inspection period. The requested exemption would permit a one-time interval extension of the third Type A test of the second 10-year inservice inspection period by approximately 18 months and would result in the interval between successive Type A leakage rate tests being approximately 60 months. If the revised 10 CFR part 50 requirements are approved and implemented, the next Type A test could be deferred up to an additional 60 months.

The licensee's request justified the proposed change, on the following basis.

In the Type A test conducted in the RFO in March 1988, the leakage rate was below the maximum allowable. In the Type A test conducted during the RFO in March 1992, after adding all required penalties associated with local leakage rate tests (LLRTs), the as-found Type A test result was a failure. However, the majority of the leakage in the LLRTs was due to a valve in one penetration. Prior to repairing the valve, a leakage rate that was double the allowed limit was measured. The licensee's corrective maintenance on the valve and its post-repair leakage rate testing resulted in a Type A test leakage rate that was about 20 percent of the allowable limit.

The licensee stated that there are no mechanisms which would adversely affect the structural integrity of the containment or that would be a factor in evaluating the extension of the test interval by 18 months. However, as a preventive maintenance measure, the visual containment inspection currently required by 10 CFR part 50, appendix J, prior to a Type A test, will be conducted during the September 1995 RFO to verify that there are no apparent signs of containment degradation and to provide added confidence that the containment structural integrity was not affected during the period since the last visual inspection. Any additional risk created by the longer interval between Type A testing is considered by the licensee to be negligible, primarily because all Type B and Type C leakage rate testing will continue to be performed in accordance with the requirements of 10 CFR part 50, appendix J, Sections III.B and III.C.

To justify granting an exemption to the requirements of 10 CFR Part 50, a licensee must show that the requirements of 10 CFR 50.12(a)(1) are met. The licensee stated that its exemption request meets the requirements of 10 CFR 50.12(a)(1), for the following reasons:

(1) The requested one time exemption and the associated activities are authorized by law. There are no prohibitions of law which preclude the activities which would be authorized by the requested exemption. Similar exemptions have been granted for ComEd's Zion Station and other utilities. Therefore, the NRC is authorized by law to approve the proposed exemption.

(2) The requested exemption will not present undue risk to the public.

An exemption from the requirements of 10 CFR 50 Appendix J to perform reactor containment leakage testing will not present undue risk to the health and safety of the public. Past testing has demonstrated the leak tight nature of the primary reactor containment structure and systems and components penetrating the primary containment and the ability to maintain total leakages, including conservatisms, within required limits. A more detailed discussion of the past reactor containment integrated leakage rate test results is included below.

(3) The requested exemption will not endanger the common defense and security.

The common defense and security are in no way compromised by this proposed exemption since approval of the exemption would in no way alter the plant in any physical manner.

In addition, the licensee must show that at least one of the special circumstances, as defined in 10 CFR 50.12(a)(2), is present. One of the special circumstances that a licensee may show to exist is that the application of the regulation in the particular circumstances is not necessary to achieve the underlying purposes of the rule. The purposes of the rule, as stated in section I of 10 CFR part 50, appendix J, are to ensure that: 1) leakage through the primary reactor containment and systems and components penetrating containment shall not exceed allowable values, and 2) periodic surveillance of reactor containment penetrations and isolation valves is performed so that proper maintenance and repairs are made. The licensee presented the following discussion to show that the requirement to perform the third Type A leakage rate test during the September 1995 RFO is not necessary to achieve the underlying purpose of the rule.

Type A tests are intended to measure the primary reactor containment overall integrated leakage rate after the containment has been completed and is ready for operation, and at periodic intervals. The performance of a periodic ILRT (Type A) and local penetration tests (Type B and C) during containment life provides a current assessment of potential leakage from the containment during accident conditions. The periodic tests are performed at a pressure sufficiently high to provide an accurate measurement of the leakage rate. This pressure is at least 50 percent of design accident pressure for the Type A tests and at least design accident pressure for the Type B and C tests.

Application of the regulation is not necessary to achieve the underlying purpose of the rule because:

(1) Prior testing has verified the ability of the reactor containment to maintain leakage below the limits set forth in the Technical Specifications and the regulation:

(2) Type B & C testing, which detects the majority of containment leakage, will continue to be performed as required;

(3) The availability of the seal water and penetration pressurization systems provides added confidence that leakage would be maintained below the limits in the unlikely event of a LOCA; and

(4) There is no significant impact on risk to the public associated with extending the period of time between successive Type A tests on Unit 1 by approximately 18 months.

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 inservice inspection period.

The licensee proposes an exemption to this section which would provide a one-time interval extension for the Type A test of approximately 18 months.

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, for the reasons discussed below, 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 the particular circumstances is not necessary to achieve the underlying purpose of the rule.

The underlying purpose of the requirement to perform Type A containment leakage rate tests at intervals during the 10-year inservice inspection period, is to ensure that any potential leakage pathways through the containment boundary are identified within a time span that prevents significant degradation from commencing or continuing without the knowledge of the licensee. The stafff has reviewed the basis and supporting information provided by the licensee in the exemption request and considers that the licensee has a good record of ensuring a leak-tight containment. The one Type A test that did not pass was shown to be due to a leaking valve. The licensee took aggressive and appropriate corrective action that resulted in a final as-left leakage rate that was significantly below the maximum allowable value. Therefore, the containment was shown to be leak tight, the licensee demonstrated that it has an effective