



Docket File

UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

November 4, 1994

Mr. William J. Cahill, Jr.
Executive Vice President - Nuclear
Generation
Power Authority of the State of
New York
123 Main Street
White Plains, NY 10601

SUBJECT: ISSUANCE OF ONE-TIME EXEMPTION FROM THE REQUIREMENTS OF 10 CFR PART
50, APPENDIX J, PARAGRAPH III.D.3 - INDIAN POINT NUCLEAR GENERATING
UNIT NO. 3 (TAC NO. M90471)

Dear Mr. Cahill:

The Power Authority of the State of New York (PASNY) requested a one-time exemption from the requirements of Paragraph III.D.3 of Appendix J to 10 CFR Part 50 by letter dated September 29, 1994. The requested exemption would have extended the surveillance interval for Type C leak rate testing of Residual Heat Removal containment isolation valves AC-732, AC-741, AV-MOV-743, AC-MOV-744, and AC-MOV-1870 until the next refueling outage, currently scheduled for the spring of 1996. The September 29, 1994, letter also submitted a request for related changes to Section 4.4.E.1 of the Technical Specifications (TSs).

By letter dated November 2, 1994, PASNY requested withdrawal of the proposed changes to the TSs and modified the exemption request. Specifically, PASNY requested that the exemption extend until the return to power following the current outage, which is defined as prior to T_{avg} exceeding 350 °F. The NRC staff granted the request for withdrawal of the proposed changes to the TSs in a letter dated November 3, 1994.

On the basis of the information provided in PASNY's letters dated September 29, 1994, and November 2, 1994, and as discussed in the enclosed Exemption, the staff has concluded that the requested one-time exemption from the testing requirements of Paragraph III.D.3 of Appendix J to 10 CFR Part 50 is justified. Thus, PASNY's request for exemption is granted.

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EXEMPTION COPY

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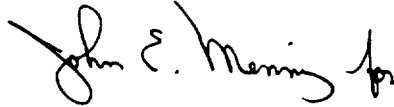
W. Cahill

-2-

November 4, 1994

A copy of the Exemption is being forwarded to the Office of the Federal Register for publication.

Sincerely,

A handwritten signature in black ink, appearing to read "John E. Manning for". The signature is written in a cursive style with a large initial "J" and a long horizontal stroke.

Nicola F. Conicella, Project Manager
Project Directorate I-1
Division of Reactor Projects - I/II
Office of Nuclear Reactor Regulation

Docket No. 50-286

Enclosure: Exemption

cc w/encls: See next page

Mr. William J. Cahill, Jr.
Power Authority of the State
of New York

Indian Point Nuclear Generating
Station Unit No. 3

cc:

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Indian Point 3 Nuclear Power Plant
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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of)	
POWER AUTHORITY OF THE STATE OF NEW YORK)	Docket No. 50-286
(Indian Point Nuclear Generating)	
Unit No. 3))	

EXEMPTION

I.

The Power Authority of the State of New York (the licensee) is the holder of Facility Operating License No. DPR-64, which authorizes operation of the Indian Point Nuclear Generating Unit No. 3 (IP3). The license provides, among other things, that the licensee is subject to all rules, regulations, and orders of the U.S. Nuclear Regulatory Commission (the Commission) now or hereafter in effect.

The facility consists of a pressurized water reactor at the licensee's site located in Westchester County, New York.

II.

By letter dated September 29, 1994, the licensee requested an amendment to the Technical Specifications (TSs) that would allow Residual Heat Removal (RHR) containment isolation valves AC-732, AC-741, AC-MOV-743, AC-MOV-744, and AC-MOV-1870 Type C local leak rate tests (LLRTs) to be performed during refueling outage (RFO) 9/10, scheduled for spring of 1996. In addition, the licensee's letter requested an exemption from the requirements of the Code of Federal Regulations (CFR) since 10 CFR Part 50, Appendix J, Paragraph III.D.3,

requires that licensees perform Type C tests during each reactor shutdown for refueling but in no case at intervals greater than 2 years. Type C tests are LLRTs of containment isolation valves.

The licensee commenced operating on 24-month fuel cycles in August 1992, instead of the previous 18-month fuel cycles, starting with fuel cycle 9. The requirements of 10 CFR Part 50, Appendix J, Paragraph III.D.3, indicate that Type C LLRTs must be performed during each reactor shutdown for refueling at intervals no greater than 2 years (24 months). On January 12, 1993, the NRC staff issued an exemption that allowed Type C LLRTs to be performed at intervals up to 30 months, thus, permitting operation on a 24-month fuel cycle.

Approximately 6 months after startup from RFO 8/9, IP3 began an extended unplanned nonrefueling outage. In November and December of 1994, RHR containment isolation valves AC-732, AC-741, AC-MOV-743, AC-MOV-744, and AC-MOV-1870 are due for their Type C LLRT. Currently, the interval for Type C testing of these valves is 30 months. Therefore, the licensee requested a one-time schedular exemption to allow Type C LLRTs of the above listed valves to be deferred until the 9/10 RFO, which is currently scheduled for the spring of 1996.

By letter dated November 2, 1994, the licensee requested withdrawal of the proposed changes to the TSs and modified the exemption request. Specifically, the licensee requested that the exemption extend until the return to power following the current outage, which is defined as prior to T_{avg} exceeding 350 °F. The NRC staff granted the request for withdrawal of the proposed changes to the TSs in a letter dated November 3, 1994.

III.

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. According to 10 CFR 50.12(a)(2)(ii), special circumstances are present whenever application of the regulation in the particular circumstances is not necessary to achieve the underlying purpose of the rule.

The CFR at 10 CFR Part 50, Appendix J, Paragraphs III.D.3, states: "Type C tests shall be performed during each reactor shutdown for refueling but in no case at intervals greater than 2 years...." The underlying purpose of the requirement to perform 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 test to be conducted during scheduled refueling outages. The requirements to perform Type C LLRTs at intervals no greater than 2 years presumed the 2-year time interval was adequate to accommodate the 12-month fuel cycles which were common when Appendix J to 10 CFR Part 50 was published in 1973. However, IP3, along with several other facilities, are utilizing core designs which allow operation on a 24-month cycle. On January 12, 1993, the NRC staff issued an exemption that allowed Types B and C LLRTs to be performed at intervals up to 30 months, thus, permitting operation on a 24-month fuel cycle.

The licensee commenced operating on 24-month fuel cycles, instead of the previous 18-month fuel cycles, starting with fuel cycle 9. Fuel cycle 9 started in August 1992. Approximately 6 months after startup from the 8/9 RFO, IP3 began an extended unplanned nonrefueling outage. Startup from the outage is currently expected for early 1995. After startup from the current outage, the plant expects to run until its next RFO 9/10 which is scheduled to begin in spring of 1996. In November and December of 1994, RHR containment isolation valves AC-732, AC-741, AC-MOV-743, AC-MOV-744, and AC-MOV-1870 are due for their Type C LLRT.

Currently, the interval for Type C testing of these valves is 30 months. These LLRTs are normally performed during a refueling outage when the reactor is defueled and the RHR system is not providing a source of cooling water. The current outage is a nonrefueling outage; therefore, the reactor is not defueled and RHR system is providing core cooling water. The licensee's procedure and the system design require the RHR system to be out of service in order to perform the LLRTs. The licensee has requested a one-time schedular exemption to allow Type C LLRTs of the above listed valves to be deferred to provide additional time to finalize plans to accomplish this testing.

The NRC staff has reviewed the LLRT data provided by the licensee as well as the methodology used by the licensee to extrapolate LLRT data to a 30-month test interval and the staff concludes that there is reasonable assurance that the containment leakage rate would be maintained within

acceptable limits with a one-time LLRT interval increase until the return to power following the current outage, which is defined as prior to T_{avg} exceeding 350 °F. As a result, the application of the regulation in the particular circumstances is not necessary to achieve the underlying purpose of the rule. Thus, there are special circumstances present which satisfy the requirements of 10 CFR 50.12(a)(2)(ii).

IV.

Accordingly, the Commission has determined, pursuant to 10 CFR 50.12, that (1) the exemption as described in Section III are authorized by law, will not endanger life or property, and are otherwise in the public interest and (2) special circumstances exist pursuant to 10 CFR 50.12(a)(2)(ii).

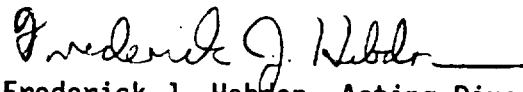
Therefore, the Commission hereby grants the following exemption:

The ~~Power~~ Authority of the State of New York is exempt from the requirement of 10 CFR Part 50, Appendix J, Paragraph III.D.3, in that the interval for Type C tests of RHR containment isolation valves AC-732, AC-741, AC-MOV-743, AC-MOV-744, and AC-MOV-1870 may be extended until the return to power following the current outage at Indian Point Nuclear Generating Unit No. 3, which is defined as prior to T_{avg} exceeding 350 °F.

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 (59 FR 54478).

This Exemption is effective upon issuance.

FOR THE NUCLEAR REGULATORY COMMISSION



Frederick J. Hebdon, Acting Director
Division of Reactor Projects - I/II
Office of Nuclear Reactor Regulation

Dated at Rockville, Maryland,
this 4th day of November 1994

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 (59 FR 54478).

This Exemption is effective upon issuance.

FOR THE NUCLEAR REGULATORY COMMISSION

Original signed by:

Frederick J. Hebdon, Acting Director
 Division of Reactor Projects - I/II
 Office of Nuclear Reactor Regulation

Dated at Rockville, Maryland,
 this 4th day of November 1994

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W. Cahill

-2-

November 4, 1994

A copy of the Exemption is being forwarded to the Office of the Federal Register for publication.

Sincerely,

Original signed by:
John E. Menning for

Nicola F. Conicella, Project Manager
Project Directorate I-1
Division of Reactor Projects - I/II
Office of Nuclear Reactor Regulation

Docket No. 50-286

Enclosure: Exemption

cc w/encls: See next page

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