

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of	}	
TENNESSEE VALLEY AUTHORITY		Docket No. 50-327
(Sequoyah Nuclear Plant, Unit 1)		

EXEMPTION

I.

The Tennessee Valley Authority (the licensee) is the holder of Facility Operating License No. DPR-77 which authorizes operation of the Sequoyah Nuclear Plant (SQN), Unit 1. This license provides that, among other things, the facility is subject to all rules, regulations, and orders of the Commission now or hereafter in effect.

The Sequoyah Unit 1 facility is a pressurized water reactor located at the licensee's site in Hamilton County, Tennessee.

II.

Sections III.D.2(a) and III.D.3 of Appendix J to 10 CFR Part 50, require Type B and C leakage tests on containment penetrations and isolation valves, respectively, at intervals in no case greater than two years.

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PDR ADOCK 05000327
P PNU

Sequoyah Unit 1 was shut down for refueling on August 22, 1985. During refueling from late August 1985 to late November 1985 all Unit 1 Type B and C tests were performed. Since that time, Unit 1 has remained in cold shutdown (Mode 5). The end of the two year test interval for Type B and C tests expired in late August to November 1987. Because the Unit 1 outage had extended past August 1987, the licensee in its letter dated August 5, 1987, requested that the Type B and C tests be deferred on a one-time basis until before Unit 1 enters Mode 4 in its return to power from this outage.

The licensee contended that an exemption from the Type B and C test frequency requirements is warranted on the following bases:

1. NRC proposed amendments to 10 CFR Part 50, Appendix J (reference pages 9 and 10 of the October 1986 Draft Regulatory Document prepared under Task MS 021-5) would supplement the two-year Type B and C test schedule with the following sentence: "If the two-year interval ends while primary containment integrity is not required, the test interval may be extended provided all deferred testing is successfully completed before containment integrity is required in the plant."
2. SQN Unit 1 Technical Specifications 3.6.1.1 and 3.6.1.2 require that primary containment integrity be maintained only when in Modes 1, 2, 3 and 4. In these modes, Type B and C tests are required for maintaining containment integrity.

3. Relief from testing is warranted under 10 CFR 50.12(a)(2)(iii) because compliance with the two-year test requirement would "result in undue hardship and costs that are significantly in excess of those contemplated when the regulation was adopted." The licensee also considers 10 CFR 50.12(a)(2)(v) to be applicable because this exemption would "provide only temporary relief from the applicable regulation."

The staff has considered the Appendix J exemption request from the Type B and C tests and has concluded that it is justified on a one-time basis since Unit 1 has been in Mode 5 (cold shutdown) for this period and containment integrity is not required when the reactor is in the cold shutdown condition. Furthermore, prior to entering Mode 4 (Heatup at Power), the licensee will conduct the Type B and C leakage tests in order to ensure containment integrity. Accordingly, the staff concludes that this Appendix J exemption is justified.

III.

The Commission has evaluated the requested exemption and determined that the application of the regulations in these particular circumstances is not necessary to achieve the underlying purpose of the rule in that the licensee's proposed Type B and C testing schedule meets the underlying intent of Appendix J which is to provide containment integrity during reactor operating modes when the containment is required to mitigate the consequences of a Design Basis Accident.

Because the plant has remained in Mode 5 since August 1987 and primary containment integrity has not been required, conducting the Type B and C tests at that time was not necessary to achieve the underlying purpose of the rule which is to demonstrate that the containment has integrity for operation (i.e., reactor Modes 1 to 4). Such integrity will be assured through conducting the Type B and C tests prior to entry into Modes 1 to 4. Therefore, application of the rule in these particular circumstances is not necessary to achieve the underlying purpose of the rule and the proposed exemption meets 10 CFR 50.12(a)(2)(ii).

IV.

Accordingly, the Commission has determined that, pursuant to 10 CFR 50.12, the exemption is authorized by law, will not present an undue risk to public health and safety, and is consistent with the common defense and security. The Commission further determines that special circumstances provided in 10 CFR 50.12(a)(2)(ii) justify granting the exemption.

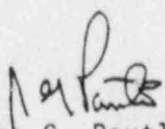
The Commission hereby grants a one-time exemption from the schedular requirements of Appendix J to 10 CFR Part 50. Paragraphs III.D.2.(a) and III.D.3, to the licensee for operation of the Sequoyah Nuclear Plant, Unit 1, based on the condition that the required testing be conducted prior to entry into Mode 4.

Pursuant to 10 CFR 51.32, the Commission has determined that the issuance of this exemption will not have a significant adverse impact on the quality of the human environment (53 FR 23706, June 23, 1988).

This exemption is effective upon issuance.

Dated at Rockville, Maryland, this 14th day of July, 1988.

FOR THE NUCLEAR REGULATORY COMMISSION


James G. Partlow, Director
Office of Special Projects

July 14, 1988

Docket No. 50-327

Distribution

Mr. S. A. White
Senior Vice President, Nuclear Power
Tennessee Valley Authority
6N 38A Lookout Place
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Docket File	EJordan	BDLiaw
NCR PDR	JPartlow	FMcCoy
Local PDR	ACRS (10)	FMiraglia
JPartlow	GPA/PA	GPA/CA
JAxelrad	SQN Rdg.	ARM/LFMB
SFlack	Projects Rdg.	OGC
MSimms	JRutberg	TRotella
JDonohew	TVA-Rockville	SRichardson
TBarnhart(4)		

Dear Mr. White:

SUBJECT: EXEMPTION FROM 10 CFR Part 50, APPENDIX J, TYPE B AND C LEAK RATE TESTING (TAC R00219) - SEQUOYAH NUCLEAR PLANT, UNIT 1

In its letter dated August 5, 1987, the Tennessee Valley Authority (TVA) stated that Unit 1 was shut down on August 22, 1985, and, in August to November 1985, the Type B and C tests were performed. Since then, Unit 1 has remained in cold shutdown and the two-year test interval for the Type B and C tests expired in August to November 1987. Because Unit 1 has remained in cold shutdown (Mode 5), where containment integrity has not been required, since August 1987, TVA requested that the Type B and C tests be deferred for Unit 1 until before the unit enters Mode 4 when containment integrity is required.

The Commission has issued the enclosed one-time scheduler exemption for Unit 1 from the two-year frequency requirement for Type B and C testing in Appendix J of 10 CFR Part 50, paragraphs III.D.2.(a) and III.D.3. These paragraphs state that the tests shall be performed during each reactor shutdown for refueling but in no case at intervals greater than 2 years. These tests will be performed before the containment is required to be operable during the return to power from this extended outage.

Sincerely,

Original Signed by

Suzanne Black, Assistant Director
for Projects
TVA Project Division
Office of Special Projects

Enclosure:
Exemption

cc w/enclosure:
See next page

*SEE PREVIOUS CONCURRENCE

OSP:TVA:PM*	OSP:TVA:A/LA*
JDonohew:dw	MSimms
6/28/88	6/28/88

OGC*	TVA:AD/P*
SLewis	SBlack
6/24/88	6/29/88

TVA:A/DIR*
SRichardson
6/29/88

OSP:DDJ
JAxelrad
7/14/88

OSP:D
JPartlow
7/14/88

File 7/12
5007260092
318

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Tennessee Valley Authority

Sequoyah Nuclear Plant

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County Judge
Hamilton County Courthouse
Chattanooga, Tennessee 37402

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The Sequoyah Unit 1 facility is a pressurized water reactor located at the licensee's site in Hamilton County, Tennessee.

II.

Sections III.D.2(a) and III.D.3 of Appendix J to 10 CFR Part 50, require Type B and C leakage tests on containment penetrations and isolation valves, respectively, at intervals in no case greater than two years.

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The licensee contended that an exemption from the Type B and C test frequency requirements is warranted on the following bases:

1. NRC proposed amendments to 10 CFR Part 50, Appendix J (reference pages 9 and 10 of the October 1986 Draft Regulatory Document prepared under Task MS 021-5) would supplement the two-year Type B and C test schedule with the following sentence: "If the two-year interval ends while primary containment integrity is not required, the test interval may be extended provided all deferred testing is successfully completed before containment integrity is required in the plant."
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The staff has considered the Appendix J exemption request from the Type B and C tests and has concluded that it is justified on a one-time basis since Unit 1 has been in Mode 5 (cold shutdown) for this period and containment integrity is not required when the reactor is in the cold shutdown condition. Furthermore, prior to entering Mode 4 (Heatup at Power), the licensee will conduct the Type B and C leakage tests in order to ensure containment integrity. Accordingly, the staff concludes that this Appendix J exemption is justified.

III.

The Commission has evaluated the requested exemption and determined that the application of the regulations in these particular circumstances is not necessary to achieve the underlying purpose of the rule in that the licensee's proposed Type B and C testing schedule meets the underlying intent of Appendix J which is to provide containment integrity during reactor operating modes when the containment is required to mitigate the consequences of a Design Basis Accident.

Because the plant has remained in Mode 5 since August 1987 and primary containment integrity has not been required, conducting the Type B and C tests at that time was not necessary to achieve the underlying purpose of the rule which is to demonstrate that the containment has integrity for operation (i.e., reactor Modes 1 to 4). Such integrity will be assured through conducting the Type B and C tests prior to entry into Modes 1 to 4. Therefore, application of the rule in these particular circumstances is not necessary to achieve the underlying purpose of the rule and the proposed exemption meets 10 CFR 50.12(a)(2)(ii).

IV.

Accordingly, the Commission has determined that, pursuant to 10 CFR 50.12, the exemption is authorized by law, will not present an undue risk to public health and safety, and is consistent with the common defense and security. The Commission further determines that special circumstances provided in 10 CFR 50.12(a)(2)(ii) justify granting the exemption.

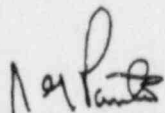
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Pursuant to 10 CFR 51.32, the Commission has determined that the issuance of this exemption will not have a significant adverse impact on the quality of the human environment (53 FR 23706, June 23, 1988).

This exemption is effective upon issuance.

Dated at Rockville, Maryland, this 14th day of July, 1988.

FOR THE NUCLEAR REGULATORY COMMISSION


James G. Partlow, Director
Office of Special Projects

July 14, 1988

Docket No. 50-327

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Docket File	EJordan	BDLiaw
NCR PDR	JPartlow	FMcCoy
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Exemption

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* OSP:DD
JAxelrad
7/14/88

OSP:D
JPartlow
7/14/88

See file
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Tennessee Valley Authority

Sequoyah Nuclear Plant

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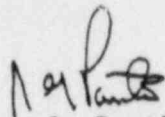
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