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.

[FR Doc. 96–810 Filed 1–22–96; 8:45 am]

BILLING CODE 7590–01–P

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

USTR requested written comments on the acts, policies and practices of the Government of Colombia covered by the investigation, the amount of any resulting burden or restriction on U.S. commerce, and the determination required under section 304 of the Trade Act. On September 26, 1995, USTR initiated an investigation of the European Union's banana import regime pursuant to section 302(b) of the Trade Act (100 FR 52026; October 4, 1995).

Section 304(a)(1)(A) of the Trade Act requires the USTR to determine whether any act, policy or practice of the Government of Colombia described in section 301(b)(1) exists. If that determination is affirmative, USTR must determine, subject to the direction of the President, what action, if any, is appropriate in response to any such act, policy or practice.

Reasons for Determinations

(1) Colombia's Acts, Policies and Practices

On the basis of the investigation undertaken pursuant to section 302 of the Trade Act, public comments received and consultations with the Government of Colombia and affected U.S. firms, the USTR has determined that certain acts, policies and practices of the Government of Colombia affecting U.S. companies that export bananas from Colombia to the European Union are actionable under section 301(b)(1). The Colombian decree implementing the BFA replicates discriminatory elements of the EU banana regime in requiring U.S. and other non-EU firms exporting bananas from Colombia to present and export certificate in order to import such bananas into the EU market, while exempting primarily EU firms from this requirement. Furthermore, Colombia's participation in the BFA has hindered efforts of the United States and several Latin American nations to persuade the EU to revise its banana import regime.

(2) U.S. Action

Following bilateral consultations with U.S. officials, Colombia made substantial modifications in its banana export regime aimed at providing fair and equitable treatment to firms engaged in trade in bananas. In addition, on January 9, 1996, the United States and Colombia agreed to cooperate to address problems and trade distortions created by the EU banana regime. However, because Colombia has not fully addressed all the acts, policies and practices found actionable pursuant to section 301(b)(1), the USTR has determined that the appropriate action at this time 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. Depending on these efforts, the USTR may seek recommendations with respect to any alternatives pursuant to section 301(b)(2).

Irving A. Williamson,

Chairman, Section 301 Committee.

[FR Doc. 96–856 Filed 1–22–96; 8:45 am]

BILLING CODE 3190–01–M

Section 304 Determinations; Policies and Practices of the Government of Costa Rica 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 Costa Rica affecting U.S. companies that export bananas from Costa Rica 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 Costa Rica 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, Costa Rica's commitments made on January 6. 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 Costa Rica's implementation of the Banana Framework Agreement (BFA) with the EU, certain acts, policies and practices of Costa Rica 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 3284), the USTR requested written comments on the acts, policies and practices of the Government of Costa Rica covered by the investigation, the amount of any resulting burden or restriction on U.S. commerce, and the determinations required under section 304 of the Trade Act. On September 26, 1995, USTR initiated an investigation of the European Union's banana import regime pursuant to section 302(b) of the Trade Act (100 FR 52026; October 4, 1995).

Section 403(a)(1)(A) of the Trade Act requires the USTR to determine whether any act, policy or practice of the Government of Costa Rica described in section 301(b)(1) exists. If that determination is affirmative, USTR must determine, subject to the direction of the President, what action, if any, is appropriate in response to any such act, policy or practice.

Reasons for Determinations

(1) Costa Rica's Acts, Policies and Practices

On the basis of the investigation undertaken pursuant to section 302 of the Trade Act, public comments received and consultations with the Government of Costa Rica and affected U.S. firms, the USTR has determined that certain acts, policies and practices of the Government of Costa Rica affecting U.S. companies that export bananas from Costa Rica to the European Union are actionable under section 301(b)(1). The Costa Rican decree implementing the BFA replicates discriminatory elements of the EU banana regime in requiring U.S. and other non-EU firms exporting bananas from Costa Rica to present an export certificate in order to import such bananas into the EU market, while exempting primarily EU firms from this requirement. Furthermore, Costa Rica's participation in the BFA has hindered efforts of the United States and several Latin American nations to persuade the EU to revise its banana import regime.

(2) U.S. Action

Following bilateral consultations with U.S. officials, Costa Rica made substantial modifications in its banana export regime aimed at providing fair and equitable treatment to firms engaged in trade in bananas. In addition, on January 6, 1996, the United States and Costa Rica agreed to cooperate to address problems and trade distortions created by the EU banana