TS and 10 CFR Part 50, Appendix J criterion of less than 0.375% wt/day (0.75 La). Following the completion of repairs of a leaking torus water level instrument, the CILRT was repeated with an as-left leakage of 0.322% wt/day. After this failure, the licensee modified the plant procedures so that a similar failure, in the future, would be detected by a local leak rate test (LLRT). The measured mass point and total time leakage rates measured for the September 1981 CILRT stabilized at approximately .389% wt/day, which failed to meet the TS and 10 CFR Part 50, Appendix J criterion of less than 0.375% wt/day (0.75 La). Following the completion of repairs to a missing instrument O-ring, the CILRT was repeated with an as-left leakage of 0.185% wt/day. After this failure, the licensee modified the plant procedures so that a similar failure, in the future, would be detected by a leak rate test following relevant instrument maintenance. The measured mass point and total time leakage rates measured for the August 1983 CILRT stabilized at approximately .784% wt/day, which failed to meet the TS and 10 CFR Part 50, Appendix J criterion of less than 0.375% wt/day (0.75 La). Following the completion of repairs to a valve packing leak, the CILRT was repealed with an as-left leakage of 0.058% wt/day. After this failure, the licensee modified the plant procedures so that similar valve packing is local leak rate tested and measured.

These failures were identified as activity based failures for which the licensee implemented corrective action. The licensee did not identify any time based failures.

The type B and C test (i.e., LLRT) program provides assurance that containment integrity has been maintained. LLRTs demonstrate operability of components and penetrations by measuring penetration and valve leakage. Additionally, there have been no modifications made to the plant, since the last Type A test, that could adversely affect the test results.

Current TS 4.7.A.2.h requires that the interior surfaces of the drywell and torus shall be visually inspected each operating cycle for evidence of deterioration. In addition, TS 4.7.A.2.h requires that the external surfaces of the torus below the water level be inspected on a routine basis for evidence of torus corrosion or leakage. TS 4.7.4 requires that a visual inspection of the suppression chamber interior be conducted at each major refueling outage. These inspections provide similar information as would be obtained to meet the requirement of Section V.A of 10 CFR Part 50, Appendix J. The licensee is required to perform these TS surveillances in the upcoming refueling outage 3R010.

The licensee further notes that the performance of consecutive Type A tests in refueling outages 3R010 and 3R011, to meet the requirements of the TS and Appendix J, would result in additional radiation exposure to personnel. Performing the Type A test during two consecutive refueling outages in order to comply with the TS and 10 CFR Part 50, Appendix J, would result in an unnecessary increase in personnel radiation exposure and an increase in cost by extending the length of one of the affected refueling outages. Omitting the test will result in additional dose savings by eliminating contamination and by reducing exposure from venting and draining and from setups and restorations of instrumentation required to perform the test. These factors and the costs associated with an additional test for a 24-month difference in interval are not offset by the benefits of the additional test.

IV

Pursuant to 10 CFR 50.12, the Commission may, upon application by any interested person or upon its own initiative, grant exemptions from the requirements of 10 CFR Part 50 when (1) the exemptions are authorized by law, will not present an undue risk to public health and safety, and are consistent with the common defense and security; and (2) when special circumstances are present. Special circumstances are present whenever, according to 10 CFR 50.12(a)(2)(ii), ''Application of the regulation in the particular circumstances would not serve the underlying purpose of the rule or is not necessary to achieve the underlying purpose of the rule * * *.''

The licensee provided information regarding the requirements of 10 CFR 50.12(a)(2)(ii). The licensee stated that the underlying purpose of 10 CFR Part 50, Appendix J, Section III.D.1(a), is to establish and maintain a level of confidence that any primary containment leakage, during a hypothetical design basis accident, will remain less than or equal to the maximum allowable value, La, established by Appendix J through the performance of periodic Type A testing. The licensee stated that, for the technical justification discussed above, performance of Type A tests during the next two Unit 3 refueling outages was not necessary to meet the underlying purpose of the rule.

The NRC staff has reviewed the licensee's proposed exemption, including Type A test history, and concluded that the impact on safety of this deviation from the scheduler requirements of Appendix J is not significant. Accordingly, the staff finds that an additional test (during the scheduled 1995 refueling outage) would not provide substantially different information and that the intent of Appendix J would be met. Therefore, the subject exemption request meets the special circumstances of 10 CFR 50.12(a)(2)(ii), in that the additional Type A test is not necessary to achieve the underlying purpose of the rule.

The staff also finds, for the technical reasons discussed above, that extending the service period and extending the interval between Type A tests are acceptable.

V

Accordingly, the Commission has determined 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 determined, as discussed above, that there are special circumstances present, as specified in 10 CFR 50.12(a)(2)(ii), such that application of 10 CFR Part 50, Appendix J, Section III.D.1(a) is not necessary in order to achieve the underlying purpose of this regulation. Therefore, the Commission hereby grants a one-time scheduler exemption from the requirements of 10 CFR Part 50, Appendix J, Section III.D.1.(a), to extend the second 10-year Type A test service period for Peach Bottom Atomic Power Station, Unit 3, such that the third periodic Type A test may be performed during Unit 3 refueling outage 11, currently scheduled for September 1997, and such that the three Type A tests in the second 10-year service period are performed at intervals that are not approximately equal.

Pursuant to 10 CFR 51.32, the Commission has determined that the granting of this exemption will have no significant effect on the quality of the human environment (60 FR 35239).

This exemption is effective upon issuance.

Dated at Rockville, Maryland, this 10th day of July 1995.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Director, Division of Reactor Projects–I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 95–17446 Filed 7–14–95; 8:45 am]

BILLING CODE 7590–01–M