

effects, if any, on the environment and historic resources. The Section of Environmental Analysis (SEA) will issue an environmental assessment (EA) by January 9, 1996. Interested persons may obtain a copy of the EA by writing to SEA (Room 3219, Interstate Commerce Commission, Washington, DC 20423) or by calling Elaine Kaiser, Chief of SEA, at (202) 927-6248. Comments on environmental and historic preservation matters must be filed within 15 days after the EA is available to the public.

Environmental, historic preservation, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Decided: December 28, 1995.

By the Commission, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

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## NUCLEAR REGULATORY COMMISSION

[Docket No. Part 110]

### General and Specific Licenses Authorizing Exports of Nuclear Reactor Components, Substances, and Items Under Section 109b of the Atomic Energy Act to EURATOM; Order Suspending Licenses (Effective January 1, 1996)

I

The licensees that are subject to this order are authorized by the Nuclear Regulatory Commission ("NRC" or "Commission") through general and specific licenses granted under Section 109b of the Atomic Energy Act of 1954, as amended (AEA), and 10 C.F.R. Part 110 to export nuclear reactor components, substances, and items for nuclear end uses to EURATOM on the basis of assurances provided by EURATOM to the U.S. pursuant to Section 109b ("EURATOM assurances"). The expiration date of the EURATOM assurances underlying the NRC's general and specific license authorizations for exports of nuclear reactor components, substances, and items under Section 109b is tied to the expiration date of the current Agreement for Cooperation between the U.S. and EURATOM under Section 123 of the AEA.

II

The EURATOM assurances will expire on December 31, 1995, the

expiration date of the current Agreement for Cooperation between the U.S. and EURATOM. Although a new Section 123 Agreement for Cooperation has been approved by authorities on both sides,<sup>1</sup> the U.S. has not received new Section 109b assurances from EURATOM. The NRC is prohibited from authorizing any exports of nuclear reactor components, substances, and items to a foreign nation under Section 109b in the absence of such assurances from the foreign nation.

III

Accordingly, pursuant to Sections 109b, 161b, 161i, 183, and 186 of the AEA, and 10 C.F.R. §§ 110.50(a) (1) and (2) and 110.52, from January 1, 1996 until such time that the U.S. receives the assurances required for exports of nuclear reactor components, substances, and items under Section 109b of the AEA from EURATOM or its individual member countries,<sup>2</sup> NRC general and specific license authorizations under Section 109b and 10 C.F.R. §§ 110.26 and 110.42(b) for exports of nuclear reactor components to EURATOM countries are suspended.<sup>3</sup> This suspension order will expire by operation of law when the assurances required under Section 109b are received from EURATOM or its individual member countries. The NRC will publish notice of the receipt of these assurances in the Federal Register.

For the Nuclear Regulatory Commission.

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

Carlton R. Stoiber,

Director, Office of International Programs.

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<sup>1</sup>The new Agreement must sit before Congress for review for up to 90 days of continuous legislative session.

<sup>2</sup>The EURATOM Member States are: Austria, Belgium, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Luxembourg, Netherlands, Portugal, Spain, Sweden, and the United Kingdom. Licensees authorized under general or specific licenses to make Section 109b exports to Austria, Finland, Spain, or Sweden may continue direct exports to these countries because they have provided separate bilateral assurances to the U.S. that remain in effect.

<sup>3</sup>In accordance with 10 C.F.R. § 110.52(c), the Commission finds that Licensees need not be afforded an opportunity to reply and be heard because this action is required by operation of law and the common defense and security.

[Docket No. 50-285]

### Omaha Public Power District, Fort Calhoun Station, Unit 1; Exemption

I

The Omaha Public Power District (OPPD or the licensee) holds Facility Operating License No. DPR-40, which authorizes operation of the Fort Calhoun Station, Unit 1. The license provides, among other things, that the facility is subject to all rules, regulations, and orders of the Nuclear Regulatory Commission (the Commission) now or hereafter in effect. The facility consists of one pressurized water reactor located at the licensee's site in Washington County, Nebraska.

II

Section 50.54(q) of 10 CFR part 50 requires a licensee authorized to operate a nuclear power reactor to follow and maintain in effect emergency plans which meet the standards of 10 CFR 50.47(b) and the requirements of Appendix E to 10 CFR part 50. Section IV.F.2.c of Appendix E requires that each licensee at each site conduct an exercise with offsite authorities such that the State and local government emergency plans for each operating reactor site are exercised biennially. Section IV.F.2 also requires full or partial participation by State and local governments within the plume exposure pathway emergency planning zone (EPZ).

The NRC may grant exemptions from the requirements of the regulations which, pursuant to 10 CFR 50.12(a), are (1) authorized by law, will not present an undue risk to the public health and safety, and are consistent with the common defense and security; and (2) present special circumstances. Section 50.12(a)(2)(v) of 10 CFR 50 describes the special circumstances where an exemption would provide only temporary relief from the applicable regulations and the licensee or applicant has made good faith efforts to comply with the regulations.

III

By letter dated December 8, 1995, and supplemental letter dated December 15, 1995, OPPD requested a scheduler exemption from the requirements of 10 CFR 50, Appendix E, Section IV.F.2.c that requires a biennial exercise with State and local government authorities within the plume exposure pathway emergency planning zone (EPZ). The licensee has requested to postpone, until the first quarter of 1996, the offsite portion of the biennial full-scale

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.*  
[FR Doc. 96-112 Filed 1-3-96; 8:45 am]  
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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.*  
[FR Doc. 96-109 Filed 1-3-96; 8:45 am]  
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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