

The as-found results of the first two tests (1978 and 1979) did not meet the acceptable leakage limit due to excessive leakage from one valve in 1978 and from four valves in 1979. The as-found results of the next six tests were below the acceptable leakage limit. The as-found results of the 1989 and 1990 tests did not meet the acceptable leakage limit due to excessive leakage from three valves in 1989 and from one valve in 1990. For each of the tests that did not meet the leakage limits, repairs to the noted valves were conducted, and the as-left valves were well below acceptable leakage limits. The licensee reviewed the results of these ten LLRTs and concluded that the failures, except for one valve which was replaced in 1990, were random and non-recurring. The licensee concluded that these failures were not indicative of a poor performance trend. The staff reviewed the LLRT data provided by the licensee as well as the methodology used by the licensee to extrapolate LLRT data to a 30-month test interval and the staff concluded that there is reasonable assurance that the containment leakage rate would be maintained within acceptable limits with an LLRT interval increase to 30 months.

Since the request for the exemption allowing a 30-month LLRT test interval, two more tests have been conducted. In the first such test, conducted in 1992, the leakage for all valves was less than the minimum detectable for the test rig in use. In the second such test, conducted in 1994, the total leakage was 88 percent of the allowable value. The test rig used in the 1994 LLRT allowed the licensee to identify the valves that contributed most to total leakage. Maintenance was performed on these valves and the as-left leakage was less than 40 percent of the allowable limit. Based on its review of all of the LLRT data, the staff has concluded that there is reasonable assurance that the containment leak rate will remain within acceptable limits if the LLRT interval is extended by 4½ months; therefore, the 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 that, pursuant to 10 CFR 50.12, that (1) the exemption described in Section III are authorized by law, will not endanger life or property, and are otherwise in the public interest and (2) special circumstances exist pursuant to 10 CFR 50.12(a)(2)(ii). Therefore, the Commission hereby grants the following

amendment to the exemption dated February 19, 1993: The Power Authority of the State of New York is exempt from the requirement of 10 CFR Part 50, Appendix J, Paragraph III.D.3, in that the current interval between Type C tests may be extended beyond 30 months for the Indian Point Nuclear Generating Unit No. 3. The Type C tests must be conducted during an outage beginning no later than May 31, 1997. This amendment applies to the current test interval only.

Pursuant to 10 CFR 51.32, the Commission has determined that the granting of this exemption will have no significant impact on the quality of the human environment (62 FR 3538).

This exemption is effective upon issuance.

For the Nuclear Regulatory Commission.
Frank J. Miraglia,
Acting Director, Office of Nuclear Reactor Regulation.

Dated at Rockville, Maryland, this 28th day of January 1997.

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[Docket No. 30-02764-MLA; ASLBP No. 97-722-01-MLA]

University of Cincinnati; Designation of Presiding Officer

Pursuant to delegation by the Commission dated December 29, 1972, published in the Federal Register, 37 F.R. 28710 (1972), and Sections 2.105, 2.700, 2.702, 2.714, 2.714a, 2.717 and 2.1207 of the Commission's Regulations, a single member of the Atomic Safety and Licensing Board Panel is hereby designated to rule on petitions for leave to intervene and/or requests for hearing and, if necessary, to serve as the Presiding Officer to conduct an informal adjudicatory hearing in the following proceeding.

University of Cincinnati (Denial of License Amendment)

The hearing, if granted, will be conducted pursuant to 10 C.F.R. Subpart L of the Commission's Regulations, "Informal Hearing Procedures for Adjudications in Materials and Operator Licensing Proceedings." This proceeding concerns a denial by NRC Staff of a request by the University of Cincinnati for a license amendment and a hearing petition pursuant to 10 C.F.R. Section 2.1205(b).

The Presiding Officer in this proceeding is Administrative Judge G. Paul Bollwerk III. Pursuant to the provisions of 10 C.F.R. 2.722, Administrative Judge Jerry R. Kline has

been appointed to assist the Presiding Officer in taking evidence and in preparing a suitable record for review.

All correspondence, documents and other materials shall be filed with Judge Bollwerk and Judge Kline in accordance with C.F.R. 2.701. Their addresses are:
Administrative Judge G. Paul Bollwerk III, Presiding Officer, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555
Administrative Judge Jerry R. Kline, Special Assistant, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555

Issued at Rockville, Maryland, this 29th day of January 1997.

B. Paul Cotter, Jr.,

Chief Administrative Judge, Atomic Safety and Licensing Board Panel.

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[Docket Nos. 50-266 and 50-301]

Wisconsin Electric Power Company; Notice of Consideration of Issuance of Amendments to Facility Operating License, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of amendments to Facility Operating License Nos. DPR-24 and DPR-27 issued to Wisconsin Electric Power Company (the licensee), for operation of the Point Beach Nuclear Power Plant, Units 1 and 2, located in Manitowoc County, Wisconsin.

The proposed amendments would change Technical Specification requirements related to the low temperature overpressure protection (LTOP) system. Specifically, the reactor coolant system (RCS) temperature below which LTOP is required to be enabled and the temperature below which one high pressure safety injection pump is required to be rendered inoperable would be changed from less than 275 degrees Fahrenheit to less than 355 degrees Fahrenheit. Additionally, the restriction of "less than the minimum pressurization temperature for the inservice pressure test as defined in Figure 15.3.1-1" would be deleted and the specific temperature limit of less than 355 degrees Fahrenheit would be specified. The setpoint for the pressurizer power-operated relief valves (PORVs) would be changed from less than or equal to 425 pounds per square inch gage (psig) to less than or equal to 440 psig to allow for instrument