health and safety of the public will be adequately protected.

These TS changes will not increase the probability or consequences of accidents, no changes are being made in the types of any effluent that may be released offsite, and there is no significant increase in the allowable individual or cumulative occupational radiation exposure. Therefore, the Commission concludes that there are no significant radiological environmental impacts associated with the proposed TS amendment. 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 involves 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 amendment, 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 did not involve the use of any resources not previously considered in the Final Environmental Statement related to the operation of the Ginna Nuclear Power Plant.

Agencies and Persons Consulted

In accordance with its stated policy, on December 20, 1995, the staff consulted with the New York State official, Mr. F. William Valentino, State Liaison Officer of the New York State Energy Research and Development Authority, regarding the environmental impact of the proposed action. The state official had no comments.

Finding of No Significant Impact

Based upon the environmental assessment, the Commission concludes that the proposed action will not have a significant effect on the quality of the human environment. Accordingly, the Commission has determined not to prepare an environmental impact statement for the proposed amendment.

For further details with respect to this action, see the licensee's letters dated May 26, 1995, and supplemental letters dated July 17, 1995, August 14, 1995, August 31, 1995, September 18, 1995, October 6, 1995, October 18, 1995, November 1, 1995, November 16, 1995, two letters of November 20, 1995, November 21, 1995, November 22, 1995, two letters of November 27, 1995, November 30, 1995, December 8, 1995, and December 28, 1995, 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 Rochester Public Library, 115 South Avenue, Rochester, NY 14610.

Dated at Rockville, Maryland, this 16th day of January 1996.

For the Nuclear Regulatory Commission.

Ledyard B. Marsh,

Director, Project Directorate I–1, Division of Reactor Projects—I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 96–809 Filed 1–22–96; 8:45 am]

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[Docket No. 50–155]

Consumers Power Company (Big Rock Point Plant); Exemption

I

Consumers Power Company (CPCo, the licensee) is the holder of Facility Operating License No. DPR–6 which authorizes operation of the Big Rock Point Plant (the facility). The facility consists of a boiling water reactor located at the licensee's site in Charlevoix County, Michigan. 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.

II

Pursuant to 10 CFR 50.12(a), the NRC may grant exemptions from the requirements of the regulations (1) which are 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) where special circumstances are present.

Section III.D.1.(a) of Appendix J [Option A] to 10 CFR Part 50 requires the performance of three Type A containment integrated leak rate tests (ILRTs) at approximately equal intervals during each of the 10-year service periods of the primary containment.

III

By letter dated November 8, 1995, the licensee requested a one-time schedular exemption from the ''approximately equal time intervals'' requirement of 10 CFR Part 50, Appendix J, Section III.D.1.(a). Specifically, the proposed exemption would allow CPCo to delay the Type A test until the January 1997 refueling outage. The interval between the Type A tests would increase from 47 months to 59 months.

The licensee's request cites the special circumstances of 10 CFR 50.12, paragraph (a)(2)(ii), as the basis for the exemption. In 10 CFR Part 50 Appendix J, it states that the purpose of the Type A, B, and C tests is to assure that leakage through the primary containment shall not exceed the allowable leakage rate values as specified in the technical specifications or associated bases. CPCo stated that the existing Type B and Type C tests, which are unaffected by this proposed change, will continue to detect leakage through containment valves, penetrations, and airlocks.

The licensee has analyzed the results of previous Type A tests performed at the Big Rock Point Plant to show adequate containment performance. The licensee will continue to conduct Type B and Type C local leak rate tests which historically have been shown to be the principal means of detecting containment leakage paths with the Type A tests confirming the Type B and C tests results. It is also noted that the licensee would perform a general inspection of accessible interior or exterior surfaces of the containment structures and components although it is only required by Appendix J to be conducted in conjunction with Type A tests.

The testing history and structural capability of the containment establish that there is 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.

The alternative actions proposed by the licensee in the exemption request provide reasonable assurance that leakage will not exceed acceptable levels. Therefore, granting this exemption does not present an undue risk to public health and safety.

The underlying purpose of the requirement to perform Type A containment test 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 licensee notes that the results of the Type A testing have been confirmatory of the Type B and Type C tests which will continue to be performed. The licensee has stated that it will perform the general inspection of accessible interior or exterior surfaces of the containment structures and components although it is only required by Appendix J to be conducted 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 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 Option B of Appendix J which includes a 10-year test interval for Type A tests. The 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 Type 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 percent of all failures. This study agrees well with previous NRC staff studies which show that Type B and Type C testing can detect a very large percentage of containment leaks. The Big Rock Point 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 preparation of Option B to Appendix J. NUMARC collected results of 144 ILRTs from 33 units; 23 ILRTs exceeded 1 L_a. Of these, only nine were not Type B or Type 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 2 L_a; in one case the leakage was found to be approximately 2 L_a; in one case the leakage was less than 3 L_a; one case approached 10 L_a; and in one case the as-found leakage was found to be approximately 21 L_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 (approximate 200 L_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 Big Rock Point 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).

Thus, the staff concludes that an exemption from the requirements of paragraph III.D.1(a) of Appendix J to 10 CFR Part 50 should be granted. 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.

IV

Accordingly, the Commission has determined, pursuant to 10 CFR 50.12, that this exemption is authorized by law, and 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 in that application of the regulation in these particular circumstances is not necessary to achieve the underlying purpose of the rule.

Therefore, the Commission hereby grants the exemption from 10 CFR Part 50, Appendix J, Section III.D.1.(a) to the extent that the Appendix J test interval for performing Type A tests may be extended one cycle until the January 1997 refueling outage, on a one-time basis only, for the Big Rock Point Plant, provided that the general containment inspection is performed and as described in Section III above.

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 (61 FR 422).

This exemption is effective upon issuance.

Dated at Rockville, Maryland, this 16th day of January 1996.

For the Nuclear Regulatory Commission.

Jack W. Roe,

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

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OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Section 304 Determinations; Policies and Practices of the Government of Colombia Concerning the Exportation of Bananas to the European Union

AGENCY: Office of the United States Trade Representative.

ACTION: Notice of determinations.

SUMMARY: The United States Trade Representative (USTR) has determined pursuant to section 304(a)(1)(A)(ii) of the Trade Act of 1974, as amended (''the Trade Act'') that certain acts, policies and practices of the Government of Colombia affecting U.S. companies that export bananas from Colombia to the European Union (EU) are actionable under section 301(b)(1). The USTR has further determined pursuant to section 304(a)(1)(B) of the Trade Act that, in light of substantial actions by the Government of Colombia to modify certain of its practices and its commitments to take certain future actions, the appropriate action is to direct USTR officials to implement a process aimed at addressing the remaining burden or restriction on U.S. commerce while monitoring under section 306, Colombia's commitments made on January 9. Finally, the USTR has terminated the investigation initiated pursuant to Section 302 of the Trade Act.

DATES: The investigation was terminated effective January 10, 1996.

FOR FURTHER INFORMATION CONTACT: Ralph Ives, Deputy Assistant Trade Representative for the Western Hemisphere, (202) 395–5190, or Rachel Shub, Assistant General Counsel, (202) 395–7305.

SUPPLEMENTARY INFORMATION: On January 9, 1995, the USTR initiated an investigation under section 302(b)(1)(A) of the Trade Act to determine whether, as a result of Colombia's implementation of the Banana Framework Agreement (BFA) with the EU, certain acts, policies and practices of Colombia regarding the exportation of bananas to the EU are unreasonable or discriminatory and burden or restrict U.S. commerce, as set forth in section 301(b)(1). By Federal Register notice dated January 13, 1995 (60 FR 3283), the