

valves have surveillance requirements imposed on them to demonstrate leak tightness during power operation. These surveillance tests are the same exact leak rate tests as the Type C local leak rate tests performed during refueling outages.

Taking credit for testing performed during power operation provides the same degree of assurance of containment integrity as taking credit for testing performed during shutdown. In addition, testing while at power may be preferable when considering ALARA and operability requirements. Therefore, the special circumstances of 10 CFR 50.12(a)(2)(ii) are present in that application of the regulation in this particular circumstance is not necessary to achieve the underlying purpose of the rule.

#### IV

The Commission has determined that pursuant to 10 CFR 50.12(a)(1) that this exemption is authorized by law, 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 justifying the exemption; namely, that application of the regulation in this particular circumstance is not necessary to achieve the underlying purpose of the rule.

Pursuant to 10 CFR 51.32, the Commission has determined that the granting of this Exemption will not have a significant impact on the quality of the human environment (60 FR 51821). This exemption is effective upon issuance.

Dated at Rockville, Maryland, this 4th day of December 1995.

For the Nuclear Regulatory Commission  
Jack W. Roe,

*Director, Division of Reactor Projects III/  
IV, Office of Nuclear Reactor Regulation*  
[FR Doc. 95-30048 Filed 12-8-95; 8:45 am]

BILLING CODE 7590-01-P

#### [Docket No. 50-440]

#### **Cleveland Electric Illuminating and Ohio Edison Company, et al.; Notice of Transfer of Ownership of Perry Nuclear Power Plant**

Notice is hereby given that the United States Nuclear Regulatory Commission (Commission) is considering approval under Title 10 of the *Code of Federal Regulations* (CFR), Section 50.80, of the transfer of 17.42% (except for related transmission facilities) of the ownership of the facilities for the Perry Nuclear Power Plant, Unit No. 1 (PNPP Unit 1) from the Ohio Edison Company (Ohio

Edison) to a wholly owned subsidiary of Ohio Edison, OES Nuclear Inc. (OES). By "Application For License Transfer In Connection With Sale And Related Transactions" filed November 17, 1995, Ohio Edison informed the Commission that it will sell to OES on or before December 31, 1995, a 17.42% ownership interest in the PNPP Unit 1 facility, except for the transmission facilities that are a part of Unit 1. On January 1, 1996, or immediately thereafter, OES will enter into a take or pay steam sale agreement with Ohio Edison pursuant to which Ohio Edison will purchase from OES the steam generated by the interest in PNPP Unit 1 transferred to OES. OES will also grant Ohio Edison the right to utilize the turbine generator portion of PNPP Unit 1 transferred to OES. Both the agreement for the sale of steam and the grant of the right to use the turbine generator will run for the term of the PNPP Unit 1 license through completion of plant decommissioning. Pursuant to the terms of the arrangements, Ohio Edison will have the option to convert the steam purchase agreement and its right to utilize the Unit 1 turbine generator to a lease to itself of the interest in PNPP Unit 1 conveyed to OES.

Pursuant to 10 CFR 50.80, the Commission may approve the transfer of a license, after notice to interested persons, upon the Commission's determination that the holder of the license following the transfer of control is qualified to be a holder of the license and the transfer of the control is otherwise consistent with applicable provisions of law, regulations and orders of the Commission. Ohio Edison has requested consent under 10 CFR 50.80 to transfer of the license effectuated by the change in control of such ownership interest in PNPP Unit 1. Additionally, Ohio Edison has submitted a license amendment application, dated November 22, 1995, adding OES to the PNPP Unit 1 license, to reflect this transfer.

For further details with respect to this action, see the November 17, and 22, 1995 letters, 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 Perry Public Library, 3753 Main Street, Perry, Ohio.

Dated at Rockville, Maryland this 4th day of December 1995.

For the Nuclear Regulatory Commission.

Gail H. Marcus,

*Director, Project Directorate III-3, Division of Reactor Projects—III/IV, Office of Nuclear Reactor Regulation.*

[FR Doc. 95-30049 Filed 12-8-95; 8:45 am]

BILLING CODE 7590-01-P

#### [Docket No. 50-255]

#### **Consumers Power Company; Palisades Plant; Notice of Withdrawal of Application for Amendment to Facility Operating License**

The U.S. Nuclear Regulatory Commission (the Commission) has granted the request of Consumers Power Company (the licensee) to withdraw its June 14, 1991 (as supplemented July 17, 1991, and January 10, 1992), application for a proposed amendment to Facility Operating License No. DPR-20 for the Palisades Plant, located in Van Buren County, Michigan.

The proposed amendment would have modified the facility operating license to allow an exception to the Palisades Final Safety Analysis Report requirement to perform the maximum hypothetical accident analysis in accordance with the Standard Review Plan, Section 15.6.5, Appendix B, Subsection II(1). The Commission had previously issued a Notice of Consideration of Issuance of Amendment published in the Federal Register on September 18, 1991 (56 FR 47233). However, by letter dated October 9, 1995, the licensee withdrew the proposed change.

For further details with respect to this action, see the application for amendment dated June 14, 1991, as supplemented July 17, 1991, and January 10, 1992, and the licensee's letter dated October 9, 1995, which withdrew the application for license amendment. The issue was addressed in a related safety evaluation dated January 9, 1995. Consumers Power Company will submit a revised maximum hypothetical accident analysis by January 1996. The above documents 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 Van Wylen Library, Hope College, Holland, Michigan 49423.

Dated at Rockville, Maryland, this 1st day of December 1995.