developed guidance described in Nuclear Energy Institute document NEI 94–01, entitled "Industry Guideline for Implementing Performance-Based Option of 10 CFR Part 50, Appendix J." The proposed amendment takes one exception to the guidance in NEI 94–01. Based upon the use of compensatory measures, the exception would allow the use of less accurate flow measuring equipment.

Certain containment leakage testing schedules and details regarding the scope of containment valves and penetrations to be leak-tested will be included in the licensee's program but would be removed by this proposed amendment from the BSEP Technical Specifications. Consistent with NEI 94-01 the proposed amendment relaxes the schedules for performing primary containment air lock leakage surveillance testing and, if the interval for testing of overall containment leakage (Type A testing) has been extended under the program to 10 years, requires inspections for containment integrity during two other refueling outages before the next Type A test as well as immediately prior to that test.

Before issuance of the proposed license amendments, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendments would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. The proposed license amendments do not involve a significant increase in the probability or consequences of an accident previously evaluated. The proposed license amendments revise the Technical Specifications to reflect the adoption of a performance-based containment leakagetesting program. The Nuclear Regulatory Commission has approved the use of a performance-based option for containment leakage testing programs when it amended 10 CFR Part 50, Appendix J (60 FR 49495).

For adoption of the revised regulations, licensees are required to incorporate into their Technical Specifications, by general

reference, the NRC regulatory guide or other plant-specific implementing document [used to develop the performance-based leakagetesting program]. A new Administrative Control subsection is being added to the Brunswick Plant Technical Specifications that requires the establishment and maintenance of a Primary Containment Leakage Rate Testing Program. As stated in the Technical Specification, this Primary Containment Leakage Rate Testing Program will conform with NRC Regulatory Guide 1.163, Revision 0, dated September 1995, "Performance-Based Containment Leak-Rate Testing Program" by establishing leakage testing intervals based on the criteria in Section 11.0 of NEI 94-01. The Technical Specifications will continue to require performance of a periodic general visual inspection of the containment to ensure early detection of any structural deterioration of the containment system that might occur.

The effect of increasing containment leakage rate testing intervals has been evaluated by the Nuclear Energy Institute using the methodology described in NUREG-1493 ["Performance-Based Containment Leak-Test Program", September 1995] and historical representative industry leakage rate testing data. The results of this evaluation, as published in NEI 94-01, Revision 0, are that the increased risk corresponding to the extended test interval is small (less than 0.1 percent of total risk) and compares well to the guidance of the NRC's safety goal. Therefore, adoption of performance-based verification of leakage rates for isolation valves, containment penetrations, and the overall containment boundary will provide an equivalent level of safety and does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. The proposed license amendments will not create the possibility of a new or different kind of accident from any accident previously evaluated. No safety-related equipment, safety function, or plant operations will be altered as a result of the proposed license amendment. The safety objective for the primary containment is stated in 10 CFR 50, Appendix A, "General Design Criteria for Nuclear Power Plants.³ The safety function of the primary containment will be met since the containment will continue to provide "an essentially leak-tight barrier against the uncontrolled release of radioactivity to the environment * * *" for postulated accidents. Therefore, the proposed license amendments will not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. The proposed license amendments do not involve a significant reduction in a margin of safety. As stated above, the Nuclear Regulatory Commission has approved the use of a performance-based option for containment leakage testing programs when it amended 10 CFR Part 50, Appendix J (60 FR 49495). The new Primary Containment Leakage Rate Testing Program will conform with NRC Regulatory Guide 1.163, Revision 0, dated September 1995, "Performance-Based Containment Leak-Rate Testing Program" by requiring that leakage testing intervals be established based on the criteria in Section 11.0 of NEI 94–01, Revision 0.

As discussed in Part 1 above, the effect of increasing containment leakage rate testing intervals has been evaluated by the Nuclear Energy Institute using the methodology described in NUREG-1493 and historical representative industry leakage rate testing data. The results of this evaluation, as published in NEI 94-01, Revision 0, are that the increased safety risk corresponding to the extended test intervals is small (less than 0.1 percent of total risk) and compares well to the guidance of the NRC's safety goal. In addition, as demonstrated by risk analyses contained in NUREG-1482 (sic) [NUREG-1493], relaxation of the integrated leak rate test frequency does not significantly increase the probability or consequences of a previously evaluated accident. Integrated leakage rate tests have been demonstrated to be of limited value in detecting significant leakages from penetrations and isolation valves. Therefore, the proposed license amendments adopting a performance-based approach for verification of leakage rates for isolation valves, containment penetrations, and the containment overall will continue to meet the regulatory goal of providing an essentially leak-tight containment boundary, will provide an equivalent level of safety, and do not involve a significant reduction in a margin of safety.

The revised Technical Specifications will continue to maintain the allowable leak rate (L_a) as the Type A test [containment overall leak-rate test] performance criterion. In addition, a requirement to perform a periodic general visual inspection of the containment has been maintained as part of the performance-based leakage testing program.

The revised Technical Specifications will continue to maintain the allowable leak rate (L_a) (sic) [0.6 L_a] as the Type B [containment penetration leak-rate test] and C [containment isolation valve leak-rate test] tests' performance criterion. As supported by the findings of NUREG–1493, the percentage of leakages detected only by integrated leak rate tests is small (only a few percent) and Type B and C leakage tests are capable of detecting more than 97 percent of containment leakages and virtually all such leakages are identified by local leak rate tests (LLRTs) of containment isolation valves.

Thus, the proposed license amendments do not involve a significant reduction in a margin of safety and will continue to ensure the revised Appendix J regulatory goal of ensuring an essentially leak-tight containment boundary.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be