



UNITED STATES  
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001  
December 20, 1994

*Docket  
File*

Mr. B. Ralph Sylvia  
Executive Vice President, Nuclear  
Niagara Mohawk Power Corporation  
Nine Mile Point Nuclear Station  
P.O. Box 63  
Lycoming, NY 13093

SUBJECT: ISSUANCE OF SCHEDULAR EXEMPTION FROM THE REQUIREMENTS OF 10 CFR  
PART 50, APPENDIX J, FOR NINE MILE POINT UNIT NO. 1 REGARDING  
DELAY OF NEXT REQUIRED TYPE A LEAKAGE RATE TEST (TAC NO. M90279)

Dear Mr. Sylvia:

By letter dated August 26, 1994, Niagara Mohawk Power Corporation (NMPC) requested a one-time only schedular exemption to delay performance of a Type A test for a period of approximately 24 months. The requested temporary exemption would permit the third test of the containment's second 10-year inservice inspection period to correspond with the end of the current American Society of Mechanical Engineers Boiler and Pressure Vessel Code (ASME Code) inservice inspection interval.

The NRC staff has reviewed the information provided in support of NMPC's schedular exemption request. On the basis of the submitted information and as discussed in the enclosed Exemption, the NRC staff has concluded that there is a high degree of confidence that the containment will not degrade to an unacceptable extent while this Exemption is in effect. Thus, the NRC staff has concluded that your request is justified and your request for a schedular exemption to delay performance of the third Type A test until the 1997 refueling outage is granted.

We find that granting the Exemption from the requirements of 10 CFR Part 50, Appendix J, Section III.D.1.(a), is authorized by law, will not present an undue risk to public health and safety, is consistent with the common defense and security, and meets the special circumstances described in 10 CFR 50.12(a)(2)(ii).

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B. Ralph Sylvia  
Niagara Mohawk Power Corporation

Nine Mile Point Nuclear Station  
Unit No. 1

cc:

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Regional Administrator, Region I  
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Ms. Donna Ross  
New York State Energy Office  
2 Empire State Plaza  
16th Floor  
Albany, NY 12223



B. Sylvia

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December 20, 1994

A copy of the Exemption is enclosed. The Exemption has been forwarded to the Office of the Federal Register for publication.

Sincerely,

Original signed by

Michael J. Case, Acting Director  
Project Directorate I-1  
Division of Reactor Projects - I/II  
Office of Nuclear Reactor Regulation

Docket No. 50-220

Enclosure: Exemption

cc w/encl: See next page

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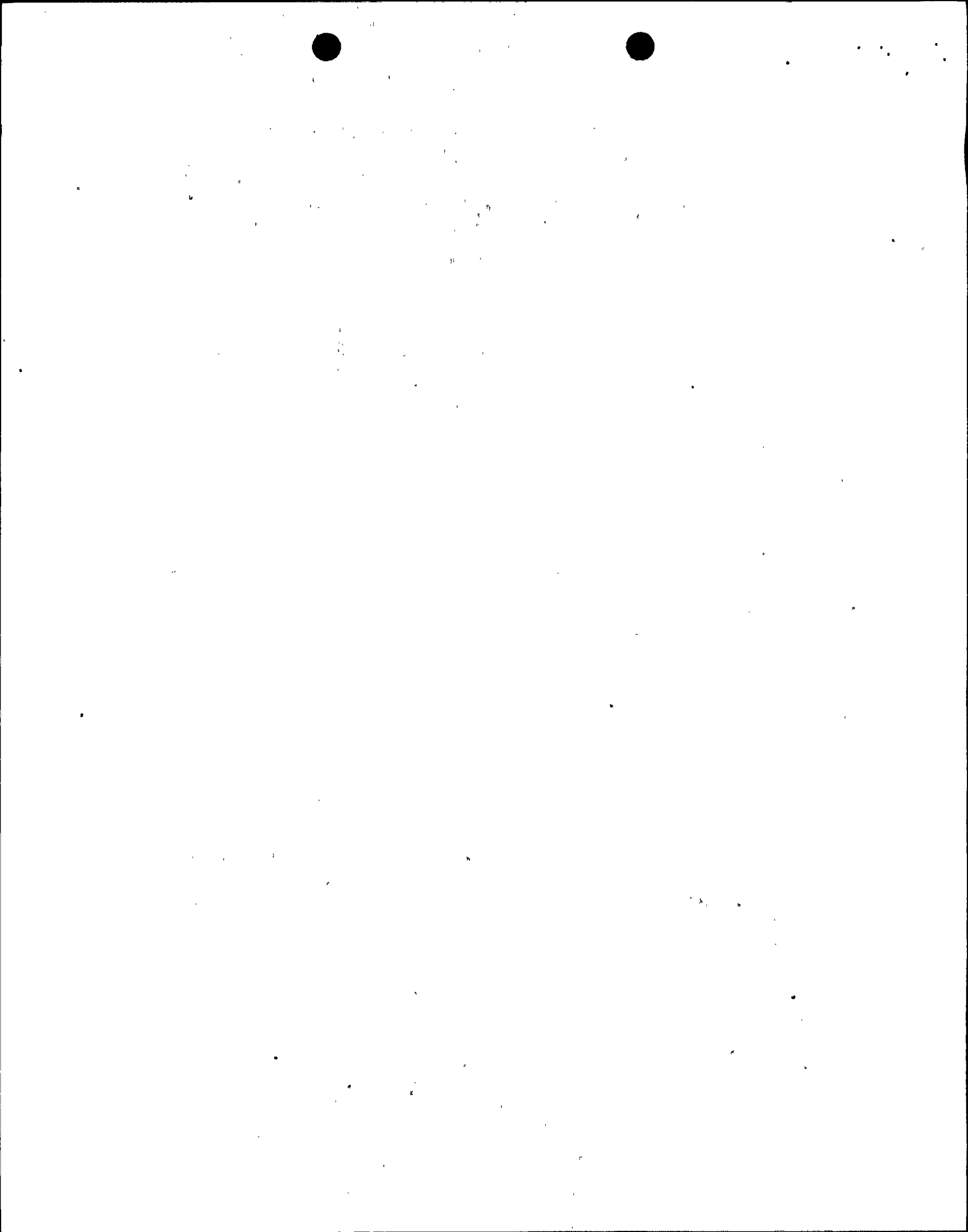
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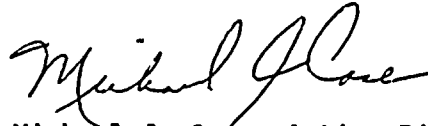
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Sincerely,



Michael J. Case, Acting Director  
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