

emergency preparedness exercise which had been scheduled for November 1995.

This schedular exemption is requested by the licensee since the Federal Emergency Management Agency (FEMA) and the States had to cancel their evaluation and participation in the offsite portion of the exercise conducted on November 14, 1995. This request resulted from the impasse relative to passage of the Federal budget that caused a shutdown of FEMA and lack of funding for some State appropriations.

The licensee provided the following basis for supporting the requested schedular exemption:

OPPD, along with the States of Nebraska and Iowa, as well as local officials and volunteer agencies, were fully prepared to conduct a biennial full-scale emergency exercise for the Fort Calhoun Station (FCS) on November 14, 1995. The onsite and offsite objectives and scenario were approved respectively by NRC and FEMA. This exercise was designed to satisfy the requirements of 10 CFR 50, Appendix E, Section IV.F.2.c. The last biennial exercise was conducted on June 29–30, 1993.

In the weeks prior to the exercise, FEMA was unsure whether it could support the exercise as the result of the Federal budget impasse. Some State of Nebraska personnel were also affected by the budget crisis in that some State positions are federally funded. The licensee satisfactorily conducted the onsite portion of the exercise in the absence of full participation by the States and evaluation by FEMA. There were no identified exercise weaknesses associated with the onsite portion of the exercise.

Based upon a review of the licensee's request for a schedular exemption from the requirements of 10 CFR 50, Appendix E, Section IV.F.2.c, the staff finds that the exemption would provide only temporary relief from the applicable regulations.

IV

Accordingly, the Commission has determined pursuant to 10 CFR 50.12, this exemption is authorized by law and will not endanger life or property or the common defense and security and is otherwise in the public interest. The Commission further determines that special circumstances described by 10 CFR 50.12(a)(2)(v) exist in that granting the exemption would provide only temporary relief from the applicable regulations and the licensee has made good faith efforts to comply with the regulations.

Therefore, the Commission hereby grants Omaha Public Power District an exemption from the requirements of 10 CFR 50, Appendix E, Section IV.F.2.c.

Pursuant to 10 CFR 51.32, the Commission has determined that the granting of this exemption will have no significant impact on the quality of the human environment (60 FR 66995).

Dated at Rockville, Maryland, this 28th day of December 1995.

This exemption is effective upon issuance.

For the Nuclear Regulatory Commission,
Gail H. Marcus,
Acting Director, Division of Reactor Projects III/IV, Office of Nuclear Reactor Regulation.
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[Docket Nos. 50-352 and 50-353]

Philadelphia Electric Company; Correction

The December 6, 1995, Federal Register contained a "Notice of Issuance of Amendment to Facility Operating Licenses," for the Limerick Generating Station, Units 1 and 2. This notice corrects the notice published in the Federal Register on December 6, 1995, (60 FR 62500). The "Amendment Nos." Section should read "105 and 69."

Dated at Rockville, Maryland, this 27th day of December 1995.

For the Nuclear Regulatory Commission,
John F. Stolz,
Director, Project Directorate I-2, Division of Reactor Projects-I/II, Office of Nuclear Reactor Regulation.
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[Docket No. 72-14 (50-346)]

Toledo Edison Co., Davis-Besse Nuclear Power Station, Independent Spent Fuel, Storage Installation; Exemption

I

Toledo Edison Company (the licensee), under the general license in Part 72, Subpart K, is authorized to receive and store spent fuel from its Davis-Besse Nuclear Power Station at an independent spent fuel storage installation (ISFSI) located on the Davis-Besse Nuclear Power Station site. This facility is located at the licensee's site in Oak Harbor, Ohio.

II

Pursuant to 10 CFR 72.7, the Nuclear Regulatory Commission (NRC) may grant exemptions from the requirements

of the regulations in 10 CFR Part 72 as it determines are authorized by law, will not endanger life or property or the common defense and security, and are otherwise in the public interest.

Section 72.82(e) of 10 CFR Part 72 requires each licensee to provide a report of preoperational test acceptance criteria and test results to the appropriate NRC Regional Office with a copy to the Director, Office of Nuclear Material Safety and Safeguards, at least 30 days prior to receipt of spent fuel or high-level radioactive waste for storage in an ISFSI. The purpose of the 30-day waiting period is to allow the NRC an opportunity to review test results prior to initial operation of the ISFSI. If an exemption from the requirement of 10 CFR 72.82(e) for a 30-day waiting period was granted, the licensee still would be required to submit the necessary report; however, the licensee could thereafter start loading the first cask before the end of the 30-day period.

III

By letter dated September 22, 1995, the licensee requested a schedular exemption pursuant to 10 CFR 72.7 from the requirement of 10 CFR 72.82(e). The licensee committed to submit its report no less than 3 days prior to receipt of spent fuel at its ISFSI. The licensee's exemption request to reduce the 30-day waiting period to 3 days was based on the licensee's need to assure the availability of adequate storage space in Davis-Besse's spent fuel pool to support a refueling outage scheduled to begin in April 1996. To meet that schedule, spent fuel must be removed from the pool and loaded into the dry storage casks at the Davis-Besse plant for transport to the ISFSI prior to receipt of new fuel in February 1996. Because moving and loading the canisters into the horizontal storage modules occurs outside the auxiliary building, and because conducting such activities during inclement weather would complicate these activities, the licensee had planned to begin loading activities in October 1995. Delays, however, have forced the licensee to postpone its schedule. Nonetheless, the need for and underlying basis of the licensee's exemption requests remains. Granting the requested exemption from the 30-day waiting period in 10 CFR 72.82(e) would assist the licensee in assuring it has sufficient time to complete loading operations for dry cask storage before the end of January 1996 while, to the extent possible, minimizing the need to conduct fuel handling activities during inclement weather. Moreover, as noted below, the NRC has completed review of the