sample the accumulator after refilling from the RWST.

Date of issuance: May 30, 1995

Effective date: May 30, 1995, to be implemented within 30 days of issuance.

Amendment No.: Amendment No. 87

Facility Operating License No. NPF-42. The amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** April 12, 1995 (60 FR 18632) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated May 30, 1995.No significant hazards consideration comments received: No. Local Public Document Room locations: Emporia State University, William Allen White Library, 1200 Commercial Street, Emporia, Kansas 66801 and Washburn University School of Law Library, Topeka, Kansas 66621.

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

[Doc. 95–15057 Filed 6–20–95; 8:45]

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[Docket No. 50–255]

Consumers Power Company (Palisades Plant); Exemption

I

Consumers Power Company (CPCo, the licensee) is the holder of Facility Operating License No. DPR–20 which authorizes operation of the Palisades Plant, a pressurized water reactor (PWR) located in Van Buren 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 to 10 CFR part 50 requires the performance of three Type A containment integrated leakage rate tests (ILRTs), at approximately equal intervals during each 10-year service period of the primary containment. The third test of each set shall be conducted when the plant is shut down for the 10-year inservice inspection of the primary containment.

III

By letter dated March 17, 1995, as supplemented April 26, 1995, CPCo requested temporary relief from the requirement to perform a set of three Type A tests at approximately equal intervals during each 10-year service period of the primary containment. The requested exemption would permit a one-time interval extension of the third Type A test by approximately 21 months (from the 1995 refueling outage, currently scheduled to begin in May 1995, to the 1997 refueling outage) and would permit the third Type A test of the second 10-year inservice inspection period to not correspond with the end of the current American Society of Mechanical Engineers Boiler and Pressure Vessel Code (ASME Code) inservice inspection interval.

The licensee's request cites the special circumstances of 10 CFR 50.12, paragraphs (a)(2) (ii) and (iii), as the basis for the exemption, and states that the exemption would eliminate a cost of $1 million for the Type A test which is not necessary to achieve the underlying purpose of the rule. 10 CFR part 50 Appendix J, 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 points out that the existing Type B and C testing programs are not being modified by this request and will continue to effectively detect containment leakage caused by the degradation of active containment isolation components as well as containment penetrations. It has been the experience at the Palisades Plant that, with the exception of the 1978 test results, during the six Type A tests conducted from 1974 to date, any significant containment leakage paths are detected by the Type B and C testing. The Type A test results have only been confirmatory of the results of the Type B and C test results. The testing history, structural capability of the containment, and the risk assessment 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 licensee also references the proposed revision to Appendix J which would reduce the frequency of Type A tests.

IV

Section III.D.1.(a) of Appendix J to 10 CFR part 50 states that a set of three Type A leakage rate tests shall be performed at approximately equal intervals during each 10-year service period.

The licensee proposes an exemption to this section which would provide a one-time interval extension for the Type A test by approximately 21 months. The Commission has determined, for the reasons discussed below, that pursuant to 10 CFR 50.12(a)(1) 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) and (iii), 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 and would impose excessive cost.

The underlying purpose of the requirement to perform Type A containment leak rate tests at intervals during the 10-year service period is to ensure that any potential leakage pathways through the containment boundary are identified within a time span that prevents significant degradation from continuing or becoming unknown. The NRC staff has reviewed the basis and supporting information provided by the licensee in the exemption request. The NRC staff has noted that the licensee has a good record of ensuring a leak-tight containment following the submittal of its Corrective Action Plan on June 30, 1986. The Corrective Action Plan was submitting following three consecutive Type A test failures, of which one was the 1978 test failure. However, the licensee has noted that the containment penetration local leak rate tests (LLRT, Type B and C tests) accounted for the majority of the before maintenance adjustment to the as-found ILRT (Type A) results during the as-found test failures. The penetration associated with the 1978 test failure was significantly modified in the mid-1980's to improve the LLRT test configuration to properly monitor the entire penetration boundary. In addition, the licensee aggressively replaced or repaired the valves and penetrations that accounted for the as-found test failures, with no repeat occurrences.

The NRC staff reviewed the LLRT Corrective Action Plan and granted an