exemption to Appendix J for Palisades on September 17, 1987. The exemption stated that if the conditions of the Plan were met, and the next scheduled Type A test was successfully completed, then normal resumption of the Type A test frequency would be allowed. The two following Type A tests (11/88 and 2/91) passed with significant margin and the licensee has noted that the LLRT Correction Action Plan was successful in eliminating original plant design, maintenance, and testing deficiencies. In addition, the licensee notes that the results of the Type A testing have been confirmatory of the Type B and C tests which will continue to be performed. The licensee has stated that it will perform the general containment inspection although it is required by Appendix J (Section V.A.) to be performed only 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 Palisades containment structure consists of a post-tensioned, reinforced concrete cylinder and dome connected to and supported by a reinforced concrete foundation slab. The containment structure is designed to ensure that leakage will not exceed 0.1% per day by weight at the peak pressure of the design basis accident. A concrete shield building surrounds the containment vessel, providing a shield building annulus between the two structures. Penetrations of the containment vessel for piping, electrical conductors, ducts, and access hatches are provided with double barriers against leakage.

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 the present Appendix J rulemaking effort which also includes a 10-year test interval for Type A tests. The ILRT, or 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 LLRTs (Type B and 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% of all failures. This study agrees well with previous NRC staff studies which show that Type B and C testing can detect a very large percentage of containment leaks. The Palisades 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 Appendix J rulemaking effort. NUMARC collected results of 144 ILRTs from 33 units; 23 ILRTs exceeded $1L_a$. Of these, only nine were not Type B or 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 $2L_a$; in one case the leakage was found to be approximately $2L_a$; in one case the as-found leakage was less than $3L_a$; one case approached $10L_a$; and in one case the leakage was found to be approximately $21L_a$. 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 (approximately $200L_a$, 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 Palisades 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, and compliance would impose excess cost and undue hardship. Therefore, special circumstances exist pursuant to 10 CFR 50.12(a)(2) (ii) and (iii).

Based on the generic and plant-specific data, the NRC staff finds the basis for the licensee's proposed one-time schedular exemption to allow an extension of one cycle for the performance of the Appendix J, Type A test, provided that the general containment inspection is performed, to be acceptable, pursuant to 10 CFR 50.12(a) (1) and (2).

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 (60 FR 30115).

This exemption is effective upon issuance.

Dated at Rockville, Maryland, this 14th day of June 1995.

For the Nuclear Regulatory Commission.

John N. Hannon,

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

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[Docket Nos. 50–424–OLA–3 50–425–OLA–3; Re: License Amendment (Transfer to Southern Nuclear) ASLBP No. 96–671–01–OLA–3]

Atomic Safety and Licensing Board; Notice (Evidentiary Hearing)

In the matter of Georgia Power Company, *et al.* (Vogtle Electric Generating Plant, Units 1 and 2)

Before Administrative Judges: Peter B. Bloch, Chair; Dr. James H. Carpenter; Thomas D. Murphy.

Pursuant to 10 CFR 2.752, the public evidentiary hearing will continue at 9 am on July 6–8, 1995, at the Hearing Room (T 3 B45), Two White Flint North, 11545 Rockville Pike, Rockville, Maryland.

The purpose of the hearing is to receive evidence concerning alleged misrepresentations about diesel generators at the Vogtle Nuclear Power Plant. The hearing is expected to continue at 9 am on July 11–14 and 17–20 at: Savannah Rapids Pavilion, 3300 Evans-to-Locks road, Martinez, Georgia 30907, (706) 868–3349 or 3431.

The Board anticipates the possibility that the July 11–14 hearing days may be rescheduled to be held at the hearing room in Rockville, Maryland.

For the Atomic Safety and Licensing Board.

Peter B. Bloch,

Chair, Rockville, Maryland.

[FR Doc. 95–15134 Filed 6–20–95; 8:45 am]

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[Docket No. 50–443 (License No. NPF–86]]

North Atlantic Energy Service Corp. (Seabrook Station, Unit No. 1); Exemption

I

North Atlantic Energy Service Corporation (North Atlantic or the licensee) is the holder of Facility Operating License No. NPF–86, which authorizes operation of Seabrook Station, Unit No. 1 (the facility or Seabrook), at a steady-state reactor power level not in excess of 3411 megawatts thermal. The facility is a pressurized water reactor located at the licensee's site in Rockingham County, New Hampshire. The license provides among other things, that it is subject to