the licensee has submitted a Corrective Action Plan to address excessive local leakage in accordance with the guidance provided in NRC Information Notice 85–71, ''Containment Integrated Leak Rate Tests,'' dated August 22, 1985. The Corrective Action Plan is in lieu of the increased test frequency required by Section III.A.6(b) and, therefore, an exemption from this requirement is needed.

Section III.D.1(a) of Appendix J requires ''* * * a set of three Type A tests shall be performed, 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 plant inservice inspections.'' The last refueling outage for Unit 2 during the first 10-year inservice inspection period is the sixth refueling outage scheduled for February 1995. Therefore, in addition to the requirements for additional testing specified in Section III.A.6(b), a Type A test is required during the upcoming Unit 2 refueling outage as a result of the periodic retest schedule contained in Section III.D.1(a). To address the short-term desire not to perform a Type A test during the sixth refueling outage for Unit 2 and avoid potential future problems, the licensee has requested an exemption from this requirement such that future Type A test would not need to coincide with the end of 10-year inservice inspection periods.

The NRC may grant exemptions from the requirements of the regulations, pursuant to 10 CFR 50.12, that (1) are authorized by law, will not present an undue risk to the public health and safety, and are consistent with the common defense and security; and (2) present special circumstances. Section 50.12(a)(2) of 10 CFR Part 50 describes special circumstances as including cases that would not serve the underlying purpose of the rule or are not necessary to achieve the underlying purpose of the rule.

III

The underlying purpose of the requirements in Appendix J is to ensure that containment leakage remains below criteria established to limit the release of radioactive materials in the event of a design basis accident. The Type A test is defined in 10 CFR Part 50, Appendix J, Section II.F, as a ''test intended to measure the primary reactor containment overall integrated leakage rate (1) after the containment has been completed and is ready for operation, and (2) at periodic intervals thereafter.'' Containment leakage is measured during the periodic testing required by Section III.D.1(a) and the additional testing requirements of Section III.A.6 if the measured leakage exceeds the established limits. The testing and other requirements contained in Appendix J ensure that leakage from the containment structure and penetrations remain below the acceptance criteria.

The licensee conducted four ILRTs during the first 10-year service period for Unit 1. For Unit 2, ILRTs were performed during the first, third, fourth, and fifth refueling outages. The Type A test history for Unit 2 is that the measured leakage rates for Type B and C penetrations, when added to the measured results from the Type A test, resulted in an ''as-found'' integrated leakage rate above the acceptance criteria. These test failures were the direct result of leakage penalties from Type B and C LLRTs.

Leakage from specific containment penetrations that have been major contributors to the failure of the integrated leakage rate acceptance criteria for Unit 2 have been identified. These leakage paths include isolation valves associated with the drywell equipment and floor drain sumps, reactor water cleanup suction, transversing incore probe air purge supply, residual heat removal shutdown cooling return, hydrogen recombiners, and primary containment chilled water supply. The leakage associated with the reactor water cleanup suction penetration provided the overwhelming contribution of local leakage penalty that resulted in the unsuccessful test during the fourth refueling outage. Leakage through the various isolation valves has been attributed to causes

such as the introduction of foreign materials, misapplication of valve types, insufficient seating, defective valve internals, and failure of valve motor operators. Specific corrective actions have addressed the above contributors by improving foreign material exclusion controls, replacing and refurbishing valves, revising test procedures, and cleaning and lapping seating surfaces. Overall performance of the identified penetrations has improved significantly.

In addition to the specific corrective actions taken for the above isolation valves, the licensee's Corrective Action Plan includes programmatic changes to limit the leakage occurring from Type C penetrations. These changes include development and implementation of an improved trending program to track penetration and valve leakage rate performance. The improved trending will be designed to help determine any patterns or groups of valves that demonstrate either good or poor leakage behavior. Those penetrations determined to be susceptible to excessive leakage will also be subject to additional testing requirements beyond that routinely performed during refueling outages. Identified penetrations will be subject to Type B or C testing during any non-refueling outage for which a unit is in cold shutdown for fourteen days or longer. Poorly performing penetrations will also be reviewed for possible improvements in testing methods as well as possible repair, modification, or replacement of isolation devices.

As discussed in Information Notice 85–71, the staff has determined that:

> * * * if Type B and C leakage rates constitute an identified contributor to this failure of the ''as-found'' condition for the Type A test, the general purpose of maintaining a high degree of containment integrity might be better served through an improved maintenance and testing program for containment penetration boundaries and isolation valves. In this situation, the licensee may submit a Corrective Action Plan with an alternative leakage test program proposals as an exemption request for NRC staff review. If this submittal is approved by the NRC staff, the licensee may implement the corrective action and alternative leakage test program in lieu of the required increase in Type A test frequency incurred after the failure of two successive Type A test.

The licensee's Corrective Action Plan describes the modification, testing and preventive maintenance programs implemented or planned to decrease the leakage from poorly performing isolation devices. The specific corrective actions performed to date and the programmatic changes associated with ensuring future performance of penetrations provide an equivalent degree of assurance that containment integrity will be maintained as that provided by an additional Type A test performed on the accelerated frequency specified by Section III.A.6(b) of Appendix J. The NRC staff concludes that a return to the normal retest interval of Section III.D of Appendix J is justified and that the corrective actions taken and the creation of the Corrective Action Plan for local leak rate testing adequately address the underlying purpose of the requirements of Appendix J.

In the absence of the additional testing requirements of Section III.A.6(b), a periodic retest schedule is specified in section III.D.1(a). This retest schedule requires a minimum of three tests during a 10-year service period with the third test coinciding with the 10-year plant inservice inspections. LaSalle, Unit 1, completed four tests during the first ten year interval with the last test coinciding with the 10-year plant inservice inspections. Due to experiencing Type A test failures, Unit 2 has performed four tests during the first 10-year service period and without the requested exemptions would be required to perform a fifth Type A test during the sixth refueling outage. The sixth refueling outage for Unit 2 is the last refueling outage of the 10-year inservice inspection period and, therefore, the Type A test is required based on the requirements of Section III.D.1(a) as well as the previously discussed requirements of Section III.A.6(b).

Pursuant to Section II.F of Appendix J, the intent of Type A testing is ''* * * to measure the primary reactor containment overall integrated leakage rate * * * at periodic intervals. * * *'' The licensee has conducted a total of eight ILRTs for LaSalle, Units 1 and 2. The tests conclude that the largest variations in the measured overall leak rates result from the adjustments required to account for leakage from Type B and C penetrations. Leakage from sources other than those covered by Type B and C testing, such as the containment structure itself, have repeatedly been well below the acceptance criteria. The requested exemption from Section III.D.1(a) does not affect the performance of local leak rate testing which would be expected to detect the most probable sources of containment leakage. As discussed above, the licensee will not only continue routine Type B and C testing during each refueling outage, but will also attempt to minimize local leakage in accordance with their Corrective Action Plan.

The proposed exemption from Section III.D.1(a) does not revise the expected Type A test interval of between thirty and fifty months which is derived from the requirement to perform three tests in each ten year period at approximately equal intervals. For example, Unit 2 performed a Type A test during the fifth refueling outage in December 1993 and, with the proposed exemption, will perform another Type A test during the seventh refueling outage scheduled to begin in late 1996. The licensee has only proposed to exempt the requirement to perform a Type A test during the 10-year plant inservice inspections. Given the continued performance of Type A testing at approximately equal intervals of forty months and the performance of Type B and C testing at the required intervals to identify the most probable sources of containment leakage, the NRC staff finds that performance of Type A tests coincident with 10-year plant inservice inspections is not necessary to achieve the underlying purpose of the rule.

On the bases of the above discussions related to Sections III.A.6(b) and III.D.1(a) of Appendix J, the NRC staff finds that the licensee has demonstrated that special circumstances are present as required by 10 CFR 50.12. Further, the staff finds that providing a one-time exemption of the additional testing requirements of section III.A.6(b) and an exemption from the requirement to perform a Type A test coincident with the first 10-year plant inservice inspections pursuant to Section III.D.1(a) will not present undue risk to the public health and safety. Although requested as a permanent exemption, the exemption from the requirements of section III.D.1(a) of Appendix J related to the third test coinciding with the 10-year plant inservice inspections has been granted as a one-time exemption for the first 10-year inservice inspection interval. The exemption is, in effect, limited to the Type A test planned for the current Unit 2 outage since Unit 1 has completed the required Type A tests during its first inservice inspection interval. Future relationships between Appendix J and inservice inspection intervals can be addressed by anticipated changes to Appendix J or requests for exemptions from the current requirements.

IV

Accordingly, the Commission has determined pursuant to 10 CFR 50.12, these exemptions are authorized by law and will not endanger life or property or the common defense and security and are otherwise in the public interest. Therefore, the Commission hereby

grants an exemption from the additional testing requirements of Section III.A.6(b) of Appendix J to 10 CFR Part 50 to allow the licensee to resume the Type A test interval of Section III.D for LaSalle, Unit 2, and an exemption from the requirements of Section III.D.1(a) of Appendix J to allow the licensee to decouple the Type A testing and the first 10-year plant inservice inspections for LaSalle, Unit 2.

Pursuant to 10 CFR 31.32, the Commission determined that the granting of this exemption will have no significant impact on the quality of the human environment (60 FR 13187).

Dated at Rockville, Maryland this 10th day of March 1995.

For the Nuclear Regulatory Commission.

Elinor G. Adensam,

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

[FR Doc. 95–6616 Filed 3–16–95; 8:45 am]

BILLING CODE 7590–01–M

Licensing Support System Advisory Review Panel

ACTION: Change in meeting location.

SUMMARY: This is to announce a change in location of the next meeting of the Licensing Support System Advisory Review Panel (LSSARP). The meeting will be held in Las Vegas, Nevada, on March 22 and 23, 1995, as previously announced in the **Federal Register** on March 3, 1995 (60 FR 11998). The location of the meeting has been moved to a facility on the campus of the University of Nevada at Las Vegas (UNLV). The Panel will be using the Student Lounge, Room A–207, in the Thomas Beam Engineering Building. The building may be reached from the Claymont Road entrance to the campus.

FOR FURTHER INFORMATION CONTACT:

John C. Hoyle, Office of the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555: telephone 301–415–1969.

Dated at Washington, DC this 15th day of March, 1995.

Andrew L. Bates,

Advisory Committee Management Officer.

[FR Doc. 95–6796 Filed 3–16–95; 8:45 am]

BILLING CODE 7590–01–M

POSTAL RATE COMMISSION

[Order No. 1047 and Docket No. A95–6]

Notice and Order Accepting Appeal and Establishing Procedural Schedule Under 39 U.S.C. § 404(b)(5)

Before Commissioners: Edward J. Gleiman, Chairman; W.H. ''Trey'' LeBlanc III, Vice-Chairman; George W. Haley; H. Edward Quick, Jr.; Wayne A. Schley.

Issued: March 13, 1995.

Docket Number: A95–6
Name of Affected Post Office: DeGraff, Minnesota 56233
Name(s) of Petitioner(s): Helen Byrne, *et al.*
Type of Determination: Consolidation
Date of Filing of Appeal Papers: March 7, 1995
Categories of Issues Apparently Raised:
1. Effect on postal services [39 U.S.C. § 404(b)(2)(C)].
2. Effect on the community [39 U.S.C. § 404(b)(2)(A)].

After the Postal Service files the administrative record and the Commission reviews it, the Commission may find that there are more legal issues than those set forth above. Or, the Commission may find that the Postal Service's determination disposes of one or more of those issues.

The Postal Reorganization Act requires that the Commission issue its decision within 120 days from the date this appeal was filed (39 U.S.C. § 404 (b)(5)). In the interest of expedition, in light of the 120-day decision schedule, the Commission may request the Postal Service to submit memoranda of law on any appropriate issue. If requested, such memoranda will be due 20 days from the issuance of the request and the Postal Service shall serve a copy of its memoranda on the petitioners. The Postal Service may incorporate by reference in its briefs or motions, any arguments presented in memoranda it previously filed in this docket. If necessary, the Commission also may ask petitioners or the Postal Service for more information.

The Commission Orders

(a) The Postal Service shall file the record in this appeal by March 22, 1995.

(b) The Secretary of the Postal Rate Commission shall publish this Notice and Order and Procedural Schedule in the **Federal Register**.

By the Commission.

Margaret P. Crenshaw,

Secretary.

Appendix

March 7, 1995—Filing of Appeal letter
March 13, 1995—Commission Notice and Order of Filing of Appeal
April 3, 1995—Last day of filing of petitions to intervene [see 39 CFR 3001.111(b)]
April 11, 1995—Petitioners' Participant Statements or Initial Brief [see 39 CFR 3001.115(a) and (b)]
May 1, 1995—Postal Service's Answering Brief [see 39 CFR 3001.115(c)]
May 16, 1995—Petitioners' Reply Brief should Petitioners choose to file one [see 39 CFR 3001.115(d)]
May 23, 1995—Deadline for motions by any party requesting oral argument. The Commission will schedule oral argument only when it is a necessary addition to the written filings [see 39 CFR 3001.116]
July 5, 1995—Expiration of the Commission's 120-day decisional schedule [see 39 U.S.C. 404(b)(5)]

[FR Doc. 95–6579 Filed 3–16–95; 8:45 am]

BILLING CODE 7710–FW–P

[Order No. 1046, and Docket No. A95–5]

Notice and Order Accepting Appeal and Establishing Procedural Schedule Under 39 U.S.C. § 404(b)(5)

Before Commissioners: Edward J. Gleiman, Chairman; W.H. ''Trey'' LeBlanc III, Vice-Chairman; George W. Haley; H. Edward Quick, Jr.; Wayne A. Schley.

Issued: March 13, 1995.

Docket Number: A95–5
Name of Affected Post Office: Oak, Nebraska 68964
Name(s) of Petitioner(s): Tom Jensen
Type of Determination: Consolidation
Date of Filing of Appeal Papers: March 3, 1995
Categories of Issues Apparently Raised:
1. Effect on postal services [39 U.S.C. § 404(b)(2)(C)].
2. Effect on the community [39 U.S.C. § 404(b)(2)(A)].

After the Postal Service files the administrative record and the Commission reviews it, the Commission may find that there are more legal issues than those set forth above. Or, the Commission may find that the Postal Service's determination disposes of one or more of those issues.

The Postal Reorganization Act requires that the Commission issue its decision within 120 days from the date this appeal was filed (39 U.S.C. § 404 (b)(5)). In the interest of expedition, in light of the 120-day decision schedule, the Commission may request the Postal Service to submit memoranda of law on any appropriate issue. If requested, such memoranda will be due 20 days from the issuance of the request and the Postal Service shall serve a copy of its memoranda on the petitioners. The