

October 23, 2000

MEMORANDUM TO: Marsha K. Gamberoni, Chief  
Section 1  
Project Directorate I  
Division of Licensing Project Management

FROM: George T. Hubbard, Chief **/RA/ B. Thomas for:**  
Balance of Plant and Containment Systems Section  
Plant Systems Branch  
Division of Systems Safety and Analysis

SUBJECT: PROPOSED AMENDMENT REQUEST FOR A ONE-TIME CHANGE IN  
APPENDIX J, TYPE A INTEGRATED LEAKAGE RATE TEST INTERVAL  
AT INDIAN POINT 3 (TAC NO. MB0178)

In a September 6, 2000, letter to the NRC, the New York Power Authority, the licensee for the Indian Point, Unit 3, nuclear power plant, requested a one-time change in their Appendix J Type A test interval from the required 10 years to a test interval of 15 years. Without an extension, the licensee will have to perform a Type A test during their next refueling outage, scheduled to begin in May 2001.

10 CFR 50, Appendix J, Option B requires that a Type A test be conducted at a periodic interval based on historical performance of the overall containment system. Indian Point 3 Technical Specification 6.14 requires that a program shall be established to implement containment leakage rate testing of the primary containment as required by 10 CFR 50, Appendix J, Option B. The program shall be in accordance with the guidelines contained in Regulatory Guide 1.163, "Performance-Based Containment Leak-Test Program," dated September 1995. This regulatory guide references NEI 94-01, Revision 0, "Industry Guideline for Implementing Performance-Based Option of 10 CFR Part 50, Appendix J," dated July 26, 1995.

A Type A test is an overall (integrated) leakage rate test of the containment structure. NEI 94-01 specifies a test interval of 10 years, with a provision for extending it an additional 15 months under certain circumstances.

We have reviewed the licensee's request and find it to be unacceptable. The licensee's request should be rejected for the following reasons:

1. The licensee states that they expect a rule change to be sought that could eliminate the need for Type A testing, and that the requested extension would allow time for this rule change to be processed. There is no rule making currently in progress. Further, Appendix J has not been identified as one of the regulations which should be considered

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for rulemaking in the near future as part of the staff's plan for risk-informing the technical requirements in 10 CFR Part 50. Finally, there has been little discussion about this issue and no consensus has been reached that Type A testing should be eliminated. It is therefore unlikely that a rule would be completed within the extension period the licensee is requesting, and it would be imprudent in any case to allow an extension based on speculation.

2. Even if there were an Appendix J rulemaking, there may be other conditions imposed by the new rule rather than just the elimination of the Type A test, e.g., a less stringent but more frequent overall containment leakage rate test might be required.

3. The NRC has not agreed that we have the resources, or are willing to commit the resources, to successfully complete an Appendix J rulemaking in the test extension time the licensee is requesting.

We therefore request that you inform the licensee that the proposed license amendment request is unacceptable.

Docket No. 50-286

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