

be served on all other parties to the investigation (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

Authority: This investigation is being conducted under authority of the Tariff Act of 1930, title VII, as amended by the URAA. This notice is published pursuant to section 207.12 of the Commission's rules.

By order of the Commission.

Issued: January 17, 1996.

Donna R. Koehnke,
Secretary.

[FR Doc. 96-765 Filed 1-22-96; 8:45 am]

BILLING CODE 7020-02-P

JUDICIAL CONFERENCE OF THE UNITED STATES

Hearings of the Judicial Conference Advisory Committees on Rules of Appellate and Bankruptcy Procedure

AGENCY: Judicial Conference of the United States Advisory Committees on Rules of Appellate and Bankruptcy Procedure.

ACTION: Notice of cancellation of open hearings.

SUMMARY: The public hearing on the preliminary draft of proposed amendments to the Federal Rules of Appellate Procedure, scheduled to be held in Denver, Colorado, on January 22, 1996, has been cancelled. The public hearing on the preliminary draft of proposed amendments to the Federal Rules of Bankruptcy Procedure, scheduled to be held in Washington, D.C., on February 9, 1996, has been cancelled. [Original notice of both hearings appeared in the Federal Register of October 5, 1995 (60 FR 52207).].

FOR FURTHER INFORMATION CONTACT: John K. Rabiej, Chief, Rules Committee Support Office, Administration Office of the United States Courts, Washington, D.C., telephone (20) 273-1820.

Dated: January 17, 1996.

John K. Rabiej,

Chief, Rules Committee Support Office.

[FR Doc. 96-808 Filed 1-22-96; 8:45 am]

BILLING CODE 2210-01-M

DEPARTMENT OF JUSTICE

Information Collection Under Review

Office of Management and Budget (OMB) approval is being sought for the information collection listed below.

This proposed information collection was previously published in the Federal Register and allowed 60 days for public comment.

The purpose of this notice is to allow an additional 30 days for public comments from the date listed at the top of this page in the Federal Register. This process is conducted in accordance with 5 Code of Federal Regulation, Part 1320.10.

Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the Office of Management and Budget, Office of Regulatory Affairs, Attention: Department of Justice Desk Officer, Washington, DC, 20530. Additionally, comments may be submitted to OMB via facsimile to 202-395-7285. Comments may also be submitted to the Department of Justice (DOJ), Justice Management Division, Information Management and Security Staff, Attention: Department Clearance Officer, 1001 G Street, NW., Washington, DC, 20530. Additionally, comments may be submitted to DOJ via facsimile to 202-514-1534.

Written comments and suggestions from the public and affected agencies should address one or more of the following points:

- (1) evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency/component, including whether the information will have practical utility;
- (2) evaluate the accuracy of the agencies/components estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- (3) enhance the quality, utility, and clarity of the information to be collected; and
- (4) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

The proposed collection is listed below:

- (1) Type of information collection. *Reinstatement, without change, of a previously approved collection for which approval has expired.*
- (2) The title of the form/collection. The Parole Data Survey and the Probation Data Survey.
- (3) The agency form number, if any, and the applicable component of the

Department sponsoring the collection. Form CJ7—The Parole Data Survey, CJ8—The Probation Data Survey. Bureau of Justice Statistics, United States Department of Justice.

(4) Affected public who will be asked or required to respond, as well as a brief abstract. Primary: State, Local or Tribal Governments. Other: Federal Government. These data provide the Bureau of Justice Statistics with aggregate information about offenders under the supervision of parole and probation agencies across the country. Data is collected from 93 central respondents and 234 local respondents. Since over 70% of 5.1 million offenders under correctional supervision it is essential for any criminal justice reporting system to include this segment.

(5) An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond. 327 responses per year at 1.50 hours per response.

(6) An estimate of the total public burden (in hours) associated with the collection. 491 annual burden hours.

Public comment on this proposed information collection is strongly encouraged.

Dated: January 17, 1996.

Robert B. Briggs,

Department Clearance Officer, United States Department of Justice.

[FR Doc. 96-796 Filed 1-22-96; 8:45 am]

BILLING CODE 4410-18-M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-244]

Rochester Gas and Electric Corporation, R. E. Ginna Nuclear Power Plant Environmental Assessment and Finding of No Significant Impact

The U. S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. DPR-18, issued to Rochester Gas and Electric Corporation (the licensee) for operation of the Ginna Nuclear Power Plant (Ginna), located at the licensee's site in Wayne County, New York.

Environmental Assessment

Identification of Proposed Action

The proposed action addresses potential environmental issues related to the licensee's application dated May 26, 1995, as supplemented by 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. The proposed action will replace the existing Ginna Technical Specifications (TSs) in their entirety with a new set of TSs based on Revision 1 to NUREG-1431, "Standard Technical Specifications Westinghouse Plants," and the existing Ginna TSs.

The Need for the Proposed Action

It has been recognized that nuclear safety in all plants would benefit from improvement and standardization of TS. The "NRC Interim Policy Statement on Technical Specification Improvements for Nuclear Power Reactors," (52 FR 3788, February 6, 1987) and later the Final Policy Statement (58 FR 39132, July 22, 1993), addressed this need. Subsequently, the Commission's regulations in 10 CFR 50.36 were revised in accordance with the goals stated in the policy statements (60 FR 36953, July 19, 1995). To facilitate the development of individual improved TSs, each reactor vendor owners group (OG) and the NRC staff developed standard TS (STS). For Westinghouse plants, the STS are published as NUREG-1431, and this document was the basis for the new Ginna TS. The NRC Committee to Review Generic Requirements (CRGR) reviewed the STS and made note of the safety merits of the STS and indicated its support of conversion to the STS by operating plants.

Description of the Proposed Change

The proposed revision to the TS is based on NUREG-1431 and on guidance provided in the Final Policy Statement. Its objective is to completely rewrite, reformat, and streamline the existing TS. Emphasis is placed on human factors principles to improve clarity and understanding. The Bases section has been significantly expanded to clarify and better explain the purpose and foundation of each specification. In addition to NUREG-1431, portions of the existing TS were also used as the basis for the ITS. Plant-specific issues (unique design features, requirements, and operating practices) were discussed at length with the licensee, and generic matters with the OG.

The proposed changes from the existing TS can be grouped into four general categories, as follows:

1. Non-technical (administrative) changes, which were intended to make

the ITS easier to use for plant operations personnel. They are purely editorial in nature or involve the movement or reformatting of requirements without affecting technical content. Every section of the Ginna TS has undergone these types of changes. In order to ensure consistency, the NRC staff and the licensee have used NUREG-1431 as guidance to reformat the TS and make other administrative changes.

2. Relocation of requirements, which includes items that were in the existing Ginna TS but did not meet the criteria set forth in the Final Policy Statement for inclusion in the TS. In general, the proposed relocation of items in the Ginna TS to the Updated Final Safety Analysis Report (UFSAR), appropriate plant-specific programs, procedures and ITS Bases follows the guidance of the Westinghouse STS (NUREG-1431). Once these items have been relocated by removing them from the TS to licensee-controlled documents, the licensee may revise them under the provisions of 10 CFR 50.59 or other NRC staff-approved control mechanisms which provide appropriate regulatory and procedural means to control changes.

3. More restrictive requirements, which consist of proposed Ginna ITS items that are either more conservative than corresponding requirements in the existing Ginna TS, or are additional restrictions which are not in the existing Ginna TS but are contained in NUREG-1431. Examples of more restrictive requirements include: placing a Limiting Condition for Operation (LCO) on plant equipment that is not required by the present TS to be operable; more restrictive requirements to restore inoperable equipment; and more restrictive surveillance requirements.

4. Less restrictive requirements, which are relaxations of corresponding requirements in the existing Ginna TS which provided little or no safety benefit and placed unnecessary burdens on the licensee. These relaxations were the result of generic NRC action or other analyses. They have been justified on a case-by-case basis for Ginna as described in the staff's Safety Evaluation (SE) which will be issued with the license amendment.

In addition to the changes described above, the licensee proposed certain changes to the existing TSs that deviated from the STSs in NUREG-1431 and constitute a relaxation of the existing TS. Each of these additional proposed changes is described in the licensee's application and in the staff's Notice of Consideration of Issuance of Amendment to Facility Operating License and Opportunity for a Hearing (60 FR 49636) and Notice of

Consideration of Issuance of Amendment to Facility Operating License, Proposed No Significant Hazards Consideration, Determination, and Opportunity for a Hearing (60 FR 60371). These changes have been justified on a case-by-case basis for Ginna as described in the staff's SE which will be issued with the license amendment.

Environmental Impacts of the Proposed Action

The Commission has completed its evaluation of the proposed action and concludes that the proposed TS conversion would not increase the probability or consequences of accidents previously analyzed and would not affect facility radiation levels or facility radiological effluents.

Changes that are administrative in nature have been found to have no effect on technical content of the TS, and are acceptable. The increased clarity and understanding these changes bring to the TS are expected to improve the operator's control of the plant in normal and accident conditions.

Relocation of requirements to other licensee-controlled documents does not change the requirements themselves. Future changes to these requirements may be made by the licensee under 10 CFR 50.59 or other NRC-approved control mechanisms, which ensures continued maintenance of adequate requirements. All such relocations have been found to be in conformance with 10 CFR 50.36, the guidelines of NUREG-1431 and the Final Policy Statement, and, therefore, to be acceptable.

Changes involving more restrictive requirements have been found to be acceptable.

Changes involving less restrictive requirements have been reviewed individually. When requirements have been shown to provide little or no safety benefit or to place unnecessary burdens on the licensee, their removal from the TS was found to be justified. In most cases, relaxations previously granted to individual plants on a plant-specific basis were the result of a generic NRC action, or of agreements reached during discussions with the OG and found to be acceptable for Ginna. Generic relaxations contained in NUREG-1431 as well as proposed deviations from NUREG-1431 have also been reviewed by the NRC staff and have been found to be acceptable.

In summary, the proposed revision to the TS was found to provide control of plant operations such that reasonable assurance will be provided that the

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]

BILLING CODE 7590-01-P

[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