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September 1, 1995
NRC-95-0083

U. S. Nuclear Regulatory Commission
Attn: Document Control Desk
Washington, D. C. 20555

- References:
- 1) Fermi 2
NRC Docket No. 50-341
NRC License No. NPF-43
 - 2) Federal Register, Vol. 60, No. 34,
dated February 21, 1995
 - 3) Draft Regulatory Guide DG-1037, "Performance-Based
Containment Leak Test Program," dated February 1995
 - 4) NEI 94-01, "Industry Guideline for Implementing
Performance-Based Option of 10 CFR 50, Appendix J" Draft
Revision D, dated October 25, 1994

Subject: Request for One-time Exemption from 10 CFR Part 50,
Appendix J, Paragraphs III.D.2.a and III.D.3 Scheduler
Requirements

Pursuant to 10 CFR 50.12, Detroit Edison hereby submits a request for a one-time exemption from 10 CFR 50, Appendix J, Paragraphs III.D.2.a and III. D.3, which require, in part, Type B and C tests to be performed at intervals no greater than 2 years. Due to the lengthy turbine outage and power ascension program following the turbine outage, Detroit Edison is postponing the spring 1996 refueling outage until September 27, 1996. This will allow targeted fuel burnup to be met, so Cycle 6 operation can be conducted as planned. Type B and C tests will need to be conducted prior to the September 1996 refueling outage unless an exemption is granted. Therefore, Detroit Edison requests a one-time exemption to allow a 25% extension to the 2 year testing interval. This will allow for a maximum Type B and C test interval of 30 months and applies to all Type B and C tests, with the exception of airlocks. This exemption requests postponement not elimination of the Type B and C tests.

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Detroit Edison is requesting a one-time Technical Specification change to extend surveillance testing until the fall 1996 refueling outage in a separate submittal planned for later this month. The Technical Specification revision request will cover the Technical Specification requirements for surveillance tests which are required at 24 month intervals or 18 month plus 25% extension intervals.

The justification for the Type B and C test interval extensions is covered in this letter. The same justification applies to the leak rate tests that the Technical Specifications require be performed at 24 month intervals and those required to be performed at 18 month plus 25% extension intervals, which corresponds to 22.5 month intervals. Approval of both this exemption to 10CFR50, Appendix J, and the proposed Technical Specification change are needed to extend the testing intervals until the September 1996 refueling outage. Approval of both the requests is necessary to avoid a mid-cycle shut-down to perform surveillance testing. Without this exemption Type B and Type C testing would need to be performed twice in 1996, during a mid-cycle shutdown and fall refueling outage, leading to significant additional radiation exposure and cost. This request meets the cost and safety criteria for a Cost Beneficial Licensing Action since it involves greater than \$100,000 in savings and, as discussed below, involves minimal safety significance. However, Detroit Edison believes that this request meets the criteria for a Priority 1 ranking since it is an exemption request to prevent reactor shutdown.

In February 1995, the NRC proposed to amend its regulations on Primary Reactor Containment Leakage Testing for Water-Cooled Power Reactors (Reference 2). The proposal establishes performance based Type B and C test intervals, with the factors for establishing extended test intervals of up to 10 years for Type B components and 5 years for Type C components based on a regulatory guide and industry guidance. The proposed regulatory guide (Reference 3) refers to Section 11 of draft NEI 94-01 (Reference 4) for establishing test intervals with the exception that test intervals of greater than 60 months for Type C components are not endorsed by the NRC staff.

Draft NEI 94-01 provides a methodology for establishing test frequencies based on performance. An interval of 24 months is initially established (except for airlocks), with provisions to increase the test intervals based on satisfactory performance. The range in frequencies is once per 24 months to once per 120 months. Additionally, an extension of up to 25% of the test interval (not to exceed 12 months) is allowed for scheduling purposes only.

With this request, Detroit Edison is proposing a Type B and C test interval which conforms to the most limiting test interval that would be permitted by the proposed rule, i.e., 24 months plus 25% extension for scheduling.

Per the discussion in Reference 2, extending the Type B and C test intervals as proposed in the rule is feasible with marginal impact on risk. The draft NFI 94-01 guideline also discusses that changes to leakage test frequencies are feasible without significant risk impact. Since this proposed exemption and Technical Specification revision would establish an extended interval on a one-time basis for Type B and C tests that matches the shortest interval required by the proposed rule and guidance, approval of this request would have a marginal impact on risk.

A combined Type B and C leakage rate was established at the conclusion of the last refueling outage. A running total leakage rate is maintained during each operating cycle. This running total leakage rate is 73.81 SCFH, which is 41.5% of the limit of 0.6 L_a. This large margin provides additional assurance that the proposed extension will not result in significant risk to the public.

Detroit Edison has evaluated this proposed exemption request against the standards in 10 CFR 50.12 and believes the standards are met and special circumstances are present as follows:

- Detroit Edison's exemption request from the requirements of 10 CFR 50, Appendix J, Section III.D.2.a and III.D.3 will not result in undue risk to the health or safety of the public because the proposed exemption does not change, modify, or restrict existing plant safety limits, safety settings, or operations. The exemption will not adversely impact the design basis of containment or modify its response during a Design Basis Accident. In Reference 2, the NRC concluded that extending Type B and C test intervals, in some cases greater than proposed by this exemption, has marginal impact on risk.
- This exemption request is consistent with the common defense and security because it postpones testing to eliminate an unnecessary shutdown of the nuclear plant. No design parameters, acceptance criteria, or method of testing are changed by this exemption request. This exemption does not affect Detroit Edison's controls of special nuclear material.
- The exemption would provide relief by reducing personnel exposure (ALARA), eliminating the significant cost of performing a mid-cycle outage, and the cost of performing Type B and C tests twice in 1996.
- Detroit Edison purposely delayed Type B and C testing during the fourth refueling outage so that the tests would not come due before the date planned at that time for the fifth refueling outage and so acted in good faith to comply with the regulation. The extended turbine outage/fourth refueling outage and

protracted power ascension program resulted in the need for this temporary one-time extension. This exemption requests postponement not elimination of the Type B and C tests.

- The proposed rule and the evaluation leading to consideration of the proposed rule were not considered when 10 CFR 50 Appendix J was first adopted. The proposed rule will allow extensions for some components beyond what is being requested in this exemption. In no case would more stringent intervals than Detroit Edison is requesting be imposed by the proposed rule.

In summary, Detroit Edison has concluded that adding a 25% extension to the 24 month interval for Type B and C tests is warranted under the standards of 10 CFR 50.12, based on the special circumstances associated with this one-time exemption request, the precedent set by the proposed modification to 10 CFR 50 Appendix J, and the NRC evaluation that extending Type B and C test intervals has marginal impact on risk. The same reasons justify extending the intervals for the Type B and C leak rate tests that Technical Specifications have set at a maximum of 22.5 months.

A schedule exemption of 180 days has been previously approved for Dresden Unit 2. The 180 days matches the 25% extension Detroit Edison is requesting to the 24 month interval established in Appendix J. As discussed by the NRC in the exemption for Dresden, it is not the intent of the regulation to require a plant shutdown solely for the purpose of conducting the periodic leak rate tests.

Detroit Edison is requesting this exemption with the knowledge that the final rule is expected to be approved before the end of 1995 and so before the exemption is needed in April 1996. However, the final rule may be delayed or the implementation plan for the rule may require submittal and approval of a Technical Specification revision before a licensee can implement any portion of the new rule. It is unlikely that the rule will be approved and a Fermi 2 Technical Specification revision approved before this extension is needed. Therefore, Detroit Edison believes it prudent to submit this exemption request now to allow the NRC sufficient review time. When the proposed rule is approved Detroit Edison plans to implement the rule change, including performance based test intervals.

Prompt approval of this exemption request is requested in order to prevent an untimely outage in April 1996 and resultant radiation exposure received and cost incurred performing this testing twice in 1996. Approval by December 1995 would be appreciated to facilitate outage scheduling.

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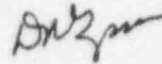
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No specific commitments are being made in this letter. If you have any questions, please contact Ms. Lynne S. Goodman at (313) 586-4097.

Sincerely,



cc: T. G. Colburn

H. J. Miller

M. P. Phillips

A. Vogel

Supervisor, Electric Operators, Michigan

Public Service Commission - J. R. Padgett

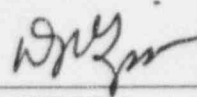
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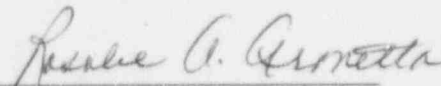
I, DOUGLAS R. GIPSON, do hereby affirm that the foregoing statements are based on facts and circumstances which are true and accurate to the best of my knowledge and belief.



DOUGLAS R. GIPSON

Senior Vice President

On this 1st day of September 1995 before me personally appeared Douglas R. Gipson, being first duly sworn and says that he executed the foregoing as his free act and deed.



Notary Public

