

comments relating to the proposed Consent Decree. Comments should be addressed to the Assistant Attorney General for the Environment and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *United States v. General Motors Corporation*, DOJ Ref. #90-5-2-1-2011 and 2011A.

The proposed Consent Decree may be examined at the Office of the United States Attorney, Judiciary Center Bldg., 555 Fourth St. NW., Washington, DC 20001; at the Environmental Protection Agency Library, Reference Desk, Room 2904, 401 M Street SW., Washington, DC 20460; and at the Consent Decree Library, 1120 G Street NW., 4th Floor, Washington, DC 20005, 202-624-0892. A copy of the proposed Consent Decree may be obtained in person or by mail from the Consent Decree Library, 1120 G Street NW., 4th Floor, Washington, DC 20005. In requesting a copy, please refer to the referenced case and enclose a check in the amount of \$18.75 (25 cents per page reproduction costs), payable to the Consent Decree Library.

Joel M. Gross,

Chief, Environmental Enforcement Section.

[FR Doc. 95-30055 Filed 12-8-95; 8:45 am]

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OFFICE OF NATIONAL DRUG CONTROL POLICY

National Consultation on Drug Control

AGENCY: Office of National Drug Control Policy.

ACTION: The Office of National Drug Control Policy (ONDCP) is requesting an emergency review under the Paperwork Reduction Act. This is because ONDCP is required by law to deliver the 1996 National Drug Control Strategy and Budget document to the Congress in February, 1996, and the subject consultation is critical to the development of that Strategy.

SUMMARY: The Office of National Drug Control Policy, Executive Office of the President, in carrying out its responsibilities under the Paperwork Reduction Act (44 U.S.C. Chapter 35, 5 CFR 1320 {53 FR 16618, May 10, 1988}), is submitting a request to conduct a National Consultation on Drug Control, entitled "Consult With America." The ONDCP consultation survey instrument will be used to assess public opinion regarding perceptions of the use and impact of illicit drugs; the effectiveness of prevention, intervention and treatment programs; and level of public support for specific drug control actions. A telephone survey of a random

sample of adults 18 years of age and older will be conducted.

DATES: ONDCP has requested an emergency review of this submission under the Paperwork Reduction Act; this Office of Management and Budget (OMB) review has been requested to be completed by December 8, 1995.

FOR FURTHER INFORMATION CONTACT: Comments and questions regarding the National Survey on Drug Control should be directed to Mr. N. Ross Deck, Senior Policy Analyst, Office of National Drug Control Policy, Executive Office of the President, 750 17th Street NW., Washington, DC 20500, (202) 395-6736. Any member of the public who wants to comment on the information collection request which has been submitted to OMB should advise Mr. Deck of this intent at the earliest possible date.

Average Burden Hours/Minutes per Response: 12 Minutes.

Frequency of Response: One time data collection.

Number of Respondents: 2,000.

Total Annual Burden Hours: 400.

Total Annual Response: 2,000.

Affected Public: Non-institutional adult (18 years of age or older) population residing in the U.S. at the household level.

Respondents Obligation to Replay: The survey is voluntary.

SUPPLEMENTARY INFORMATION: None.

Signed at Washington, DC, this 1st day of December, 1995.

N. Ross Deck,

Senior Policy Analyst.

[FR Doc. 95-30030 Filed 12-8-95; 8:45 am]

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NUCLEAR REGULATORY COMMISSION

[Docket No. 50-440]

Cleveland Electric Illuminating Company, Centerior Service Company, Duquesne Light Company, Ohio Edison Company, Pennsylvania Power Company, Toledo Edison Company (Perry Nuclear Power Plant, Unit 1); Exemption

I

Cleveland Electric Illuminating Company, (the licensee) is the holder of Facility Operating License No. NPF-58, which authorizes operation of the Perry Nuclear Power Plant, Unit 1 (PNPP). The operating license provides, among other things, that the licensee is subject to all rules, regulations, and orders of the Commission now and hereafter in effect.

The facility consists of a single boiling water reactor located at the licensee's site in Lake County, Ohio.

II

Containment leak rate testing is necessary to demonstrate that the measured leak rate is within the acceptance criteria cited in the licensing design basis. Periodic testing of the overall containment structure along with separate leak testing of the penetrations provides assurance that post-accident radiological consequences will be within the limits of 10 CFR Part 100. The Commission's requirements regarding leak rate testing are found in Appendix J to 10 CFR Part 50.

In its letter dated October 21, 1994, the licensee applied for partial exemptions from the Commission's regulations. The subject exemptions, which are from the requirements in Appendix J, Option A, to 10 CFR Part 50, include:

- Section III.A.5(b)(2) states that the measured leakage from the containment integrated leak rate (Type A) test (L_{am}) shall be less than 75% of the maximum allowable leakage rate (0.75 L_a).

- Sections III.B.3 and III.C.3 require that the combined leakage of valves and penetrations subject to Type B and C local leak rate testing be less than 0.6 times the maximum allowable leakage rate (0.6 L_a).

- Section III.A.1(d) requires that all fluid systems that would be open to containment following post-accident conditions, be vented and drained prior to conducting the containment integrated leak rate test.

- Section III.D.1(a) states that the third Type A test of each 10-year interval be conducted when the plant is shut down for the 10-year plant inservice inspection.

- Section III.D.3 states that Type C tests shall be performed during each reactor shutdown for refueling but in no case at intervals greater than 2 years. Type C tests are tests intended to measure containment isolation valve leakage rates.

III

Section III.A.5(b)(2) states that the measured leakage from the containment integrated leak rate (Type A) test (L_{am}) shall be less than 75% of the maximum allowable leakage rate (0.75 L_a). The licensee proposes to exempt main steam line isolation valve leakage from Type A test results and consider leakage from the main steam lines separately.

Sections III.B.3 and III.C.3 require that the combined leakage of valves and penetrations subject to Type B and C local leak rate testing be less than 0.6

times the maximum allowable leakage rate ($0.6 L_a$). The licensee proposes to exempt main steam line isolation valve leakage from the combined leakage from Type B and C local leak rate testing and consider leakage from the main steam lines separately. Section III.A.1(d) requires that all fluid systems that would be open to containment following post-accident conditions, be vented and drained prior to conducting Type A tests. The licensee proposes that the piping between the inboard and outboard main steam line isolation valves be flooded with water when Type A tests are conducted.

During the original staff review of the PNPP, the licensee proposed separate treatment of measured leakage past the main steam isolation valves. This approach is consistent with the staff's Standard Review Plan (SRP) 15.6.5, Appendix D, "Radiological Consequences of a Design Basis Loss-of-Coolant Accident: Leakage from Main Steam Isolation Valve Leakage Control System." In this SRP, the radiological consequences associated with leakage from the main steam lines is calculated separately and subsequently combined with the consequences from other fission product release paths.

As described in the Final Safety Analysis Report, the licensee calculates off-site dose consequences by assuming separate contributions from the containment integrated leak rate and the main steam line isolation valve leak rate. These assumptions are supported by the staff's Safety Evaluation Report (NUREG-0887) and the PNPP Technical Specifications. Both the FSAR and Specification 3.6.1.2.a state that the overall containment integrated leak rate shall be less than 0.20 percent per day. NUREG-0887 lists this same value for the containment integrated leak rate and a separate contribution from main steam line leakage. Finally, Specification 3.6.1.2.b specifically states that main steam line leakage will not be considered part of the combined leak rate for penetrations and valves. Specification 3.6.1.2.c limits the maximum allowable leakage from each main steam line to 25 standard cubic feet per hour.

As described above, the licensee does not include leakage from the main steam line isolation valves in either the Type A test results or the combined Type B and C test results. Since the licensee measures main steam line leakage separately from other Appendix J related testing, the licensee does not want leakage from the main steam lines to inadvertently influence the Type A test results. Therefore, in lieu of venting and draining the piping between

containment isolation valves as required by Appendix J, the licensee proposes filling this section of piping with water when Type A tests are performed. Filling these sections of pipe with water would ensure that air would not pass through these lines and thereby contribute to the Type A test results.

The licensee has proposed alternative methods to the leak testing requirements of Appendix J. While the licensee is treating main steam line leakage separately from both Type A test results and the combined Type B and C test results, the licensee still meets the intent of Appendix J by demonstrating that the overall leakage is within design limits. Therefore, the staff concludes that special circumstances are present as required by 10 CFR 50.12(a)(2)(ii), in that application of the regulation is not needed to meet the underlying purpose of the rule. Furthermore, the staff finds that permitting the alternative methods of leak testing will not present an undue risk to the public health and safety.

Section III.D.1(a) requires, in part, that " * * * 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 licensee proposes to perform the three Type A tests at approximately equal intervals within each 10-year period, with the third test of each set conducted as close as practical to the end of the 10-year period. However, there would be no required connection between the Appendix J 10-year interval and the inservice inspection 10-year interval.

The 10-year plant inservice inspection (ISI) is the series of inspections performed every 10-years in accordance with Section XI of the ASME Boiler and Pressure Vessel Code and Addenda as required by 10 CFR 50.55a. The licensee performs the ISI volumetric, surface, and visual examinations of components and system pressure tests in accordance with 10 CFR 50.55a(g)(4) throughout the 10-year inspection interval. The major portion of this effort is presently being performed during the refueling outages. As a result, there is no extended outage in which the 10-year ISI examinations are performed.

There is no benefit to be gained by the coupling requirement cited above in that elements of the PNPP ISI program are conducted throughout each 10-year cycle rather than during a refueling outage at the end of the 10-year cycle. Consequently, the subject coupling requirement offers no benefit either to safety or to the economical operation of the facility.

Moreover, each of these two surveillance tests (i.e., the Type A tests and the 10-year ISI program) is independent of the other and provides assurances of different plant characteristics. The Type A test assures the required leak-tightness to demonstrate compliance with the guidelines of 10 CFR Part 100. The 10-year ISI program provides assurance of the integrity of the structures, systems and components as well as verifying operational readiness of pumps and valves in compliance with 10 CFR 50.55a. There is no safety-related concern necessitating their coupling in the same refueling outage. Accordingly, the staff finds that application of the regulation is not necessary to achieve the underlying purpose of the rule.

On this basis, the staff finds that the licensee has demonstrated that there are special circumstances present as required by 10 CFR 50.12(a)(2)(ii). Further, the staff also finds that the uncoupling of the Type A tests from the 10-year ISI program will not present an undue risk to the public health and safety.

Section III.D.3 of Appendix J states that Type C tests shall be performed during each reactor shutdown for refueling but in no case at intervals greater than 2 years. The licensee requested relief from the requirement to perform Type C tests during each reactor shutdown for refueling. The licensee proposes to perform the required Type C tests while the plant is at power.

Section II.D.3 of Appendix J requires that "Type C tests shall be performed during each reactor shutdown for refueling but in no case at intervals greater than 2 years." Paragraph III.D.2 discusses the scheduling of Type B tests and contains the same wording but also includes an additional provision that allows Type B tests to be performed at "other convenient intervals" in lieu of during reactor shutdown for refueling. The licensee has requested that this same flexibility be applied to Type C local leak rate testing.

The underlying purpose of the rule is to ensure that adequate testing is done to demonstrate containment integrity. From the standpoint of testing adequacy, when the testing is performed is not significant because the conditions of testing are the same regardless of when it is performed. As indicated by the licensee, the BWR/6 Mark III containment/suppression pool design is such that Type C local leak rate testing can be performed during power operation on certain systems. In addition, the Drywell and Containment Purge System containment isolation

valves have surveillance requirements imposed on them to demonstrate leak tightness during power operation. These surveillance tests are the same exact leak rate tests as the Type C local leak rate tests performed during refueling outages.

Taking credit for testing performed during power operation provides the same degree of assurance of containment integrity as taking credit for testing performed during shutdown. In addition, testing while at power may be preferable when considering ALARA and operability requirements. Therefore, the special circumstances of 10 CFR 50.12(a)(2)(ii) are present in that application of the regulation in this particular circumstance is not necessary to achieve the underlying purpose of the rule.

IV

The Commission has determined that pursuant to 10 CFR 50.12(a)(1) that 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 this particular circumstance is not necessary to achieve the underlying purpose of the rule.

Pursuant to 10 CFR 51.32, the Commission has determined that the granting of this Exemption will not have a significant impact on the quality of the human environment (60 FR 51821). This exemption is effective upon issuance.

Dated at Rockville, Maryland, this 4th day of December 1995.

For the Nuclear Regulatory Commission
Jack W. Roe,

*Director, Division of Reactor Projects III/
IV, Office of Nuclear Reactor Regulation*
[FR Doc. 95-30048 Filed 12-8-95; 8:45 am]

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[Docket No. 50-440]

Cleveland Electric Illuminating and Ohio Edison Company, et al.; Notice of Transfer of Ownership of Perry Nuclear Power Plant

Notice is hereby given that the United States Nuclear Regulatory Commission (Commission) is considering approval under Title 10 of the *Code of Federal Regulations* (CFR), Section 50.80, of the transfer of 17.42% (except for related transmission facilities) of the ownership of the facilities for the Perry Nuclear Power Plant, Unit No. 1 (PNPP Unit 1) from the Ohio Edison Company (Ohio

Edison) to a wholly owned subsidiary of Ohio Edison, OES Nuclear Inc. (OES). By "Application For License Transfer In Connection With Sale And Related Transactions" filed November 17, 1995, Ohio Edison informed the Commission that it will sell to OES on or before December 31, 1995, a 17.42% ownership interest in the PNPP Unit 1 facility, except for the transmission facilities that are a part of Unit 1. On January 1, 1996, or immediately thereafter, OES will enter into a take or pay steam sale agreement with Ohio Edison pursuant to which Ohio Edison will purchase from OES the steam generated by the interest in PNPP Unit 1 transferred to OES. OES will also grant Ohio Edison the right to utilize the turbine generator portion of PNPP Unit 1 transferred to OES. Both the agreement for the sale of steam and the grant of the right to use the turbine generator will run for the term of the PNPP Unit 1 license through completion of plant decommissioning. Pursuant to the terms of the arrangements, Ohio Edison will have the option to convert the steam purchase agreement and its right to utilize the Unit 1 turbine generator to a lease to itself of the interest in PNPP Unit 1 conveyed to OES.

Pursuant to 10 CFR 50.80, the Commission may approve the transfer of a license, after notice to interested persons, upon the Commission's determination that the holder of the license following the transfer of control is qualified to be a holder of the license and the transfer of the control is otherwise consistent with applicable provisions of law, regulations and orders of the Commission. Ohio Edison has requested consent under 10 CFR 50.80 to transfer of the license effectuated by the change in control of such ownership interest in PNPP Unit 1. Additionally, Ohio Edison has submitted a license amendment application, dated November 22, 1995, adding OES to the PNPP Unit 1 license, to reflect this transfer.

For further details with respect to this action, see the November 17, and 22, 1995 letters, which are 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 room located at the Perry Public Library, 3753 Main Street, Perry, Ohio.

Dated at Rockville, Maryland this 4th day of December 1995.

For the Nuclear Regulatory Commission.

Gail H. Marcus,

Director, Project Directorate III-3, Division of Reactor Projects—III/IV, Office of Nuclear Reactor Regulation.

[FR Doc. 95-30049 Filed 12-8-95; 8:45 am]

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[Docket No. 50-255]

Consumers Power Company; Palisades Plant; Notice of Withdrawal of Application for Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has granted the request of Consumers Power Company (the licensee) to withdraw its June 14, 1991 (as supplemented July 17, 1991, and January 10, 1992), application for a proposed amendment to Facility Operating License No. DPR-20 for the Palisades Plant, located in Van Buren County, Michigan.

The proposed amendment would have modified the facility operating license to allow an exception to the Palisades Final Safety Analysis Report requirement to perform the maximum hypothetical accident analysis in accordance with the Standard Review Plan, Section 15.6.5, Appendix B, Subsection II(1). The Commission had previously issued a Notice of Consideration of Issuance of Amendment published in the Federal Register on September 18, 1991 (56 FR 47233). However, by letter dated October 9, 1995, the licensee withdrew the proposed change.

For further details with respect to this action, see the application for amendment dated June 14, 1991, as supplemented July 17, 1991, and January 10, 1992, and the licensee's letter dated October 9, 1995, which withdrew the application for license amendment. The issue was addressed in a related safety evaluation dated January 9, 1995. Consumers Power Company will submit a revised maximum hypothetical accident analysis by January 1996. The above documents are 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 room located at the Van Wylen Library, Hope College, Holland, Michigan 49423.

Dated at Rockville, Maryland, this 1st day of December 1995.