

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of)
ENTERGY OPERATIONS, INC.) Docket No. 50-458
(River Bend Station, Unit 1))

EXEMPTION

I.

On November 20, 1935, the Commission issued Facility Operating License No. NPF-47 to Gulf States Utilities Company (GSU) and Cajun Electric Power Cooperative (the licensees) for River Bend Station, Unit 1. The license provided, among other things, that the facility is subject to all rules, regulations, and orders of the Commission.

II.

Appendix J of Part 50 of Title 10 of the Code of Federal Regulations, "Primary Reactor Containment Leakage Testing for Water-Cooled Reactors," Section III.D.3 requires that Type C leak rate tests be performed each reactor shutdown for refueling, but in no case at intervals to exceed 2 years.

By letter dated November 18, 1993, as supplemented by letter dated December 21, 1993, GSU requested a one-time exemption to the schedular requirements for performing Appendix J, Type C, leak rate testing. River Bend was last shutdown for refueling from March 12, 1992, to September 8, 1992 and the Type C local leak rate testing was performed. River Bend experienced several forced outages since then which, combined with the 6-month refueling outage have impacted the 24-month surveillance interval required by Technical Specifications. Consequently, the first of these surveillances are due to be

performed 29 days before the next scheduled refueling outage. This exemption would provide an extension of 29 days to allow the testing of 20 containment isolation valves to be delayed until the upcoming refueling outage currently scheduled to begin April 16, 1994. This would allow the licensee to avoid the thermal transients and personnel exposures associated with shutting the plant down solely to perform leakage testing. The licensee will make a good faith effort to complete the surveillance tests within the current frequency if an outage of sufficient length occurs prior to the refueling outage.

The licensee has demonstrated that the valves in question are not subject to degradation based on the results of leakage tests from the previous refueling outage. These tests showed that substantial margin existed between the allowed leakage and the as-left leakage and that the affected valves provide only a small contribution to the overall allowable leakage rate.

III.

Section 50.12 of the Commission's regulations permit the granting of an exemption from the regulations when special circumstances are present. According to 50.12(a)(2)(ii), special circumstances are present whenever application of the regulation in question is not necessary to achieve the underlying purpose of the rule.

The underlying purpose of Appendix J, Section III.D.3 is to assure a leak tight containment to mitigate the consequences of an accident. The past leak rate data and available margin to that allowed by the Technical Specifications is sufficient to assure that the underlying purpose of Appendix J, Section III.D.3 is fulfilled. Therefore, the staff has determined that the special circumstances as described in 10 CFR 50.12(a)(2)(ii) exist in

that the application of the regulation is not necessary to achieve the underlying purpose of the rule.

IV.

Accordingly, the Commission has determined that, pursuant to 10 CFR 50.12, 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.

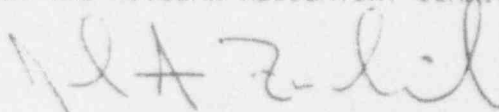
Accordingly, the Commission hereby grants an exemption from 10 CFR Part 50, Appendix J, Section III.D.3.

Pursuant to 10 CFR 51.32, the Commission has determined that the granting of the Exemption will have no significant impact on the environment (58 FR 68969).

This Exemption is effective upon issuance.

Dated at Rockville, Maryland, this 2nd day of February 1994.

FOR THE NUCLEAR REGULATORY COMMISSION



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