

present evidence and cross-examine witnesses.

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 ten (10) days of the notice period, it is requested that the petitioner or representative for 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 Dataram Identification Number N1023 and the following message addressed to Seymour H. Weiss: petitioner's name and telephone number; date petition was mailed; the University of Illinois LOPRA; 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, D.C. 20555, and to Mr. Byron H. Higgins, University Legal Counsel, 258 Henry Administration Building, 506 South Wright Street, Urbana, Illinois 61801, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for a 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 licensee's application dated February 10, 1995, which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW, Washington, DC.

Dated at Rockville, Maryland this 9th day of May 1995.

For the Nuclear Regulatory Commission.

Seymour H. Weiss,

Director, Non-Power Reactors and Decommissioning Project Directorate, Division of Project Support, Office of Nuclear Reactor Regulation.

[FR Doc. 95-11859 Filed 5-12-95; 8:45 am]

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[Docket No. 50-245]

Exemption

In the Matter of Northeast Nuclear Energy Company (Millstone Nuclear Power Station, Unit No. 3).

I

Northeast Nuclear Energy Company, (NNECO, the licensee) is the holder of Facility Operating License No. NPF-49, which authorizes operation of Millstone Nuclear Power Station, Unit No. 3 (the facility). The license provides, among other things, that Millstone Unit 3 is subject to all rules, regulations, and Orders of the U.S. Nuclear Regulatory Commission (the Commission or NRC) now or hereafter in effect.

The facility is a pressurized water reactor located at the licensee's site in New London County, Connecticut.

II

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

III

By letter dated September 28, 1994, as supplemented February 24, 1995, Northeast Nuclear Energy Company requested exemptions from 10 CFR part 50, Appendix J, Section III.D.1.(a) for Millstone Unit 3 (1) to eliminate the requirement to perform the third Type A test coincident with the 10-year American Society of Mechanical Engineers (ASME) inservice inspections, and (2) to extend the 10-year Appendix J test until refueling outage 6, a nominal increase of 12 months. These exemptions would permit the licensee to perform the third Type A test of the first 10-year period during refueling outage 6 scheduled for April 1997 rather than during the refueling outage 5.

The licensee's request cites the special circumstance of 10 CFR 50.12(a)(2)(ii), as the basis for these exemptions. This special circumstance states that the application of the regulation in this particular circumstance is not necessary to achieve the underlying purpose of the rule.

IV

Section III.D.1.(a) of Appendix J to 10 CFR part 50 states that a set of three Type A leakage rate tests shall be performed at approximately equal

intervals during each 10-year service period. Section III.D.1.(a) also requires that the third Type A test of each 10-year service period be conducted when the plant is shut down for the 10-year plant inservice inspections.

The licensee proposes two exemptions to this section. These exemptions would (1) extend the 10-year Appendix J test interval to refueling outage 6, a nominal increase of 12 months, and (2) eliminate the requirement to perform the third Type A test coincident with the 10-year ASME inservice inspections.

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 justifying the exemption; 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 requirement to perform Type A containment leak rate tests at intervals during the 10-year service period is to ensure that any leakage through the containment boundary is identified within a limited time span that prevents significant degradation from continuing or becoming unknown.

The NRC staff has reviewed the basis and supporting information provided by the licensee in the exemption request. The NRC staff notes that the licensee has a good record of ensuring a leak-tight containment. All Type A tests have passed with significant margin and the licensee has noted that the results of the Type A testing have been confirmatory of the Type B and C tests which will continue to be performed. The licensee has stated to the NRC Project Manager that the general containment inspection will be performed during refueling outage 5 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 NRC staff has also made use of the information in a draft staff report, NUREG-1493 "Performance-Based Containment Leak-Test Program," which provides the technical justification for the present Appendix J rulemaking results of the effort which includes a 10-year test interval for Type A tests. The integrated leakage rate test,

or 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 local leakage rate tests (Types B and C). 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 which local leakage rate testing could not detect. This is 3% of all failures. This study agrees well with previous NRC staff studies which show that Types B and C testing can detect a very large percentage of containment leaks. The Millstone Unit 3 experience has also been consistent with these results.

The Nuclear Management and Resources Council (NUMARC), now 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 show that in about one-third of the cases exceeding allowable leakage, the as-found leakage was less than 2L_a; in one case the leakage was found to be approximately 2L_a; in one case the as-found leakage was less than 3L_a; one case approached 10L_a; and in one case the leakage was found to be approximately 21L_a. For about half of the failed ILRTs the as-found leakage was not quantified. These data show that, for those ILRTs for which the leakage was quantified, the leakage values are small in comparison to the leakage value at which the risk to the public starts to increase over the value of risk corresponding to L_a (approximately 200L_a, as discussed in NUREG-1493).

The licensee also addressed the possible increase in risk due to extending this test interval. The licensee concluded that any increase in risk would be negligible. This is consistent with independent staff studies documented in NUREG-1493.

Therefore, based on these considerations, it is unlikely that an extension of one cycle for the performance of the Appendix J, Type A test at Millstone Unit 3 would result in significant degradation of the overall containment integrity. Likewise, performance of the third test in a refueling outage other than when the plant is shut down for the 10-year plant inservice inspections has no connection to the detection of overall containment

degradation. As a result, the application of the regulation in these particular circumstances is not necessary to achieve the underlying purpose of the rule.

The preoperational Type A test required by Appendix J was performed in July 1985. Millstone Unit 3 started commercial operation on April 23, 1986. The staff considers this date to also be the start of the licensee's first 10-year Type A test period. The extension of the Type A test interval for Millstone Unit 3 discussed in this document is referenced to this starting date. Based on generic and plant specific data, the NRC staff finds the basis for the licensee's proposed exemptions to be acceptable.

Pursuant to 10 CFR 51.32, the Commission has determined that granting this Exemption will have no significant impact on the quality of the human environment (60 FR 22415).

This Exemption is effective upon issuance and shall expire at the completion of the 1997 refueling outage.

Dated at Rockville, Maryland, this 8th day of May 1995.

For the Nuclear Regulatory Commission.

Steven A. Varga,

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

[FR Doc. 95-11860 Filed 5-12-95; 8:45 am]

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Advisory Committee on Reactor Safeguards Subcommittee Meeting on Planning and Procedures; Notice of Meeting

The ACRS Subcommittee on Planning and Procedures will hold a meeting on June 7, 1995, Room T-2B1, 11545 Rockville Pike, Rockville, Maryland.

The entire meeting will be open to public attendance, with the exception of a portion that may be closed pursuant to 5 U.S.C. 552b(c) (2) and (6) to discuss organizational and personnel matters that relate solely to internal personnel rules and practices of ACRS, and matters the release of which would constitute a clearly unwarranted invasion of personal privacy.

The agenda for the subject meeting shall be as follows:

Wednesday, June 7, 1995—2 p.m. Until the Conclusion of Business

The Subcommittee will discuss proposed ACRS activities and related matters. The purpose of this meeting is to gather information, analyze relevant issues and facts, and to formulate proposed positions and actions, as appropriate, for deliberation by the full Committee.

Oral statements may be presented by members of the public with the concurrence of the Subcommittee Chairman; written statements will be accepted and made available to the Committee. Electronic recordings will be permitted only during those portions of the meeting that are open to the public, and questions may be asked only by members of the Subcommittee, its consultants, and staff. Persons desiring to make oral statements should notify the cognizant ACRS staff person named below five days prior to the meeting, if possible, so that appropriate arrangements can be made.

Further information regarding topics to be discussed, the scheduling of sessions open to the public, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements, and the time allotted therefore can be obtained by contacting the cognizant ACRS staff person, Dr. John T. Larkins (telephone: 301/415-7360) between 7:30 a.m. and 4:15 p.m. (EDT). Persons planning to attend this meeting are urged to contact the above named individual one or two working days prior to the meeting to be advised of any changes in schedule, etc., that may have occurred.

Dated: May 9, 1995.

Sam Duraiswamy,

Chief, Nuclear Reactors Branch.

[FR Doc. 95-11857 Filed 5-12-95; 8:45 am]

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PENSION BENEFIT GUARANTY CORPORATION

Request for Approval of a Modification in an Approved Collection of Information; PBGC Form 10-SP, Optional Reportable Event Form for Small Plans

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Notice of Request for OMB approval.

SUMMARY: The Pension Benefit Guaranty Corporation has requested that the Office of Management and Budget approve, under the Paperwork Reduction Act, a modification in its currently approved collection of information for the reporting requirements under section 4043 of the Employee Retirement Income Security Act of 1974 (OMB control number 1212-0013; expires February 28, 1996). This modification would simplify compliance for small plans by providing the plan administrator and contributing