

significant assurance that the extended interval between Type A tests will not adversely impact the leak-tight integrity of the containment and that performance of the Type A test is not necessary to meet the underlying purpose of Appendix J.

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.

The licensee proposes an exemption to this section which would provide a one-time interval extension for the Type A test by approximately 20 months. 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 potential leakage pathways through the containment boundary are identified within a time span that prevents significant degradation from continuing. The NRC staff has reviewed the basis and supporting information provided by the licensee in the exemption request. The NRC staff has noted that the licensee has a good record of ensuring a leak-tight containment.

The licensee notes 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 that it will perform the general containment inspection although it is required by Appendix J (Section V.A.) to be performed only 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 Cook containment structure consists of a reinforced concrete cylindrical structure with a hemispherical dome. The interior of the containment has a welded steel liner, with a minimum thickness of $\frac{3}{8}$ inch at

the dome and wall and $\frac{1}{4}$ inch at the bottom, which is attached to the inside face of the concrete shell to ensure a high degree of leak tightness.

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 effort which also includes a 10-year test interval for Type A tests. The ILRT, 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 Leak Rate Tests (Type 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 Type B and C testing can detect a very large percentage of containment leaks. The Cook Plant 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 $1L_a$. Of these, only nine were not 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). 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 the D.C. Cook Plant would result in significant degradation of the overall containment integrity. As a result, the application of the regulation in these

particular circumstances is not necessary to achieve the underlying purpose of the rule. Therefore, special circumstances exist pursuant to 10 CFR 50.12(a)(2)(ii).

Accordingly, the Commission has determined that, pursuant to 10 CFR 50.12, this exemption as described in Section III above 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.

Based on the generic and plant-specific data, the NRC staff finds the basis for the licensee's proposed one-time schedular exemption to allow an extension of one cycle for the performance of the Appendix J, Type A test, provided that the general containment inspection is performed, to be acceptable, pursuant to 10 CFR 50.12(a)(1) and (2).

Pursuant to 10 CFR 51.32, the Commission has determined that granting this exemption will not have a significant effect on the quality of the human environment (60 FR 32354).

This exemption is effective upon issuance.

Dated at Rockville, Maryland, this 6th day of July 1995.

For the Nuclear Regulatory Commission.

Robert A. Capra,

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

[FR Doc. 95-17294 Filed 7-13-95; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-280]

In the Matter of: Virginia Electric Power Company (Surry Power Station Unit No. 1); Exemption

I

Virginia Electric and Power Company (the licensee) is the holder of Facility Operating License No. DPR-37, which authorizes operation of Surry Power Station, Unit 1 (the facility), at a steady-state reactor power level not in excess of 2441 megawatts thermal. The facility is a pressurized water reactor located at the licensee's site in Surry County, Virginia. The license provide among other things, that it 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

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) of the primary containment, at approximately equal intervals during each 10-year service period. The third test of each set shall be conducted when the plant is shut down for the 10-year inservice inspection program.

III

By letter dated April 28, 1995, the licensee requested temporary relief from the requirement to perform a set of three Type A tests at approximately equal intervals during each 10-year service period of the primary containment. The requested exemption would permit a one-time interval extension of the third Type A test by approximately 18 months (from the October 1995 refueling outage, to the February 1997 refueling outage) and would permit the third Type A test of the second 10-year inservice inspection 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.

The licensee's request cites the special circumstances of 10 CFR 50.12, paragraph (a)(2)(ii), as the basis for the exemption. The licensee points out 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. It has been the experience at Surry Unit 1 during the Type A tests conducted from 1986 to date, that the Type A tests have not identified any significant sources of leakage in addition to those found by the Type B and C tests.

During operation, the Surry Unit 1 containment is maintained at a subatmospheric pressure (approximately 10.0 psia) which provides a good indication of the containment integrity. Technical Specifications require the containment to be subatmospheric whenever Reactor Coolant System temperature and pressure exceeds 350 °F and 450 psig, respectively. Containment air partial pressure is monitored in the control room to ensure Technical Specification compliance. If the containment air partial pressure increases above the established Technical Specification limit, the unit is required to shut down.

IV

In the licensee's April 28, 1995, exemption request, the licensee stated that special circumstance 50.12(a)(2)(ii) is applicable to this situation, i.e., that

application of the regulation is not necessary to achieve the underlying purpose of the rule.

Appendix J states that the leakage test requirements provide for periodic verification by tests of the leak tight integrity of the primary reactor containment. Appendix J further states that the purpose of the tests "is to assure that leakage through the primary reactor containment shall not exceed the allowable leakage rate values as specified in the Technical Specifications or associated bases". Thus, 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 potential leakage pathways through the containment boundary are identified within a 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 has noted that the licensee's record of ensuring a leak-tight containment has improved markedly since 1986. All "as-found" Type A tests since 1986 have passed and 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 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 Surry Unit 1 containment is of the subatmospheric design. During operation, the containment is maintained at a subatmospheric pressure (approximately 10 psia) which provides for constant monitoring of the containment integrity and further obviates the need for Type A testing at this time. If the containment air partial pressure exceeds the established Technical Specification limit, the unit must be shut down.

The NRC staff has also made use of a draft staff report, NUREG-1493, which provides the technical justification for the present Appendix J rulemaking effort which also 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 (Type 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 Type B and C testing can detect a very large percentage of containment leaks.

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 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). Therefore, based on those considerations, it is unlikely that an extension of one cycle for the performance of the Appendix J, Type A test at Surry, Unit 1, would result in significant degradation of the overall containment integrity. As a result, the application of the regulation in these particular circumstances is not needed to achieve the underlying purpose of the rule.

Based on generic and plant specific data, the NRC staff finds the basis for the licensee's proposed exemption to allow a one-time exemption to permit a schedular extension of one cycle for the performance of the Appendix Type A test, provided that the general containment inspection is performed, to be acceptable.

Pursuant to 10 CFR 51.32, the Commission has determined that granting this Exemption will not have a significant impact on the environment (60 FR 35439).

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

Dated at Rockville, Maryland, this 7th day of July 1995.

For the Nuclear Regulatory Commission.

Steven A. Varga,

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

[FR Doc. 95-17295 Filed 7-13-95; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF MANAGEMENT AND BUDGET

Office of Federal Financial Management; Equipment Capitalization Threshold Waivers for Universities and Non-Profit Organizations (OMB Circulars A-21 and A-122)

AGENCY: Office of Federal Financial Management, OMB.

ACTION: Notice.

SUMMARY: This Notice provides a copy of an Office of Management and Budget (OMB) memorandum to the agencies regarding equipment capitalization threshold waivers under OMB cost principles circulars for universities (OMB Circular A-21, "Cost Principles for Educational Institutions") and non-profit organizations (OMB Circular A-122, "Cost Principles for Non-Profit Organizations").

DATES: The effective date is June 29, 1995.

FOR FURTHER INFORMATION CONTACT: Non-Federal organizations should contact their cognizant Federal agency. Federal agencies should contact the Financial Standards and Reporting Branch, Office of Federal Financial Management, Office of Management and Budget, Room 6025 New Executive Office Building, Washington, DC 20503. Telephone (202) 395-3993.

SUPPLEMENTARY INFORMATION: This Notice provides a copy of a July 29, 1995 Office of Management and Budget (OMB) memorandum to the agencies entitled "Equipment Capitalization Threshold Waivers Under OMB Cost Principles Circulars for Universities and Non-Profit Organizations."

Norwood J. Jackson, Jr.,
Acting Controller.

Herein follows the text of the Office of Management and Budget's memorandum to the agencies: June 29, 1995.

Memorandum for the Heads of Executive Departments and Establishments
From: Alice M. Rivlin, Director
Subject: Equipment Capitalization Threshold Waivers under OMB Cost Principles Circulars for Universities and Non-Profit Organizations

This memorandum authorizes Federal agencies with cost negotiation cognizance to

increase the equipment cost threshold for capitalization from \$500 to \$5000 under Office of Management and Budget (OMB) Circulars A-21, "Cost Principles for Educational Institutions," and A-122, "Cost Principles for Non-Profit Organizations." However, this waiver authority does not extend to nonprofit organizations subject to Circular A-122 that are also subject to Cost Accounting Standards 9904.404 and 9904.409.

This waiver authority is provided at the request of the Department of Health and Human Services and the Department of Defense, Office of Naval Research, the major Federal cost cognizant agencies. The increased capitalization thresholds under Circulars A-21 and A-122 provide conformity with Circular A-87, "Cost Principles for State, Local, and Indian Tribal Governments," Circular A-110, "Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Non-Profit Organizations," and the agencies' Grants Management Common Rule, all of which have a \$5000 capitalization threshold.

OMB has proposed revising the equipment capitalization threshold under Circular A-21, and is preparing a similar proposal for Circular A-122. However, we do not expect to publish final notices of revised threshold amounts until other issues to be included in the same notices have been resolved. We expect this waiver to reduce the accounting and recordkeeping requirements for many recipients of sponsored agreements and to eliminate any confusion that may result from different capitalization thresholds.

If you have any questions concerning this waiver, please call OMB Deputy Controller, Norwood J. Jackson, Jr., at (202) 395-3993.

[FR Doc. 95-17274 Filed 7-13-95; 8:45 am]

BILLING CODE 3110-01-P

OFFICE OF PERSONNEL MANAGEMENT

Notice of Request for Reclearance of RI 20-001

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1980 (title 44, U.S. Code, chapter 35), this notice announces a request for a reclearance of an information collection. RI 20-1, Application for Minimum Annuity, is completed by annuitants to determine if they qualify for minimum annuity under certain provisions of 5 U.S.C. 8345(f).

Approximately 50 RI 20-1s are completed annually. We estimate that it takes 15 minutes to fill out the form. The annual burden is 13 hours.

For copies of this proposal, contact Doris R. Benz on (703) 908-8564.

DATES: Comments on this proposal should be received on or before August 13, 1995.

ADDRESSES: Send or deliver comments to—

Lorraine E. Dettman, Retirement and Insurance Service, Operations Support Division, U.S. Office of Personnel Management, 1900 E. Street, NW., Room 3349, Washington, DC 20415

and
Joseph Lackey, OPM Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, NW., Room 10235, Washington, DC 20503.

FOR INFORMATION REGARDING

ADMINISTRATIVE COORDINATION CONTACT: Mary Beth Smith-Toomey, Forms Analysis and Design, (202) 606-0623.

Office of Personnel Management.

Lorraine A. Green,

Deputy Director.

[FR Doc. 95-17279 Filed 7-13-95; 8:45 am]

BILLING CODE 6325-01-M

PENSION BENEFIT GUARANTY CORPORATION

Pendency of Request for Exemption From the Bond/Escrow Requirement Relating to the Sale of Assets by an Employer who Contributes to a Multiemployer Plan; Associated Wholesale Grocers, Inc.

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Notice of pendency of request.

SUMMARY: This notice advises interested persons that the Pension Benefit Guaranty Corporation has received a request from Associated Wholesale Grocers, Inc. for an exemption from the bond/escrow requirement of section 4204(a)(1)(B) of the Employee Retirement Income Security Act of 1974, as amended, with respect to the Central States Southeast and Southwest Areas Pension Plan. Section 4204(a)(1) provides that the sale of assets by an employer that contributes to a multiemployer pension plan will not result in a complete or partial withdrawal from the plan if certain conditions are met. One of these conditions is that the purchaser post a bond or deposit money in escrow for the five-plan-year period beginning after the sale. The PBGC is authorized to grant individual and class exemptions from this requirement. Before granting an exemption the PBGC is required to give interested persons an opportunity to