

Commission's Public Document Room, The Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room located at the Joseph P. Mann Library, 1516 Sixteenth Street, Two Rivers, Wisconsin 54241.

Dated at Rockville, Maryland, this 17th day of November 1995.

For the Nuclear Regulatory Commission.  
Gail H. Marcus,

*Director, Project Directorate III-3, Division of Reactor Projects—III/IV, Office of Nuclear Reactor Regulation.*

[FR Doc. 95-28979 Filed 11-27-95; 8:45 am]

BILLING CODE 7590-01-P

**[Docket Nos. 50-295 and 50-304]**

**In the Matter of: Commonwealth Edison Company (Zion Nuclear Power Station, Unit Nos. 1 and 2); Exemption**

**I.**

Commonwealth Edison Company (ComEd or the licensee) is the holder of Facility Operating License Nos. DPR-39 and DPR-48, which authorize operation of the Zion Nuclear Power Station, Unit Nos. 1 and 2, at a steady-state reactor power level not in excess of 3250 megawatts thermal. The facilities are pressurized water reactors located at the licensee's site in Lake County, Illinois. The licenses provide, among other things, that the Zion Nuclear Power Station 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.**

Sections III.B and III.D.2.(a) of 10 CFR Part 50, Appendix J, Option A, require that Type B local leakage rate periodic tests shall be performed during reactor shutdown for refueling, or other convenient intervals, but in no case at intervals greater than 2 years. In addition, Sections III.C and III.D.3 of 10 CFR Part 50, Appendix J, Option A, require that Type C local leakage rate periodic tests shall be performed during each reactor shutdown for refueling, but in no case at intervals greater than 2 years. These requirements are reflected in the Zion Technical Specifications (TS) as requirements to perform Type B and C containment leakage rate testing in accordance with 10 CFR Part 50, Appendix J and approved exemptions.

**III.**

The licensee has determined that certain containment isolation pathways have not been locally leakage rate tested (Type B and C tests) as required by 10 CFR Part 50, Appendix J, Option A.

There were 23 untested pathways in Unit 1 and 18 in Unit 2. In a letter dated August 16, 1995, the licensee requested relief from the requirement to perform the Type B and C containment leakage rate tests of certain penetrations and valves in these pathways in accordance with the requirements of Sections III.B, III.C and III.D of 10 CFR Part 50, Appendix J, Option A. Continued operation of the Zion units was authorized by a Notice of Enforcement Discretion (NOED) orally granted on August 15, 1995, until such time as the staff acted on the exemption requests. The NOED was granted in writing on August 16, 1995.

If the exemptions the licensee requested in its letter dated August 16, 1995, are granted, the tests, except those for which permanent exemptions were requested, would be performed: (1) during the fall 1995 Unit 1 refueling outage, or (2) during power operation on Unit 2 prior to September 15, 1995, or (3) during the Unit 2 refueling outage in the fall of 1996.

Attachment 1A of the licensee's letter contained one-time schedular exemption requests and justifications for pathways that can be tested at power. Although the tests can be performed with the units at power, time was needed to properly develop and perform the necessary test procedures. Accordingly, the licensee requested that the Type B and C testing of the pathways associated with Zion, Unit 2, be deferred, with final test completion of the affected pathways (as listed in Attachment 1A) prior to September 15, 1995. The tests have been completed on Unit 2. In addition, the licensee requested that the affected penetrations associated with Zion, Unit 1, be deferred until the completion of its current refueling outage, which began on September 9, 1995.

Attachment 1B of the licensee's letter also contains one-time schedular exemption requests and justifications for pathways that can only be tested with the unit shutdown. The tests of the penetrations listed in Attachment 1B would be performed during the next cold shutdown of sufficient duration. In all cases, the testing would be performed prior to the end of the next refueling outage on each unit. The refueling outage is currently in progress for Unit 1 and is planned for the fall of 1996 for Unit 2.

Attachment 2 of the licensee's letter contains permanent exemption requests and justifications for pathways that cannot satisfy the requirements of 10 CFR Part 50, Appendix J, Option A, due to system/penetration design; that is, a

test is not feasible, without making physical plant modifications.

*Pathways Listed in Licensee's Attachment 1A*

Attachment 1A of the licensee's letter requested temporary, schedular exemptions for components in the following containment penetrations:

Units 1 and 2:

P-14, Valve 1(2) RC8045, Nitrogen to the Pressurizer Relief Tank.

Unit 2 only:

P-30, Valve 2AOV-DT9159A, Reactor Coolant Drain Tank to Gas Analyzer.

For Unit 2, the required tests were completed prior to September 15, 1995.

For Unit 1, the required tests will be performed before startup from the current refueling outage. The Zion TSs do not require compliance with containment leakage rate limits during refueling outages, because there is little risk of an accident occurring which would release significant amounts of radioactivity. Therefore, the staff finds acceptable the schedular exemption request to delay the local leakage rate testing of valve 1 RC8045 until no later than startup from the current Unit 1 refueling outage.

*Pathways Listed in Licensee's Attachment 1B*

Attachment 1B of the licensee's letter requested temporary, schedular exemptions for components in the following containment penetrations:

Units 1 and 2:

P-60, Valve 1(2)AOV-RV0005,

Containment Vent Isolation

P-70, Valve 1(2)SF8767, Refuel Cavity to Purification Pump

P-80, ECCS Relief Valve Header to Pressurizer Relief Tank

P-99, Valve 1(2)SF8787, Purification Pump to Refuel Cavity

Unit 1 only:

P-30, Valve 1AOV-DT9159A, Reactor Coolant Drain Tank to Gas Analyzer

For Unit 1, the required tests will be performed before startup from the current refueling outage. The Zion TSs do not require compliance with containment leakage rate limits during refueling outages, because there is little risk of an accident occurring which would release significant amounts of radioactivity. Therefore, the staff finds acceptable the schedular exemption request to delay the local leakage rate testing of the Unit 1 components listed above until startup from the current Unit 1 refueling outage.

For Unit 2, the leakage pathways do not consist of through-valve leakage paths, but rather leakage paths out of

containment isolation valves or barriers through or past valve packing, diaphragms, flanges, or other resilient seals. The potential leakage paths are small or restrictive and are at mechanical joints of flange and compression fittings, through valve packing, or through cracks or tears in valve diaphragms. Although none of the penetrations in question were tested in accordance with the requirements, most of them were tested during the most recent Type A containment leakage rate test or by process flow, with either no or minimal leakage. For those penetrations that were not tested, the leakage path for a significant leak to occur requires a sequence of events for which the probability of occurrence during the limited time period of the exemption is low enough to provide reasonable assurance of no significant increase in risk to the health and safety of the public. In addition, seismic qualification of some of the systems, missile protection, and the isolation valve seal water system all provide additional assurance that the risk of a significant leak is minimal. For these reasons, the staff finds that the requested schedular exemption is justified and that it is acceptable to delay the local leakage rate testing of the Unit 2 components listed above until the next cold shutdown of sufficient duration for testing, but no later than startup from the next Unit 2 refueling outage, currently scheduled for September 1996.

#### *Pathways Listed in Licensee's Attachment 2*

Attachment 2 of the licensee's letter requested permanent exemptions for components in the following containment penetrations:

Units 1 and 2:

- P-14, Valve 1(2) FCV-SA01A, Service Air Supply to Containment
- P-19, Valve 1(2) MOV-CC9413A, Component Cooling Water Supply to the Reactor Coolant Pumps
- P-34, Valve 1(2) DW0030, Demineralized Flushing Water to Containment
- P-43, Valve 1(2) LCV-DT1003, Reactor Coolant Drain Tank Pump Discharge
- P-75, Valves 1(2) VC8402A, 1920HCV-VC182, 1(2) VC8402B, 1(2) VC8403, Chemical and Volume Control to Regenerative Heat Exchanger
- P-76, Valve 1(2) VC8480A, Reactor Coolant Loop Fill Header
- P-77, Valves 1(2) PP0101, 1(2) PP0102, 1(2) PP0103, 1(2) PP0104, Penetration Pressurization to Containment Valve Stations

- P-88, Valve 1(2) FCV-RV112, Containment Hot Water Supply
- P-102, Valve 1(2) AOV-RC8029, Primary Water to the Pressurizer Relief Tank

Unit 1 only:

- P-16, Compression Fittings on Five Reactor Vessel Leak Detection System Lines

To provide time for additional staff review before granting permanent exemptions, the staff will consider only schedular exemptions for these components. Final staff action on these exemption requests will be taken by December 31, 1995.

The leakage pathways listed above do not consist of through-valve leakage paths, but rather leakage paths out of containment isolation valves or barriers through or past valve packing, diaphragms, flanges, or other resilient seals, except for Penetration P-77, which is reviewed separately below. The potential leakage paths are small or restrictive and are at mechanical joints of flange and compression fittings, through valve packing, or through cracks or tears in valve diaphragms. Although none of the penetrations in question were tested in accordance with the requirements, most of them were tested during the most recent Type A containment leakage rate test or by process flow, with either no or minimal leakage. For those penetrations that were not tested, the leakage path for a significant leak to occur requires a sequence of events for which the probability of occurrence during the limited time period of the schedular exemption is low enough to provide reasonable assurance of no significant increase in risk to health and safety of the public. In addition, seismic qualification of some of the systems, missile protection, and the isolation valve seal water system all provide additional assurance that the risk of a significant leak is minimal. For these reasons, the staff finds that a schedular exemption is justified and that it is acceptable to delay the local leakage rate testing of the components listed above (except Penetration P-77) until final staff action on these exemptions, which will be taken prior to December 31, 1995.

#### *Penetration P-77*

Manual containment isolation valves 1(2) PP0101, 1(2) PP0102, 1(2) PP0103, 1(2) PP0104, are in four lines that are part of the Penetration Pressurization (PP) system. There is one valve in each line and it is open during power operation. The piping associated with the PP system is seismically supported and missile protected. The valves'

primary post-accident design function is to remain open so that the PP system can continue to pressurize containment penetrations, such as electrical penetrations, preventing containment leakage out through those penetrations. These valves have not been locally leakage rate (Type C) tested for through-valve leakage. Local leakage rate testing is conducted with the valves open, with the packing of the four valves part of the test boundary. The leakage rate from this test is added into the sum of all local leakage rate tests for comparison to the 0.6 La acceptance criterion. This test was completed with satisfactory results during refueling outage Z1R13 which ended March 1994 for Unit 1 and during refueling outage Z2R13 which ended April 1995 for Unit 2. The portion of the PP system that includes these valves is continuously monitored for leakage, with a high flow condition annunciated in the control room. Additionally, these valves are tested for seat leakage during the Type A (integrated leak rate) test.

The post-accident design function of the PP system is to pressurize components to a pressure greater than Pa, the calculated peak accident pressure of the containment atmosphere during a design-basis accident, thereby preventing containment out-leakage. The licensee asserts that Penetration P-77 and its associated valves are provided with a suitable alternative to Type C testing due to the leak detection and mitigation capability of the system. The PP system features which provide that capability are summarized as follows:

- (1) Supply characteristics:
  - (a) Normal supply: 100 psig air receivers
    - passive components
    - pressurized greater than or equal to 1.10 Pa (Pa=47 psig)
  - (b) Backup supplies—high degree of redundancy
    - three PP air compressors: safety-related, seismic, auto start feature, powered from ESF buses
    - passive supply from high pressure Nitrogen bottles: safety-related, seismic
    - non-safety-related Instrument Air system;
- (2) Leak Detection Capabilities: continuously monitored, main control board alarms on low pressure and on high flow;
- (3) Piping system characteristics: seismically designed, missile protected;
- (4) Operational readiness—TSS maintain:
  - (a) Required pressure and flow
  - (b) Availability of supplies (air compressors and Nitrogen) and emergency power supplies

(c) Periodic testing requirements for compressors.

This system is required to be operable during Operational Modes 1-4 per the TSs. In addition, the PP system seal pressure is designed to continuously maintain a nominal pressure of 1.04 Pa during post-accident conditions. Since this penetration and associated valves are maintained at a pressure greater than or equal to post-loss-of-coolant accident containment pressure, containment leakage is unlikely through this penetration.

Based on the above, the staff finds that a schedular exemption is justified and that it is acceptable to delay the local leakage rate testing of the four subject valves in Penetration P-77 until final staff action is taken on these requests. Final staff action will be taken by December 31, 1995.

In addition, the Commission will not grant an exemption unless at least one of the special circumstances, as defined in 10 CFR 50.12(a)(2), are present. One of the special circumstances is that: the exemption would provide only temporary relief from the applicable regulation and the licensee has made good faith efforts to comply with the regulations. The licensee presented the following discussion to show that the requested exemptions provide only temporary relief and that the licensee made good faith efforts to comply.

**The Requested Exemptions Provide Only Temporary Relief and the Licensee Made Good Faith Efforts to Comply**

As discussed above, the exemption request is for short duration relative to the discovery of the aforementioned issues (30 days for Unit 2; completion of the upcoming refueling outage for Unit 1). All pathways that can be safely tested during reactor power operation for Unit 2 will be tested within 30 days. Such pathways for Unit 1 will be deferred until entry into Hot Shutdown at the completion of the upcoming outage (outage begins September 7, 1995). For pathways that cannot be tested during power operation, testing described in Attachment 1B will be performed during the next opportunity of sufficient duration when Unit 1 and Unit 2 are in Mode 5. The pathways selected for testing will be based upon the expected duration of the shutdown and the time required to prepare the pathways for testing. Pathways not tested during a Cold Shutdown will be tested during subsequent cold shutdowns that may occur prior to the upcoming refueling outages. In all cases, tests will be completed by the end of Unit 1 outage scheduled to commence September 7, 1995 and for Unit 2 prior to the completion of the September 1996 refueling outage. This meets an additional criterion for a special circumstance per item (v) of 10 CFR 50.12(a)(2)(v), i.e., "The exemption would provide only temporary relief from the applicable regulation and licensee or applicant has made good faith efforts to

comply with the regulation." ComEd believes that testing to be performed prior to September 15, 1995 for Unit 2 and during the upcoming refueling outage for Unit 1 demonstrates a good faith effort.

The exemption request is for a short duration relative to the discovery of the above issues. On Unit 2, the pathways that could be safely tested during power operation were tested prior to September 15, 1995. On Unit 1, this exemption allows the deferment of the testing of these pathways until Unit 1 enters hot shutdown during the current refueling outage. For pathways that can not be tested during power operation, the testing described in Attachment 1B will be performed on Unit 1 prior to the end of its current refueling outage and on Unit 2, prior to the completion of the refueling outage currently scheduled to commence in September 1996. The staff has decided that a good faith effort on the part of the licensee to comply with the regulations has been demonstrated by the testing that has already been completed on Unit 2, the testing that will be completed on Unit 1 prior to startup from its current refueling outage, and the schedule for completion of the remainder of the testing.

#### IV.

Sections III.B and III.D.2.(a) of 10 CFR Part 50, Appendix J, Option A, require that Type B local leakage rate periodic tests shall be performed during reactor shutdown for refueling, or other convenient intervals, but in no case at intervals greater than 2 years. In addition, Sections III.C and III.D.3 of 10 CFR Part 50, Appendix J, Option A, require that Type C local leakage rate periodic tests shall be performed during reactor shutdown for refueling, but in no case at intervals greater than 2 years.

The licensee proposes an exemption to these sections which would provide relief from the requirement to perform the Type B and C containment leakage rate tests of certain penetrations and valves in accordance with the requirements of Sections III.B, III.C, and III.D of 10 CFR Part 50, Appendix J, Option A.

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 determined, for the reasons discussed above, that special circumstances, as provided in 10 CFR 50.12(a)(2)(v), are present justifying the exemption; namely, that the exemption would provide only temporary relief and the licensee made good faith efforts to comply.

Based on its review of the licensee's justifications, the staff finds the licensee's requests for schedular exemptions for Type B and C tests of 10 CFR Part 50, Appendix J, Option A, that can be performed while at power (Attachment 1A to the licensee's letter) and those that must be performed while shutdown (Attachment 1B to the licensee's letter) to be acceptable. The staff has reviewed the licensee's requests for permanent exemptions for components in certain penetrations. To provide additional time for staff review before granting permanent exemptions, the staff will at this time grant only schedular exemptions until final staff action is taken on these requests for these components. Final staff action on these exemption requests will be taken prior to December 31, 1995.

Pursuant to 10 CFR 51.32, the Commission has determined that granting these exemptions will not have a significant impact on the human environment (60 FR 45499).

This exemption is effective upon issuance and shall expire upon completion of the Unit 2 refueling outage, currently scheduled to commence in September 1996.

Dated at Rockville, Maryland, this 20th day of November 1995.

For the Nuclear Regulatory Commission.

Jack W. Roe,

*Director, Division of Reactor Projects—III/IV,  
Office of Nuclear Reactor Regulation.*

[FR Doc. 95-28978 Filed 11-27-95; 8:45 am]

BILLING CODE 7590-01-P

[Docket No. 50-213]

### **Connecticut Yankee Atomic Power Company; Notice of Consideration of Issuance of Amendment to Facility Operating License, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing**

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. 61 issued to Connecticut Yankee Atomic Power Company (the licensee) for operation of the Haddam Neck Plant located in Middlesex County, Connecticut.

The proposed amendment would be a one-time exception to the technical specification 3.9.12, "Fuel Building Storage Air Cleanup System," to allow the fuel storage building air cleanup system to be inoperable during intervals in which new fuel rack modules will be moved into and old fuel modules will