

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of)	
NIAGARA MOHAWK POWER CORPORATION)	Docket No. 50-220
)	
(Nine Mile Point Nuclear Station)	
Unit No. 1))	

EXEMPTION

I.

Niagara Mohawk Power Corporation (NMPC or the licensee) is the holder of Facility Operating License No. DPR-63, which authorizes operation of Nine Mile Point Nuclear Station Unit No. 1 (the facility or NMPI), at a steady-state reactor power level not in excess of 1850 megawatts thermal. The facility is a boiling water reactor located at the licensee's site in Oswego County, New York. The license provides among other things, that it is subject to all rules, regulations, and Orders of the U.S. Nuclear Regulatory Commission (the Commission or NRC) now or hereafter in effect.

II.

Section III.D.1.(a) of Appendix J to 10 CFR Part 50 requires the performance of three Type A containment leakage rate tests, at approximately equal intervals during each 10-year service period of the primary containment. The third test of each set shall be conducted when the plant is shutdown for the 10-year inservice inspection of the primary containment.

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III.

By letter dated August 26, 1994, NMPC requested temporary relief from the requirement to perform a set of three Type A tests at approximately equal intervals during each 10-year service period of the primary containment. The requested exemption would permit a one-time extension of the second 10-year service period of approximately 24 months (from the 1995 refueling outage, currently scheduled to begin in February 1995, to the 1997 refueling outage). The requested temporary relief 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.

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 service period.

The requirement to perform a set of three Type A leakage rate tests at approximately equal intervals during each 10-year containment service period provides assurance that the containment is leak tight. Type A leakage rate tests were performed as required by Appendix J during the first 10-year containment service period (1974-1984). The second 10-year containment service period is scheduled to end in December 1994.

Due to a lengthy outage for the replacement of reactor recirculation piping, the first ASME Code required Inservice Inspection (ISI) 10-year interval was extended to June 1986. An extended refueling outage (January 1987 to July 1990) resulted in the second 10-year ISI interval being



extended to December 1998. These extensions were made in accordance with the provisions of Section XI of the ASME Code and have resulted in the ISI intervals being decoupled from the Type A leakage test intervals since Appendix J does not contain any provisions for adjusting the 10-year intervals as does the ASME Code for extended outages.

Two Type A tests have already been performed (May 1990 and April 1993) during the second 10-year containment service interval. Since this second interval is scheduled to end in December 1994, the third test would be required during the next refueling outage (February 1995). However, in an attempt to recouple the schedule for the Type A tests with the ISI schedule and to avoid performing an additional Type A test, the licensee has proposed to extend the third Type A test of the second interval until the 1997 refueling outage and to perform the final tests of the second ISI interval at that time. This action would eliminate the need to perform an extra Type A test which could otherwise be required (one test in 1995 and another in 1997) while recoupling the Type A test schedule with the ISI schedule.

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 Section III.D.1.(a) of Appendix J to 10 CFR Part 50 is to provide an interval



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short enough to prevent serious deterioration from occurring between tests and long enough to permit testing to be performed during regular plant outages.

The last Type A test was performed in April 1993. Performance of another Type A test in February 1995 would result in a test interval of only 22 months. Whereas if the 10-year interval was equally divided into three intervals, each test interval would be 40 months. Delaying the next Type A test until the 1997 refueling outage would result in a test interval of approximately 46 months since NMP1 is currently operating on a 24-month fuel cycle. The 46-month test interval would be consistent with the NRC staff's current position (as reflected in the NRC's Standard Technical Specifications) that Type A test intervals should be 40 ± 10 months. Furthermore, the licensee has presented the following information which gives a high degree of confidence that the containment will not degrade to an unacceptable extent while this exemption is in effect:

1. The two most recent Type A test data show that the "as left" leakage rates (0.4634% wt/day and 0.4634% wt/day, respectively) were well within the acceptance limit of 0.75 Lt (0.892% wt/day).
2. There have been no permanent or temporary modifications to the containment structure, liner, or penetrations since the last Type A test that could adversely affect the Type A test results.
3. No modifications that require a Type A test are planned prior to the 1997 refueling outage.
4. There have been no pressure or temperature excursions in the containment which could have adversely affected containment integrity.



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Pursuant to 10 CFR 51.32, the Commission has determined that granting this Exemption will not have a significant impact on the environment (59 FR 62752).

This Exemption is effective upon issuance and shall expire at the completion of the 1997 refueling outage.

FOR THE NUCLEAR REGULATORY COMMISSION

Original signed by

Steven A. Varga, Director
Division of Reactor Projects - I/II
Office of Nuclear Reactor Regulation

Dated at Rockville, Maryland,
this 20th day of December 1994

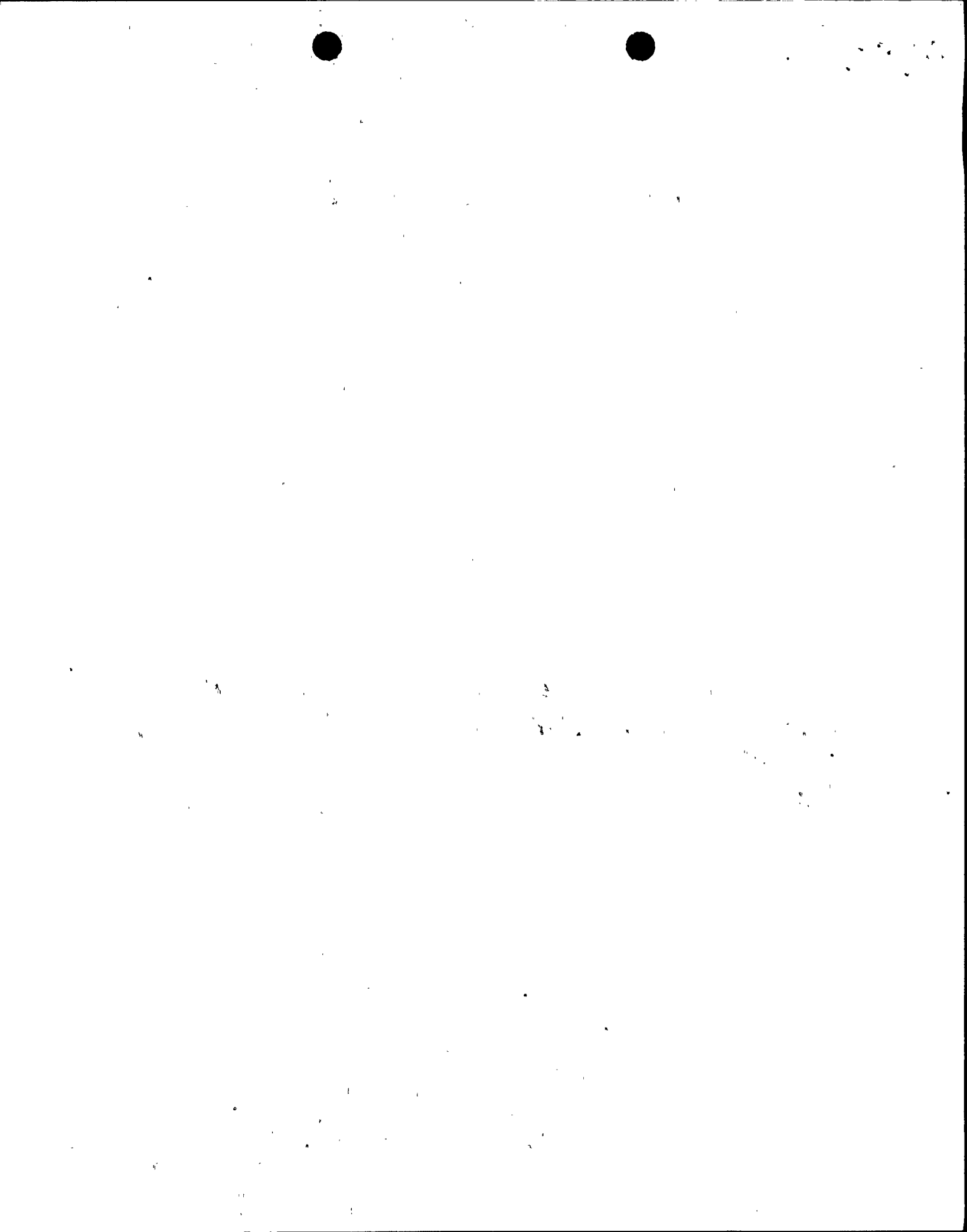
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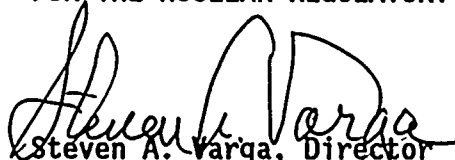
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