

For the Nuclear Regulatory Commission.
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*Acting Chief, Medical, Academic, and
 Commercial Use Safety Branch, Division of
 Industrial and Medical Nuclear Safety, Office
 of Nuclear Material Safety and Safeguards.*
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[Docket No. 50-313]

**Entergy Operations, Inc. (Arkansas
 Nuclear One, Unit 1); Exemption**

I

Entergy Operations, Inc. (the licensee) is the holder of Operating License No. DPR-51, which authorizes operation of Arkansas Nuclear One, Unit 1 (ANO-1). The operating license provides, among other things, that it is subject to all rules, regulations, and orders of the Commission now and hereafter in effect.

The facility consist of pressurized water reactor at the licensee's site in Pope County, Arkansas.

II

Section III.D.1(a) of appendix J to 10 CFR part 50 requires, " * * * a set of three Type A tests [Overall Integrated Containment Leakage Rate Tests, or ILRTs] shall be preformed, at approximately equal intervals during each 10-year service period. The third test of each set shall be conducted when the plant is shutdown for the 10-year plant inservice inspection." By letter dated November 8, 1994, the licensee requested an exemption from this requirement of the Commission's regulations.

The NRC may grant exemptions from the requirements of the regulations, pursuant to 10 CFR 50.12, that (1) are authorized by law, will not present an undue risk to the public health and safety, and are consistent with the common defense and security; and (2) present special circumstances. Section 50.12(a)(2) of 10 CFR part 50 describes special circumstances as including cases that would not serve the underlying purpose of the rule or are not necessary to achieve the underlying purpose of the rule.

In its November 8, 1994, letter, the licensee also applied for an amendment to Facility Operating License No. DPR-51 to change related provisions of the ANO-1 Technical Specifications (TSs). The TS amendment request will be addressed as a separate action.

III

The Type A test is defined in 10 CFR part 50, appendix J, section II.F, as a "test intended to measure the primary

reactor containment overall integrated leakage rate (1) after the containment has been completed and is ready for operation, and (2) at periodic intervals thereafter." A total of six Type A tests (ILRT) has been performed on the ANO-1 containment including the preoperational ILRT that was performed in 1973. Except for leakage detected by Type B and C tests, containment leakage rates have always been below the ANO-1 acceptance criteria. The requested exemption does not affect the performance of Type B and C leakage tests which are expected to detect the most probable sources of containment leakage.

In order to schedule the next ILRT (the third ILRT of this service period) such that it coincides with the 10-year inservice inspections, the licensee has requested a one-time exemption from the appendix J requirements. The exemption would permit the licensee to perform the ILRT together with the 10-year inservice inspections that are schedule during the thirteenth refueling outage. If performed during the thirteenth refueling outage, the third ILRT will not be completed until after the end of the current 10-year service period. To comply with regulations as written, an ILRT would be required during the twelfth refueling outage to satisfy the requirement for three ILRTs during the 10-year service period and another ILRT would be required during the thirteenth refueling outage to satisfy the requirement for the third ILRT to be performed when the plant is shutdown for the 10-year inservice inspections.

The thirteenth refueling outage is currently scheduled for the summer of 1996 and an ILRT performed during this refueling outage would result in a test interval between the second and third ILRTs of approximately 53 months. If the ILRT were performed during the twelfth refueling outage, currently scheduled for early 1995, the interval between the second and third ILRTs would be approximately 34 months. In the absence of the exemption and related technical specification changes, the licensee would be required to perform ILRTs during both the twelfth and thirteenth refueling outages. A requirement to perform ILRTs during two consecutive refueling is clearly beyond the intent of the regulations and given the satisfactory results of previous tests at ANO-1, there is little, if anything, to gain from two closely spaced tests.

For the reasons set forth above, the NRC staff concludes that this one-time relief from the requirement to perform the third ILRT within a 10-year service period is not significant in terms of

complying with the intent of appendix J, section III.D.1(a). Accordingly, the staff finds that the performance of ILRTs during both the twelfth and thirteenth refueling outages would not result in a commensurate increase in the confidence of containment integrity. Therefore, the subject exemption request meets the special circumstances of 10 CFR 50.12(a)(2)(ii), in that in these particular circumstances, the fourth test is not necessary to achieve the underlying purpose of the rule.

On this basis, the NRC staff finds that the licensee has demonstrated that special circumstances are present as required by 10 CFR 50.12. Further the staff also finds that extending the schedule for the third ILRT to beyond the 10-year service period will not present a undue risk to the public health and safety.

IV

Accordingly, the Commission has determined pursuant to 10 CFR 50.12(a), that this exemption is authorized by law and will not endanger life or property or the common defense and security and is otherwise in the public interest. Therefore, the Commission hereby grants Entergy Operations, Inc. an exemption from the requirements of 10 CFR part 50, appendix J, section III.D.1(a).

Pursuant to 10 CFR 51.32, the Commission has determined that the granting of this exemption will have no significant impact of the quality of the human environment (60 FR 6568).

Dated at Rockville, Maryland this 3rd day of February 1995.

For the Nuclear Regulatory Commission.

Elinor G. Adensam,

*Deputy Director, Division of Reactor Projects
 III/IV, Office of Nuclear Reactor Regulation.*
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**PENSION BENEFIT GUARANTY
 CORPORATION**

**Request for Review Under the
 Paperwork Reduction Act; Collection
 of Information Under 29 CFR Part 2645,
 Extension of Special Withdrawal
 Liability Rules**

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Notice of request for OMB review.

SUMMARY: This notice advises the public that the Pension Benefit Guaranty Corporation has requested review by the Office of Management and Budget for a collection of information (1212-0023)