

August 31, 1995

Mr. William T. Cottle
Group Vice-President, Nuclear
Houston Lighting & Power Company
South Texas Project Electric
Generating Station
P. O. Box 289
Wadsworth, TX 77483

SUBJECT: ISSUANCE OF EXEMPTION FROM THE REQUIREMENTS OF 10 CFR PART 50,
APPENDIX J, SECTION III.D.3, SOUTH TEXAS PROJECT, UNITS 1 AND 2
(STP) (TAC NOS. M92515 AND 92516)

Dear Mr. Cottle:

The Commission has issued the enclosed exemption from certain requirements of 10 CFR Part 50, Appendix J, to allow the performance of the required periodic Type C tests during power operation. This exemption is in response to your application dated May 25, 1995.

The Commission has granted this Exemption pursuant to 10 CFR 50.12. A copy of the Exemption is being forwarded to the Office of the Federal Register for publication.

Sincerely,

ORIGINAL SIGNED BY:
Thomas W. Alexion, Project Manager
Project Directorate IV-1
Division of Reactor Projects - III/IV
Office of Nuclear Reactor Regulation

Docket Nos. 50-498 and 50-499

Enclosure: Exemption

cc w/encl: See next page

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UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

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Group Vice-President, Nuclear
Houston Lighting & Power Company
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Sincerely,

A handwritten signature in cursive script, reading "Thomas W. Alexion", is positioned above the typed name and title.

Thomas W. Alexion, Project Manager
Project Directorate IV-1
Division of Reactor Projects III/IV
Office of Nuclear Reactor Regulation

Docket Nos. 50-498 and 50-499

Enclosure: Exemption

cc w/encl: See next page

Mr. William T. Cottle
Houston Lighting & Power Company

South Texas, Units 1 & 2

cc:

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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of)	
)	
HOUSTON LIGHTING & POWER COMPANY)	Docket Nos. 50-498 and 50-499
CITY PUBLIC SERVICE BOARD OF SAN ANTONIO)	
CENTRAL POWER AND LIGHT COMPANY)	
CITY OF AUSTIN, TEXAS)	
)	
(South Texas Project, Units 1 and 2))	

EXEMPTION

I.

Houston Lighting & Power Company, (the licensee) is the holder of Facility Operating License Nos. NPF-76 and NPF-80, which authorizes operation of the South Texas Project, Units 1 and 2 (STP). The operating licenses provide, among other things, that the licensee is subject to all rules, regulations, and orders of the Commission now and hereafter in effect.

The facilities consist of two pressurized water reactors at the licensee's site in Matagorda County, Texas.

II.

Section III.D.3 of Appendix J to 10 CFR Part 50 states that Type C tests shall be performed during each reactor shutdown for refueling but in no case at intervals greater than 2 years. Type C tests are tests intended to measure containment isolation valve leakage rates.

III.

By letter dated May 25, 1995, Houston Lighting & Power (HL&P) requested relief from the requirement to perform Type C tests during each reactor shutdown for refueling. HL&P proposes to perform the required Type C tests while the plant is at power.

The licensee's request cites the special circumstances of 10 CFR 50.12, paragraph (a)(2)(ii), as the basis for the exemption. The licensee states that the underlying purpose of the rule is to assure that adequate testing is done to assure containment integrity. The licensee's view is that from the standpoint of testing adequacy, when the testing is performed is not relevant because the conditions of testing are the same regardless of when it is performed. Taking credit for testing performed during power operation provides the same degree of assurance of containment integrity as taking credit for testing performed during shutdown. Therefore, consistent with 10 CFR 50.12, paragraph (a)(2)(ii), the licensee proposes that application of the regulation in this particular circumstance is not necessary to achieve the underlying purpose of the rule.

IV.

Section III.D.3 of Appendix J to 10 CFR Part 50 states that Type C tests shall be performed during each reactor shutdown for refueling but in no case at intervals greater than 2 years. The licensee proposes an exemption to this section to perform the required Type C tests while the plant is at power.

The Commission has determined that pursuant to 10 CFR 50.12(a)(1) that this exemption is authorized by law, will not present an undue risk to the

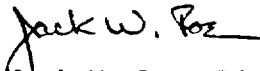
public health and safety, and is consistent with the common defense and security. The Commission further determines that special circumstances, as provided in 10 CFR 50.12(a)(2)(ii), are present justifying the exemption; namely, that application of the regulation in this particular circumstance is not necessary to achieve the underlying purpose of the rule.

The NRC staff has reviewed the basis and supporting information provided by the licensee in the exemption request. The staff agrees with the licensee's views provided above. In addition, the NRC staff position is that the focus of Section III.D.3 of Appendix J is on the maximum time period between Type C tests, not the plant's condition when the tests are performed. This position is illustrated in Section III.D.2 of Appendix J regarding Type B tests (for detection of local leakage of containment penetrations), where it states that Type B tests shall be performed during reactor shutdown for refueling, or other convenient intervals, but in no case at intervals greater than 2 years. From a safety standpoint, Type B and Type C tests are the same kinds of tests, performed on somewhat different types of containment isolation barriers; therefore, Type B and Type C tests can be treated similarly. Also, there is no reason to restrict Type C tests to refueling outages as long as the 2-year maximum interval is not exceeded. Based on the above, the NRC staff finds the basis for the licensee's proposed exemption from the requirement to perform the Type C tests during each reactor shutdown for refueling to be acceptable.

Pursuant to 10 CFR 51.32, the Commission has determined that the granting of this Exemption will not have a significant impact on the quality of the human environment (60 FR 45171). This exemption is effective upon issuance.

Dated at Rockville, Maryland, this 31st day of August 1995.

FOR THE NUCLEAR REGULATORY COMMISSION



Jack W. Roe, Director
Division of Reactor Projects III/IV
Office of Nuclear Reactor Regulation