verification process. Potential loss of a badge by an individual, as a result of taking the badge offsite, would not enable an unauthorized entry into protected areas.

The access process will continue to be under the observation of security personnel. The system of identification badges coupled with their associated access control cards will continue to be used for all individuals who are authorized access to protected areas without escorts. Badges will continue to be displayed by all individuals while inside the protected area. Addition of a hand geometry biometrics system will provide a significant contribution to effective implementation of the security plan at each site.

IV

For the foregoing reasons, pursuant to 10 CFR 73.55, the NRC staff has determined that the proposed alternative measures for protection against radiological sabotage meet ''the same high assurance objective,'' and ''the general performance requirements'' of the regulation and that ''the overall level of system performance provides protection against radiological sabotage equivalent'' to that which would be provided by the regulation.

Accordingly, the Commission has determined that, pursuant to 10 CFR 73.5, an exemption is authorized by law, will not endanger life or property or common defense and security, and is otherwise in the public interest. Therefore, as long as the licensee uses the hand geometry access control system, the Commission hereby grants Entergy Operations, Inc. an exemption from those requirements of 10 CFR 73.55(d)(5) relating to the returning of picture badges upon exit from the protected area such that individuals not employed by the licensee, i.e., contractors, who are authorized unescorted access into the protected area, can take their badges offsite.

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 30116). This exemption is effective upon issuance.

Dated at Rockville, Maryland, this 7th day of July 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. 50–278]

Exemption; Notice

In the matter of PECO Energy Company, Public Service Electric and Gas Company, Delmarva Power and Light Company, Atlantic City Electric Company (Peach Bottom Atomic Power Station, Unit 3)

I

PECO Energy Company, et al. (PECo, the licensee), is the holder of Facility Operating License No. DPR–56, which authorizes operation of the Peach Bottom Atomic Power Station (PBAPS), Unit 3. The license provides, among other things, that the licensee is subject to all rules, regulations, and orders of the Nuclear Regulatory Commission (the Commission) now and hereafter in effect.

The PBAPS, Unit 3, facility consists of a boiling water reactor located in York County, Pennsylvania.

II

Section 50.54(o) of 10 CFR Part 50 requires that primary reactor containments for water cooled power reactors by subject to the requirements of Appendix J to 10 CFR Part 50. Appendix J contains the leakage test requirements, schedules, and acceptance criteria for tests of the leak tight integrity of the primary reactor containment and systems and components which penetrate the containment. Section III.D.1 of Appendix J to 10 CFR Part 50 requires that a set of three Type A tests shall be performed, at approximately equal intervals during each 10-year service period. The third test of each set shall be conducted when the plant is shut down for the 10-year plant inservice inspections (ISI). The Type A test is defined in 10 CFR Part 50, Appendix J, Section II.F, as ''tests 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.'' The 10-year service period begins with the inservice date.

III

In its letter dated November 21, 1994, the licensee requested an exemption from the Commission's regulations. The subject exemption is from a requirement in Appendix J to 10 CFR Part 50 that a set of three Type A tests (Containment Integrated Leak Rate Tests (CILRTs)) be performed, at approximately equal intervals, during each 10-year service period. The exemption applies to the second 10-year service period; subsequent service periods are not changed.

The request for a one-time exemption would allow an extension of the second 10-year Type A test service period and would allow the performance of the three Type A tests in the second 10-year service period at intervals that are not approximately equal. It does not affect the third 10-year service period.

In its submittal, the licensee provided a table of historical leak test results for PBAPS Unit 3. Within the second 10-year service period, satisfactory Type A tests were performed in January 1986 and November 1989. In addition, an additional satisfactory Type A test was performed in December 1991 following certain plant modifications.

Current Technical Specifications (TS) and 10 CFR Part 50, Appendix J, would require the licensee to perform a Type A test during Unit 3 refueling outage 10 (3R010) scheduled for September 1995 in order to comply with the requirements to perform three Type A tests within the current service period at approximately equal intervals.

Furthermore, 10 CFR Part 50, Appendix J, also requires the licensee to perform a type A test during the next refueling outage (Unit 3 refueling outage 11 (3R011) scheduled for September 1997) in order to comply with the requirement of 10 CFR Part 50, Appendix J, Section III.D.1, that the third test be performed when the plant is shut down for the 10-year inservice inspections. The current 10-year ISI period ends in November 1997 and ISI inspections are scheduled for September 1997. Therefore, to fully comply with Appendix J, the licensee would have to perform CILRTs during the tenth and eleventh refueling outages for Unit 3.

The licensee proposed to perform the next Unit 3 Type A test during Unit 3 refueling outage 11 scheduled to start in September 1997. The effect of this proposal would be to extend the current Appendix J 10-year service period that would result in the interval between successive Type A tests being extended to approximately 70 months. Strict compliance with Section III.D.1 would require the interval between successive Type A tests to be approximately 40 months.

The licensee performed a review of the history of the PBAPS Unit 3 Type A test results to evaluate the risk of activity-based and time-based degradation. This review identified three activity-based component failures detected during past Type A tests. The measured mass point and total time leakage rates measured for the April 1977 CILRT stabilized at approximately 1.1% wt/day, which failed to meet the

TS and 10 CFR Part 50, Appendix J criterion of less than 0.375% wt/day (0.75 La). Following the completion of repairs of a leaking torus water level instrument, the CILRT was repeated with an as-left leakage of 0.322% wt/day. After this failure, the licensee modified the plant procedures so that a similar failure, in the future, would be detected by a local leak rate test (LLRT). The measured mass point and total time leakage rates measured for the September 1981 CILRT stabilized at approximately .389% wt/day, which failed to meet the TS and 10 CFR Part 50, Appendix J criterion of less than 0.375% wt/day (0.75 La). Following the completion of repairs to a missing instrument O-ring, the CILRT was repeated with an as-left leakage of 0.185% wt/day. After this failure, the licensee modified the plant procedures so that a similar failure, in the future, would be detected by a leak rate test following relevant instrument maintenance. The measured mass point and total time leakage rates measured for the August 1983 CILRT stabilized at approximately .784% wt/day, which failed to meet the TS and 10 CFR Part 50, Appendix J criterion of less than 0.375% wt/day (0.75 La). Following the completion of repairs to a valve packing leak, the CILRT was repealed with an as-left leakage of 0.058% wt/day. After this failure, the licensee modified the plant procedures so that similar valve packing is local leak rate tested and measured.

These failures were identified as activity based failures for which the licensee implemented corrective action. The licensee did not identify any time based failures.

The type B and C test (i.e., LLRT) program provides assurance that containment integrity has been maintained. LLRTs demonstrate operability of components and penetrations by measuring penetration and valve leakage. Additionally, there have been no modifications made to the plant, since the last Type A test, that could adversely affect the test results.

Current TS 4.7.A.2.h requires that the interior surfaces of the drywell and torus shall be visually inspected each operating cycle for evidence of deterioration. In addition, TS 4.7.A.2.h requires that the external surfaces of the torus below the water level be inspected on a routine basis for evidence of torus corrosion or leakage. TS 4.7.4 requires that a visual inspection of the suppression chamber interior be conducted at each major refueling outage. These inspections provide similar information as would be obtained to meet the requirement of Section V.A of 10 CFR Part 50, Appendix J. The licensee is required to perform these TS surveillances in the upcoming refueling outage 3R010.

The licensee further notes that the performance of consecutive Type A tests in refueling outages 3R010 and 3R011, to meet the requirements of the TS and Appendix J, would result in additional radiation exposure to personnel. Performing the Type A test during two consecutive refueling outages in order to comply with the TS and 10 CFR Part 50, Appendix J, would result in an unnecessary increase in personnel radiation exposure and an increase in cost by extending the length of one of the affected refueling outages. Omitting the test will result in additional dose savings by eliminating contamination and by reducing exposure from venting and draining and from setups and restorations of instrumentation required to perform the test. These factors and the costs associated with an additional test for a 24-month difference in interval are not offset by the benefits of the additional test.

IV

Pursuant to 10 CFR 50.12, the Commission may, upon application by any interested person or upon its own initiative, grant exemptions from the requirements of 10 CFR Part 50 when (1) the exemptions are authorized by law, will not present an undue risk to public health and safety, and are consistent with the common defense and security; and (2) when special circumstances are present. Special circumstances are present whenever, according to 10 CFR 50.12(a)(2)(ii), ''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 licensee provided information regarding the requirements of 10 CFR 50.12(a)(2)(ii). The licensee stated that the underlying purpose of 10 CFR Part 50, Appendix J, Section III.D.1(a), is to establish and maintain a level of confidence that any primary containment leakage, during a hypothetical design basis accident, will remain less than or equal to the maximum allowable value, La, established by Appendix J through the performance of periodic Type A testing. The licensee stated that, for the technical justification discussed above, performance of Type A tests during the next two Unit 3 refueling outages was not necessary to meet the underlying purpose of the rule.

The NRC staff has reviewed the licensee's proposed exemption, including Type A test history, and concluded that the impact on safety of this deviation from the scheduler requirements of Appendix J is not significant. Accordingly, the staff finds that an additional test (during the scheduled 1995 refueling outage) would not provide substantially different information and that the intent of Appendix J would be met. Therefore, the subject exemption request meets the special circumstances of 10 CFR 50.12(a)(2)(ii), in that the additional Type A test is not necessary to achieve the underlying purpose of the rule.

The staff also finds, for the technical reasons discussed above, that extending the service period and extending the interval between Type A tests are acceptable.

V

Accordingly, 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, as discussed above, that there are special circumstances present, as specified in 10 CFR 50.12(a)(2)(ii), such that application of 10 CFR Part 50, Appendix J, Section III.D.1(a) is not necessary in order to achieve the underlying purpose of this regulation. Therefore, the Commission hereby grants a one-time scheduler exemption from the requirements of 10 CFR Part 50, Appendix J, Section III.D.1.(a), to extend the second 10-year Type A test service period for Peach Bottom Atomic Power Station, Unit 3, such that the third periodic Type A test may be performed during Unit 3 refueling outage 11, currently scheduled for September 1997, and such that the three Type A tests in the second 10-year service period are performed at intervals that are not approximately equal.

Pursuant to 10 CFR 51.32, the Commission has determined that the granting of this exemption will have no significant effect on the quality of the human environment (60 FR 35239).

This exemption is effective upon issuance.

Dated at Rockville, Maryland, this 10th day of July 1995.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Director, Division of Reactor Projects–I/II, Office of Nuclear Reactor Regulation.

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