



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

August 28, 1990

Docket Nos. 50-369
and 50-370

Mr. H. B. Tucker, Vice President
Nuclear Production Department
Duke Power Company
Post Office Box 1007
Charlotte, North Carolina 28201 - 1007

Dear Mr. Tucker:

SUBJECT: ISSUANCE OF AMENDMENT NO. 111 TO FACILITY OPERATING LICENSE NPF-9,
AMENDMENT NO. 93 TO FACILITY OPERATING LICENSE NPF-17 - MCGUIRE
NUCLEAR STATION, UNITS 1 AND 2; AND EXEMPTION TO 10 CFR PART 50,
APPENDIX J - MCGUIRE NUCLEAR STATION, UNIT 1

The Nuclear Regulatory Commission has issued the enclosed Amendment No. 111 to Facility Operating License NPF-9 and Amendment No. 93 to Facility Operating License NPF-17 for the McGuire Nuclear Station, Units 1 and 2. These amendments consist of changes to the Technical Specifications (TSs) in response to your application dated February 20, 1990.

The amendments add a footnote to Technical Specification 4.6.1.2 which would permit the containment integrated leak rate test on McGuire Unit 1, required by Section III.D.1.(a) of 10 CFR Part 50, Appendix J, to be performed during the 10-year inservice inspection (ISI) outage (i.e., during the 1991 end-of-fuel cycle (EOC) 7 outage), to be performed instead during the EOC 6 outage. These amendments only affect McGuire Unit 2 administratively because it shares a common TS document with Unit 1.

In connection with this action, the Commission has granted an exemption that has the effect of precluding a repeat of the EOC 6 test during EOC 7 to satisfy the requirement that the test be performed during the 10-year ISI outage. Performing the test during EOC 6 permits an appropriate interval (40 ± 10 months) to be maintained between tests. Moreover, the NRC staff finds the requirement that the test occur during the 10-year ISI outage to be of minimal safety significance when compared to the actual interval between tests.

We find that granting the proposed exemption from the requirements of Appendix J 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. We further find that special circumstances justify the exemption, namely that application of the regulation in the particular circumstances is not necessary to achieve the underlying purpose of the rule.

A copy of the related Safety Evaluation supporting the amendments is enclosed.

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Mr. H.B. Tucker

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August 28, 1990

Notice of issuance of amendments will be included in the Commission's biweekly Federal Register notice. The exemption has been forwarded to the Office of the Federal Register for publication.

Sincerely,

Original signed by:

Darl Hood, Project Manager
Project Directorate II-3
Division of Reactor Projects - I/II
Office of Nuclear Reactor Regulation

Enclosures:

- 1. Amendment No. 111 to NPF-9
- 2. Amendment No. 93 to NPF-17
- 3. Exemption
- 4. Safety Evaluation

cc w/enclosures:
See next page

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AMENDMENT NO. 111 TO FACILITY OPERATING LICENSE NPF-9 - McGuire Nuclear Station, Unit 1
AMENDMENT NO. 93 TO FACILITY OPERATING LICENSE NPF-17 - McGuire Nuclear Station, Unit 2

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Duke Power Company

McGuire Nuclear Station

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UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

DUKE POWER COMPANY

DOCKET NO. 50-369

McGUIRE NUCLEAR STATION, UNIT 1

AMENDMENT TO FACILITY OPERATING LICENSE

Amendment No. 111
License No. NPF-9

1. The Nuclear Regulatory Commission (the Commission) has found that:
 - A. The application for amendment to the McGuire Nuclear Station, Unit 1 (the facility) Facility Operating License No. NPF-9 filed by the Duke Power Company (the licensee) dated February 20, 1990, complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations as set forth in 10 CFR Chapter I;
 - B. The facility will operate in conformity with the application, the provisions of the Act, and the rules and regulations of the Commission;
 - C. There is reasonable assurance (i) that the activities authorized by this amendment can be conducted without endangering the health and safety of the public, and (ii) that such activities will be conducted in compliance with the Commission's regulations set forth in 10 CFR Chapter I;
 - D. The issuance of this amendment will not be inimical to the common defense and security or to the health and safety of the public; and
 - E. The issuance of this amendment is in accordance with 10 CFR Part 51 of the Commission's regulations and all applicable requirements have been satisfied.

2. Accordingly, the license is hereby amended by page changes to the Technical Specifications as indicated in the attachment to this license amendment, and Paragraph 2.C.(2) of Facility Operating License No. NPF-9 is hereby amended to read as follows:

Technical Specifications

The Technical Specifications contained in Appendix A, as revised through Amendment No. 111, are hereby incorporated into the license. The licensee shall operate the facility in accordance with the Technical Specifications and the Environmental Protection Plan.

3. This license amendment is effective as of its date of issuance.

FOR THE NUCLEAR REGULATORY COMMISSION



David B. Matthews, Director
Project Directorate II-3
Division of Reactor Projects-I/II
Office of Nuclear Reactor Regulation

Attachment:
Technical Specification
Changes

Date of Issuance: August 28, 1990



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

DUKE POWER COMPANY

DOCKET NO. 50-370

McGUIRE NUCLEAR STATION, UNIT 2

AMENDMENT TO FACILITY OPERATING LICENSE

Amendment No. 93
License No. NPF-17

1. The Nuclear Regulatory Commission (the Commission) has found that:
 - A. The application for amendment to the McGuire Nuclear Station, Unit 2 (the facility) Facility Operating License No. NPF-17 filed by the Duke Power Company (the licensee) dated February 20, 1990, complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations as set forth in 10 CFR Chapter I;
 - B. The facility will operate in conformity with the application, the provisions of the Act, and the rules and regulations of the Commission;
 - C. There is reasonable assurance (i) that the activities authorized by this amendment can be conducted without endangering the health and safety of the public, and (ii) that such activities will be conducted in compliance with the Commission's regulations set forth in 10 CFR Chapter I;
 - D. The issuance of this amendment will not be inimical to the common defense and security or to the health and safety of the public; and
 - E. The issuance of this amendment is in accordance with 10 CFR Part 51 of the Commission's regulations and all applicable requirements have been satisfied.

2. Accordingly, the license is hereby amended by page changes to the Technical Specifications as indicated in the attachment to this license amendment, and Paragraph 2.C.(2) of Facility Operating License No. NPF-17 is hereby amended to read as follows:

Technical Specifications

The Technical Specifications contained in Appendix A, as revised through Amendment No. 93, are hereby incorporated into the license. The licensee shall operate the facility in accordance with the Technical Specifications and the Environmental Protection Plan.

3. This license amendment is effective as of its date of issuance.

FOR THE NUCLEAR REGULATORY COMMISSION



David B. Matthews, Director
Project Directorate II-3
Division of Reactor Projects-I/II
Office of Nuclear Reactor Regulation

Attachment:
Technical Specification
Changes

Date of Issuance: August 28, 1990

ATTACHMENT TO LICENSE AMENDMENT NO. 111

FACILITY OPERATING LICENSE NO. NPF-9

DOCKET NO. 50-369

AND

TO LICENSE AMENDMENT NO. 93

FACILITY OPERATING LICENSE NO. NPF-17

DOCKET NO. 50-370

Replace the following page of the Appendix "A" Technical Specifications with the enclosed page. The revised page is identified by Amendment number and contain vertical lines indicating the areas of change.

Remove Page

3/4 6-3

3/4 6-4

Insert Page

3/4 6-3

3/4 6-4

CONTAINMENT SYSTEMS

SURVEILLANCE REQUIREMENTS (Continued)

- a. Three Type A tests (Overall Integrated Containment Leakage Rate) shall be conducted at 40 ± 10 month intervals during shutdown at either P_a , 14.8 psig, or at P_t , 7.4 psig, during each 10-year service period. The third test of each set shall be conducted during the shutdown for the 10-year plant inservice inspection;*
- b. If any periodic Type A test fails to meet either $0.75 L_a$ or $0.75 L_t$, the test schedule for subsequent Type A tests shall be reviewed and approved by the Commission. If two consecutive Type A tests fail to meet either $0.75 L_a$ or $0.75 L_t$, a Type A test shall be performed at least every 18 months until two consecutive Type A tests meet either $0.75 L_a$ or $0.75 L_t$ at which time the above test schedule may be resumed;
- c. The accuracy of each Type A test shall be verified by a supplemental test which:
 - 1) Confirms the accuracy of the Type A test by verifying that the difference between supplemental and Type A test data is within $0.25 L_a$, or $0.25 L_t$;
 - 2) Has a duration sufficient to establish accurately the change in leakage rate between the Type A test and the supplemental test; and
 - 3) Requires the quantity of gas injected into the containment or bled from the containment during the supplemental test to be equivalent to at least 25% of the total measured leakage at P_a , 14.8 psig, or P_t , 7.4 psig.
- d. Type B and C tests shall be conducted with gas at P_a , 14.8 psig, at intervals no greater than 24 months except for tests involving:
 - 1) Air locks,
 - 2) Dual-ply bellows assemblies on containment penetrations between the containment building and the annulus, and
 - 3) Purge supply and exhaust isolation valves with resilient material seals.
 - 4) Type C tests performed on containment penetrations M372, M373 without draining the glycol-water mixture from the seats of their diaphragm valves (NF-228A, NF-233B, and NF-234A), if meeting a zero indicated leakage rate (not including instrument error) for the diaphragm valves. These tests may be used in lieu of tests which are otherwise required by Section III.C.2(a) of 10 CFR 50, Appendix J to use air or nitrogen as the test

*They Type A test on Unit 1 which is scheduled for the 10-year ISI outage (EOC 7, 1991) will be performed instead during the EOC 6 outage (1990). The 40 ± 10 month interval will be maintained. This constitutes an exemption to 10 CFR 50, Appendix J, Paragraph III.D.1.(a).

CONTAINMENT SYSTEMS

SURVEILLANCE REQUIREMENTS (Continued)

- medium. The above required test pressure (Pa) and test interval are not changed by this exception.
- e. Purge supply and exhaust isolation valves with resilient material seals shall be tested and demonstrated OPERABLE by the requirements of Specification 4.6.1.9.3 or 4.6.1.9.4, as applicable;
 - f. The combined bypass leakage rate shall be determined to be less than $0.07 L_v$ by applicable Type B and C tests at least once per 24 months except^a for penetrations which are not individually testable; penetrations not individually testable shall be determined to have no detectable leakage when tested with soap bubbles while the containment is pressurized to P_a , 14.8 psig, or P_t , 7.4 psig, during each Type A test;
 - g. Air locks shall be tested and demonstrated OPERABLE per Specification 4.6.1.3;
 - h. The space between each dual-ply bellows assembly on containment penetrations between the containment building and the annulus shall be vented to the annulus during Type A tests. Following completion of each Type A test, the space between each dual-ply bellows assembly shall be subjected to a low pressure test at 3-5 psig to verify no detectable leakage or the dual-ply bellows assembly shall be subjected to a leak test with the pressure on the containment side of the dual-ply bellows assembly at P_a , 14.8 psig, or P_t , 7.4; psig, to verify the leakage to be within the limits of t Specification 4.6.1.2f.;
 - i. All test leakage rates shall be calculated using observed data converted to absolute values. Error analyses shall be performed to select a balanced Integrated Leakage Measurement System; and
 - j. The provisions of Specification 4.0.2 are not applicable.

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of
DUKE POWER COMPANY
(McGuire Nuclear Station,
Unit 1)

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Docket No. 50-369

EXEMPTION REGARDING SCHEDULE FOR CONTAINMENT INTEGRATED
LEAK RATE TESTS

I.

Duke Power Company (the licensee) is the holder of Facility Operating License No. NPF-9 which authorizes operation of the McGuire Nuclear Station, Unit 1 (the facility) at steady state reactor power levels not in excess of 3411 megawatts thermal. The facility consists of a pressurized water reactor located at the licensee's site in Mecklenburg County, North Carolina. A second pressurized water reactor located at this site is not affected by this exemption. The license provides, among other things, that it is subject to all rules, regulations and orders of the Nuclear Regulatory Commission (the Commission) now or hereafter in effect.

II.

Section III.D.1.(a) of Appendix J to 10 CFR Part 50 requires the development of a program consisting of a schedule for periodic retesting the overall integrated leakage rate of the primary reactor containment (i.e., Type A tests). This section specifies that after the preoperational leakage rate tests, a set of three Type A tests shall be performed "at approximately equal intervals" during each 10-year service period. The third test of each set is required to be conducted "when the plant is shutdown for the 10-year plant inservice inspections" required by 10 CFR 50.55a.

III.

By letter dated February 20, 1990, the licensee, Duke Power Company, requested a one-time exemption from the requirements of 10 CFR Part 50, Appendix J, Section III.D.1.(a) regarding the Periodic Type A (containment integrated leak rate test) test schedule for the McGuire Nuclear Station, Unit 1. The licensee requested a one-time exemption for the scheduling of the third periodic Type A test. Appendix J requires that this test be performed during the 10-year inservice inspection (ISI) outage. The requested exemption would permit continued performance of Type A testing at the 40 ± 10 -month interval presently required by the plant Technical Specifications (TSs) with three tests required every 10 years. The proposed change would only relieve the licensee from the requirement of a Type A test during the first 10-year ISI outage. During the second 10-year service period, the licensee will be able to schedule the third Type A test to correspond with the ISI outage as required by Appendix J. The licensee also submitted proposed changes to the McGuire TSs to reflect the requested exemption.

IV.

Section III.D.1.(a) of Appendix J to 10 CFR Part 50 states that a set of three Type A tests shall be performed "at approximately equal intervals" during each 10-year service period. The third test of each set shall be conducted "when the plant is shutdown for the 10-year plant inservice inspections." The McGuire TSs repeat these requirements, except that "approximately equal intervals" is replaced with a more explicit interval, 40 ± 10 months.

The licensee submitted a proposed Type A test schedule based on a 40 ± 10 -month interval as required by the McGuire TSs. This schedule includes the tentative dates for Type A testing for the first two 10-year service periods. As scheduled, the third periodic Type A test for McGuire Unit 1 will be performed during the End-of-Cycle 6 (EOC 6) refueling outage in 1990. The following test, which would be the first test in the second 10-year service period, would be performed during the EOC 9 refueling outage in 1994. By the proposed schedule, the test interval of 40 ± 10 months would be maintained in accordance with the TSs.

The McGuire TS requirements presently conflict with requirements for the scheduled performance for the Type A testing delineated in 10 CFR Part 50, Appendix J, for performing the third Type A leak rate testing during the 10-year ISI. The first 10-year ISI is scheduled to occur during the EOC 7 refueling outage. Performing the test at that time would exceed the 50-month maximum interval allowed by the TSs. Type A testing during both the EOC 6 and EOC 7 outages would be necessary if the requested exemption is not granted. Results of previous tests demonstrate that changes in overall containment leakage rates occur over the course of several years and, therefore, are unlikely to be revealed over a one-year test interval. Moreover, performance of Type A tests during two successive refueling outages, (e.g., during the EOC 6 and EOC 7 outages) would be both excessive and unnecessary.

Granting the exemption would result in nearly equal intervals between tests, keep the testing within the 40 ± 10 -month interval, and eventually result in the sixth periodic test occurring during the second 10-year ISI outage, consistent with Appendix J. The Commission's staff considers the requirement that the third test occur during the 10-year ISI outage to be of minimal safety significance when compared to the actual interval between tests. The licensee's proposal maintains the appropriate interval between tests for ensuring containment leakage integrity. As further evidence of this, the staff has proposed a revision to Appendix J (51 FR 39538, October 29, 1986) that would eliminate the requirement that the third Type A test per 10-year service period coincide with the 10-year ISI. The staff, therefore, finds the requested exemption and associated TS change to be acceptable.

V.

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 determines 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 rule is to require Type A leak rate testing of the containment at periodic intervals sufficient to determine whether there has been degradation of containment leakage characteristics and to provide a basis for predicting future containment integrity. The test schedule to be implemented by the licensee

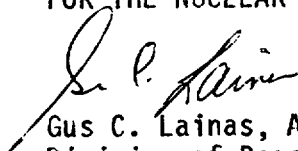
under the exempted regulation is sufficient to achieve this underlying purpose in that it provides for tests at appropriate intervals.

Accordingly, the Commission hereby grants an exemption as described in Section III above from Section III.D.1.(a) of Appendix J to 10 CFR Part 50 to the effect that the Type A test on McGuire Unit 1, that would otherwise be scheduled for the 10-year ISI outage (EOC 7, 1991), is authorized to be performed instead during the Unit 1 EOC 6 outage in 1990.

Pursuant to 10 CFR 51.32, the Commission has determined that the granting of this Exemption will not have a significant impact on the environment (August 24, 1990, 55 FR 34782).

This Exemption is effective upon issuance.

FOR THE NUCLEAR REGULATORY COMMISSION



Gus C. Lainas, Acting Director
Division of Reactor Projects - I/II
Office of Nuclear Reactor Regulation

Dated at Rockville, Maryland
this 28th day of August, 1990.



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

SAFETY EVALUATION BY THE OFFICE OF NUCLEAR REACTOR REGULATION
RELATED TO AMENDMENT NO. 111 TO FACILITY OPERATING LICENSE NPF-9
AND AMENDMENT NO. 93 TO FACILITY OPERATING LICENSE NPF-17
DUKE POWER COMPANY
DOCKET NOS. 50-369 AND 50-370
MCGUIRE NUCLEAR STATION, UNITS 1 AND 2

1.0 INTRODUCTION

By letter of February 20, 1990, Duke Power Company (the licensee) proposed amendments to change the Technical Specifications (TSs) for McGuire Nuclear Station, Units 1 and 2. The proposed change would add a footnote to the surveillance requirements of TS 4.6.1.2a. The footnote would state "The Type A test on Unit 1 which is scheduled for the 10-year ISI outage (EOC 7, 1991) will be performed instead during the EOC 6 outage (1990). The 40 ± 10 -month interval will be maintained. This constitutes an exemption to 10 CFR 50, Appendix J, Paragraph III.D.1(a)."

The proposed change (i.e., the new footnote) applies only to McGuire Unit 1. McGuire Unit 2 is affected by the amendments only administratively because it shares a common TS document with Unit 1.

The licensee's letter of February 20, 1990, also requested an exemption from the requirements of 10 CFR Part 50, Appendix J, Section III.D.1.(a) regarding the periodic Type A (containment integrated leak rate test) test schedule for McGuire Nuclear Station, Unit 1. The request is limited to a one-time exemption for the scheduling of the third periodic Type A test. Appendix J requires that this test be performed during the 10-year inservice inspection (ISI) outage. The requested exemption would permit continued performance of Type A testing at the 40 ± 10 -month interval presently required by the plant TSs with three tests required every 10 years. The proposed change would only relieve the licensee from the requirement of a Type A test during the first 10-year ISI outage. During the second 10-year service period, the licensee will be able to schedule the third Type A test to correspond with the ISI outage as required by Appendix J.

2.0 EVALUATION

TS 4.6.1.2 specifies test schedule requirements for demonstrating containment leakage rates determined in conformance with 10 CFR Part 50, Appendix J. TS

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4.6.1.2a includes requirements that a set of "Three Type A tests (Overall Integrated Containment Leakage Rate) shall be conducted at 40 ± 10 -month intervals during shutdown ... during each 10-year service period. The third test of each set shall be conducted during the shutdown for the 10-year plant inservice inspection." TS 4.6.1.2a is a repeat of Section III.D.1.(a) of Appendix J to 10 CFR Part 50, except that the " 40 ± 10 month interval" in the TS is replaced by a more general requirement of "approximately equal intervals" in Appendix J.

The licensee submitted a proposed Type A test scheduled based on a 40 ± 10 -month interval as required by the McGuire TS. This schedule includes the tentative dates for Type A testing for the first two 10-year service periods. As scheduled, the third periodic Type A test for McGuire Unit 1 will be performed during the End-of-Cycle 6 (EOC 6) refueling outage in 1990. The following test, which would be the first test in the second 10-year service period, would be performed during the EOC 9 refueling outage in 1994. By the proposed schedule, the test interval of 40 ± 10 months would be maintained in accordance with the TSs.

The McGuire TS requirements presently conflict with requirements for the scheduled performance of the Type A testing delineated in 10 CFR Part 50, Appendix J, for performing the third Type A leak rate testing during the 10-year ISI. The first 10-year ISI for McGuire Unit 1 is scheduled to occur during the EOC 7 refueling outage. Performing the test at that time would exceed the 50-month maximum interval allowed by the TSs. Type A testing during both EOC 6 and EOC 7 would be required to comply with Section III.D.1.(a) of Appendix J. However, the NRC has granted an exemption for Unit 1 which makes these successive tests unnecessary.

The proposed TS change and exemption allow nearly equal intervals to be maintained between tests, keep the testing within the 40 ± 10 -month interval, and will eventually result in the sixth periodic test occurring during the second 10-year ISI outage. As noted in the associated exemption, the NRC staff considers the requirement that the third test occur during the 10-year ISI outage to be of minimal safety significance when compared to the actual interval between tests. The licensee's proposal maintains the appropriate interval between tests for ensuring containment leakage integrity. As further evidence of this, the staff has proposed a revision to Appendix J (51 FR 39538, October 29, 1986) that would eliminate the requirement that the third Type A test per 10-year service period coincide with the 10-year ISI. The proposed TS change will not adversely impact containment integrity nor the testing to determine containment integrity. The staff, therefore, finds the requested TS change to be acceptable.

3.0 ENVIRONMENTAL CONSIDERATION

These amendments involve a change in surveillance requirements. The staff has determined that the amendments involve no significant increase in the amounts, and no significant change in the types, of any effluents that may be released offsite and that there is no significant increase in individual or cumulative

occupational radiation exposure. The NRC staff has previously issued a proposed finding that the amendments involve no significant hazards consideration, and there has been no public comment on such finding. Accordingly, the amendments meet the eligibility criteria for categorical exclusion set forth in 10 CFR 51.22(c)(9). Pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared in connection with the issuance of these amendments.

4.0 CONCLUSION

The Commission's proposed determination that the amendments involve no significant hazards consideration was published in the Federal Register (55 FR 10532) on March 21, 1990. The Commission consulted with the State of North Carolina. No public comments were received, and the State of North Carolina did not have any comments.

We have concluded, based on the considerations discussed above, that: (1) there is reasonable assurance that the health and safety of the public will not be endangered by operation in the proposed manner, and (2) such activities will be conducted in compliance with the Commission's regulations, and the issuance of these amendments will not be inimical to the common defense and security or to the health and safety of the public.

Principal Contributor: D. Hood, PD#II-3/DRP-I/II

Dated: August 28, 1990