

named below five days prior to the meeting, if possible, so that appropriate arrangements can be made.

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, may exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC staff, BWR Owners' Group, GENE, their consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by contacting the cognizant ACRS staff engineer, Mr. Paul A. Boehnert (telephone 301/415-8065) between 7:30 a.m. and 4:15 p.m. (EST). Persons planning to attend this meeting are urged to contact the above named individual on the working day prior to the meeting to be advised of any potential changes in the proposed agenda, etc., that may have occurred.

Dated: January 13, 1995.

Sam Duraiswamy,

Chief, Nuclear Reactors Branch.

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[Docket No. 50-237]

**Commonwealth Edison Company;
(Dresden Nuclear Power Station, Unit
2); Exemption**

I

Commonwealth Edison Company (ComEd, the licensee) is the holder of Facility Operating License No. DPR-19, which authorizes operation of the Dresden Nuclear Power Station, Unit 2 (the facility), at a steady-state power level not in excess of 2527 megawatts thermal. The facility is a boiling water reactor located at the licensee's site in Grundy County, Illinois. This license provides, among other things, that the facility is subject to all rules, regulations, and Orders of the U.S. Nuclear Regulatory Commission (the Commission) now or hereafter in effect.

II

By letter dated November 23, 1994, pursuant to 10 CFR 50.12(a), ComEd requested a schedular exemption for Dresden, Unit 2, from the 24-month test interval for the Type B and C local leak rate test (LLRT) as required by 10 CFR

Part 50, Appendix J, Sections III.D.2(a) and III.D.3. The exemption is requested to avoid a potential reactor shut down to perform the Type B and C tests.

Due to two forced outages, ComEd has had to reschedule the Dresden, Unit 2, refueling outage from February 1995 to July 1995. Subsequently, ComEd requested a maximum extension of up to an additional 180 days for the most extreme case, from performing the Type B and C testing. The Type B and C tests cannot be performed during power operation.

III

In its letter dated November 23, 1994, ComEd requested a one-time exemption from the 24-month Type B and C test interval requirements of Appendix J for certain volumes (i.e., bellows, manway gasket seals, flanges, and isolation valves) identified in Attachment III of the licensee's submittal. ComEd stated that these volumes cannot be tested while the reactor is at power and provided the basis for this conclusion in Attachment IV of their submittal.

The licensee provided leakage test results and maintenance information on these volumes for the past two refueling outages. The current maximum pathway leakage rate for Dresden, Unit 2, as determined through Type B and C leak rate testing, is 309.46 standard cubic feet per hour (scfh). This value is approximately 63 percent of the Technical Specification (TS) limit of 488.45 scfh (0.6L_a). In addition, the previous outage "as left" total minimum pathway leakage rate for Type B and C testable penetrations was 173.25 scfh.

The Type A integrated leak rate test, which obtains the summation of all potential leakage paths (including containment welds, valves, fittings, and penetrations) was performed on May 14, 1993. The resulting leakage from the test was 493.36 scfh. This value is approximately 80.8 percent of the limit specified in the TS (0.75 L_a).

In order to provide an added margin of safety and to account for possible increases in the leakage rates of untested volumes during the relatively short period of the exemption, Dresden Nuclear Power Station, Unit 2, will impose an administrative limit for maximum pathway leakage of 80 percent of 0.6L_a for the remaining Unit 2 fuel cycle.

To reduce the number of volumes which need an exemption, ComEd will test the volumes listed in Attachment V of their submittal during reactor operation. In addition, volumes listed in Attachment III of their submittal will be tested should a forced outage of suitable duration occur prior to July 16, 1995.

The staff has reviewed ComEd's submittal regarding the Appendix J test interval exemption request. In summary, the staff finds that, for the specific volumes listed in Attachment III of ComEd's submittal, extending the schedule for the required Type B and C tests by 180 days will not affect containment integrity based on the following:

1. Testing has shown low "as found" leakage during the past two outages. The ample margin between the measured leakage and the allowable leakage should accommodate any degradation likely to be experienced for these components during the extended period.

2. The intent of Appendix J was that Type B and C testing be performed during a refueling outage. It is not the intent of Appendix J to require a shutdown solely for surveillance testing. The exemption would provide relief from the requirements of Appendix J to allow a test interval extension for these components which only became necessary as a result of rescheduling the Unit 2, Cycle 14, refueling outage.

Based on the above discussion, the staff finds that for the component volumes identified in Attachment III of ComEd's submittal, an exemption from the LLRT test frequency specified in Appendix J should be granted.

IV

Based on the above, the staff concludes that the licensee's proposed extension of the test intervals for test components identified in its submittal is acceptable. This is a one-time exemption from the Type B and C test interval requirements as prescribed in Appendix J, and is intended to be in effect until July 16, 1995. This approval is based on the assumption that all other tests will be conducted in accordance with the requirements of Appendix J.

The Commission's regulations at 10 CFR 50.12 provide that special circumstances must be present in order for an exemption from the regulations to be granted. According to 10 CFR 50.12(a)(2)(ii), special circumstances are present whenever application of the regulation in the particular circumstances would not serve the underlying purpose of the rule or is not necessary to achieve the underlying purpose of the rule. The underlying purpose of the requirement to perform Type B and Type C containment leak rate tests at intervals not to exceed 2 years, is to ensure that any potential leakage pathways through the containment boundary are identified within a time span that prevents significant degradation from continuing

or being unknown, and long enough to allow the tests to be conducted during scheduled refueling outages. This interval was originally published in Appendix J when refueling cycles were conducted at approximately annual intervals and has not been changed to reflect 18-month or 2-year operating cycles. It is not the intent of the regulation to require a plant shutdown solely for the purpose of conducting the periodic leak rate tests. As indicated above, based on past local leakage rate testing data, the 180-day extension of the test interval will not affect the performance of the containment. To require a shutdown solely for surveillance testing would not serve the underlying purpose of the rule.

Accordingly, the Commission has determined, pursuant to 10 CFR 50.12(a), that this exemption is authorized by law and will not present an undue risk to the public health and safety, and is consistent with the common defense and security. In addition, the Commission has found special circumstances in that application of the regulation in these particular circumstances would not serve the underlying purpose of the rule. Therefore, the Commission hereby grants the exemption from 10 CFR Part 50, Appendix J, Sections III.D.2(a) and III.D.3 to the extent that the Appendix J test interval for performing Type B tests (except for air locks) and Type C tests may be extended for 180 days until July 16, 1995, on a one-time only basis, for Dresden, Unit 2, as described in Section III above.

Pursuant to 10 CFR 51.32, the Commission has determined that the granting of this Exemption will have no significant impact on the quality of the human environment (60 FR 3277).

Dated at Rockville, Maryland this 13th day of January 1995.

For the Nuclear Regulatory Commission.

Jack W. Roe,

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

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[Docket No. 50-286]

Power Authority of the State of New York; 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. DPR-64, issued to the Power Authority of the State of New York (the licensee) for operation of the Indian Point Nuclear Generating Unit No. 3 located in Westchester County, New York.

The proposed amendment would revise Section 3.10.8 and the associated Bases of the Indian Point Nuclear Generating Unit No. 3 Technical Specifications. Specifically, the proposed revision would reduce the maximum allowable control rod drop time from 2.4 to 1.8 seconds. The change would remove, for testing purposes, the allowance for a seismic event (0.6 seconds), which had been integral to the 2.4 second safety analysis basis. Since a seismic event cannot be simulated during the rod drop time test, the more conservative testing acceptance criteria value of 1.8 seconds is needed to ensure that the plant is within its design basis. This proposed revision will support control rod testing which is required during startup from the current outage.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not: (1) Involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

Consistent with the criteria of 10 CFR 50.92, the enclosed application is judged to involve no significant hazards based on the following information:

1. Does the proposed license amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response:

The proposed amendment will reduce the allowable measured drop time in order to ensure that during a seismic event coincident with a reactor scram, the drop times do not exceed the design basis drop time of 2.4 seconds. Since this change results in a more restrictive

drop time requirement, the proposed license amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed license amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response:

Changing the allowable control rod drop time to a value which does not include a seismic allowance will clarify the operating requirements for the system and ensure that the Technical Specifications are consistent with the safety analysis and the [Final Safety Analysis Report] FSAR.

Therefore, the proposed license amendment does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response:

The proposed change to Technical Specification 3.10.8 is more restrictive than the specification as it is currently written. The proposed amendment to the basis for Section 3.10 will clarify the requirements for rod drop testing. Therefore, the proposed amendment would not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish in the **Federal Register** a notice