

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

*It is ordered:*

1. The applications, petitions, and notices in Finance Docket No. 32760, and in all related proceedings, are accepted for consideration.
2. The parties shall comply with all provisions as stated above.
3. Applicants shall submit additional information as set forth above regarding Docket No. AB-12 (Sub-No. 185X) within 20 days of the effective date of this decision.
4. Applicants are directed to provide the Commission with a current complete set of operating timetables for both UP and SP within 20 days of the effective date of this decision.
5. Any appeal to a decision issued by the ALJ in this proceeding must be filed within 3 working days of the date of the decision, and any response to such an appeal must be filed within 3 working days of the date of filing of the appeal.
6. Replies to any procedural motion filed with the Commission must be filed within 3 working days.
7. This decision is effective on the date of service.

Decided: December 21, 1995.

By the Commission, Chairman Morgan, Vice Chairman Owen, and Commissioner Simmons.

Vernon A. Williams,  
*Secretary.*

**Procedural Schedule**

- November 30, 1995: Primary application filed
- December 29, 1995: Commission notice of acceptance of primary application and related applications published in the Federal Register on or before this date
- January 16, 1996: Notice of intent to participate in proceeding due
- January 29, 1996: Description of anticipated inconsistent and responsive applications due; petitions for waiver or clarification due
- March 29, 1996: Inconsistent and responsive applications due. All comments, protests, requests for conditions, and any other opposition evidence and argument due. DOJ and USDOT comments due
- April 12, 1996: Notice of acceptance (if required) of inconsistent and responsive applications published in the Federal Register
- April 29, 1996: Response to inconsistent and responsive applications due. Response to comments, protests, requested conditions, and other opposition due. Rebuttal in support of

primary application and related applications due.

- May 14, 1996: Rebuttal in support of inconsistent and responsive applications due
- June 3, 1996: Briefs due, all parties (not to exceed 50 pages)
- July 2, 1996: Oral argument (at Commission's discretion)
- July 3, 1996: Voting Conference (at Commission's discretion)
- August 12, 1996: Date of service of final decision

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**[Finance Docket No. 32796]**

**West Texas and Lubbock Railroad Company, Inc.; Purchase and Operation Exemption; Seagraves, Whiteface and Lubbock Railroad Company**

The West Texas and Lubbock Railroad Company (WTLR) has filed a notice of exemption to acquire from Seagraves, Whiteface and Lubbock Railroad Company (SWGR)<sup>1</sup> and operate the approximately 113-mile SWGR rail system, consisting of three connecting branch lines as follows: (1) Between milepost 0.0 at Lubbock, TX (Burlington Northern and Santa Fe connection), and milepost 63.8 at Seagraves, TX; (2) between milepost 0.0 at Doud, TX (connection with SWGR Lubbock to Seagraves line), and milepost 39.2 at Whiteface, TX; and (3) The Pan American Spur from milepost 36.3 (at Coble, TX) to "end of track" (approximately 9.3 miles). WTLR will also obtain ancillary overhead trackage rights currently held by SWGR over certain lines and yard tracks of The Atchison, Topeka and Santa Fe Railway Company ("ATSF") as follows: Milepost 88 + 0748.6 feet and Lubbock Subdivision milepost 675 + 518.5 feet, including tracks numbers 40, 292, 93, 92, 25, 4, 3, 90, 58, 57, 56, 36 and 2 in ATSF's Lubbock Yard. These incidental trackage rights will enable WTLR to interchange cars with connecting class I carriers. The lines described in this paragraph are located in Gaines, Terry, Cochran and Hockley Counties, TX.

The proposed transaction was expected to be consummated on October 25, 1995. WTLR certified that its projected revenues do not exceed those that would qualify it as a class III carrier.

<sup>1</sup> Anderson Grain Corporation (Anderson), of Levelland, Texas, filed an "objection" to this notice. The Commission will issue a separate decision on Anderson's pleading.

WTLR owns no railroad lines and conducts no rail operations subject to the Commission's jurisdiction. Rail America, Inc. (RAI) owns 100% of WTLR's stock. RAI owns or controls six other class III shortline railroads.

This transaction is related to a notice of exemption filed in *RailAmerica, Inc.—Continuance in Control Exemption—West Texas and Lubbock Railroad Company, Inc. and Plainview Terminal Company*, Finance Docket No. 32797, for RAI to continue in control of WTLR and Plainview Terminal Company (PTC) and five other class III railroads upon PTC and WTLR becoming class III rail carriers.

Any comments must be filed with the Commission<sup>2</sup> and served on: Robert A. Wimbish, Rea, Cross and Auchincloss, 1920 N Street, N.W., Suite 420, Washington, D.C. 20036.

This notice is filed under 49 CFR 1150.31. If the notice contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10505(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

Decided: December 19, 1995.

By the Commission, David M. Konschnik, Director, Office of Proceedings.  
Vernon A. Williams,  
*Secretary.*

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**NUCLEAR REGULATORY COMMISSION**

**Documents Containing Reporting or Recordkeeping Requirements; Notice of Pending Submittal to the Office of Management and Budget (OMB) for Review**

**AGENCY:** U.S. Nuclear Regulatory Commission (NRC).

**ACTION:** Notice of pending NRC action to submit an information collection request to OMB and solicitation of public comment.

**SUMMARY:** The NRC is preparing a submittal to OMB for review of continued approval of information collections under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35).

Information pertaining to the requirement to be submitted:

<sup>2</sup> Legislation to sunset the commission on December 31, 1995, and transfer remaining functions is now under consideration in Congress. Until further notice, parties submitting pleadings should continue to use the current name and address.

1. The title of the information collection: Exercise of Discretion for an Operating Facility, NRC Enforcement Policy (NUREG-1600).

2. Current OMB approval number: 3150-0136.

3. How often the collection is required: On occasion.

4. Who is required or asked to report: Nuclear power reactor licensees.

5. The number of annual respondents: 36.

6. The number of hours needed annually to complete the requirement or request: 2,160.

7. Abstract: The NRC's revised Enforcement Policy includes the circumstances in which the NRC may exercise enforcement discretion. This enforcement discretion is designated as a Notice of Enforcement Discretion (NOED) and relates to circumstances which may arise where a licensee's compliance with a Technical Specification Limiting Condition for Operation or with other license conditions would involve an unnecessary plant transient or performance of testing, inspection, or system realignment that is inappropriate for the specific plant conditions, or unnecessary delays in plant startup without a corresponding health and safety benefit. A licensee seeking the issuance of a NOED must provide a written justification, which documents the safety basis for the request and provides whatever other information the NRC staff deems necessary to decide whether or not to exercise discretion.

Submit, by February 26, 1996, comments that address the following questions:

1. Is the proposed collection of information necessary for the NRC to properly perform its functions? Does the information have practical utility?

2. Is the burden estimate accurate?

3. Is there a way to enhance the quality, utility, and clarity of the information to be collected?

4. How can the burden of the information collection be minimized, including the use of automated collection techniques or other forms of information technology?

A copy of the draft supporting statement may be viewed free of charge at the NRC Public Document Room, 2120 L Street, NW (lower level), Washington, DC. Members of the public who are in the Washington, DC, area can access this document via modem on the Public Document Room Bulletin Board (NRC's Advanced Copy Document Library), NRC subsystem at FedWorld, 703-321-3339. Members of the public who are located outside of the Washington, DC, area can dial

FedWorld, 1-800-303-9672, or use the FedWorld Internet address: fedworld.gov (Telnet). The document will be available on the bulletin board for 30 days after the signature date of this notice. If assistance is needed in accessing the document, please contact the FedWorld help desk at 703-487-4608.

Comments and questions may be directed to the NRC Clearance Officer, Brenda Jo. Shelton, U.S. Nuclear Regulatory Commission, T-6 F33, Washington, DC, 20555-0001, or by telephone at (301) 415-7233, or by Internet electronic mail at BJS1@NRC.GOV.

Dated at Rockville, Maryland, this 20th day of December, 1995.

For the Nuclear Regulatory Commission,  
Gerald F. Cranford,

*Designated Senior Official for Information  
Resource Management.*

[FR Doc. 95-31302 Filed 12-26-95; 8:45 am]

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#### [Docket No. 50-285]

#### **Omaha Public Power District Fort Calhoun Station, Unit No. 1; Environmental Assessment and Finding of No Significant Impact**

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an exemption from the requirements of 10 CFR Part 50, Section IV.F.2.c of Appendix E regarding a biennial emergency preparedness exercise for Facility Operating License No. DRP-40, issued to Omaha Public Power District, (the licensee), for operation of the Fort Calhoun Station, Unit 1, located in Washington County, Nebraska.

#### Environmental Assessment

##### *Identification of the Proposed Action*

The proposed action would grant a scheduler exemption from the requirement of Section IV.F.2.c of Appendix E to 10 CFR Part 50, which requires that each licensee perform a biennial emergency preparedness exercise, including offsite plans with full participation by offsite State and local authorities. This action would allow the licensee to extend the biennial interval until the first quarter of 1996.

The proposed action is in accordance with the licensee's application for exemption dated December 8, 1995, as supplemented by letter dated December 15, 1995.

##### *The Need for the Proposed Action*

The proposed action is needed because the Federal Emergency

Management Agency (FEMA) was not able to support the licensee's previously scheduled biennial full exercise as result of the federal impasse over the 1996 Federal Budget. Without the exemption, FEMA will not be able to complete its required biennial assessment of the licensee's ability to ensure adequate protection can and will be taken in the event of a radiological emergency.

##### *Environmental Impacts of the Proposed Action*

The proposed exemption would not adversely affect the response capabilities of the licensee and State and local authorities. The Commission has completed its evaluation of the proposed action and concludes that the intent of Appendix E, Section IV.F.2.c to ensure offsite emergency preparedness is maintained, has been met. Therefore, the change will not increase the probability or consequences of accidents, no changes are being made in the types or amounts of any effluents that may be released offsite, and there is no significant increase in the allowable individual or cumulative occupational radiation exposure. Accordingly, the Commission concludes that there are no significant radiological environmental impacts associated with the proposed action.

With regard to potential nonradiological impacts, the proposed action does involve features located entirely within the restricted area as defined in 10 CFR Part 20. It does not affect nonradiological plant effluents and has no other environmental impact. Accordingly, the Commission concludes that there are no significant nonradiological environmental impacts associated with the proposed action.

##### *Alternatives to the Proposed Action*

Since the Commission has concluded there is no measurable environmental impact associated with the proposed action, any alternatives with equal or greater environmental impact need not be evaluated. As an alternative to the proposed action, the staff considered denial of the proposed action. Denial of the application would result in no change in current environmental impacts. The environmental impacts of the proposed action and the alternative action are similar.

##### *Alternative Use of Resources*

This action does not involve the use of any resources not previously considered in the Final Environmental Statement (FES) for the Fort Calhoun Station, Unit 1, dated August 1972.