

January 28, 1997

Mr. William J. Cahill, Jr.
Chief Nuclear Officer
Power Authority of the State of
New York
123 Main Street
White Plains, NY 10601

SUBJECT: ISSUANCE OF AMENDMENT TO AN EXEMPTION FROM THE REQUIREMENTS OF 10
CFR PART 50, APPENDIX J, PARAGRAPH III.D.3 - INDIAN POINT NUCLEAR
GENERATING UNIT NO. 3 (TAC NO. M96757)

Dear Mr. Cahill:

By letter dated October 1, 1996, as supplemented by letter dated December 5, 1996, you requested an amendment to the Technical Specifications and an amendment to an exemption from the requirements of the Code of Federal Regulations for the Indian Point Nuclear Generating Unit No. 3. These amendments would allow a one time extension of the interval for conducting Type C local leak rate tests (LLRTs) beyond the 30 months allowed by our exemption dated February 19, 1993. The amendments state that the LLRTs must be conducted during an outage that begins no later than May 31, 1997.

The Commission, pursuant to 10 CFR 50.12, has issued the enclosed amendment to exemption from the requirements of 10 CFR Part 50, Appendix J, Paragraph III.D.3, to Indian Point Nuclear Generating Unit No. 3. This exemption extends the surveillance interval for Type C local leak rate tests beyond the 30-month limit and until an outage beginning no later than May 31, 1997. Your request to amend the Technical Specifications is under review by the staff and will be addressed in separate correspondence.

Sincerely,
/s/

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

Docket No. 50-286

Enclosure: Exemption

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UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

January 28, 1997

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Power Authority of the State of
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123 Main Street
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Sincerely,

A handwritten signature in cursive script, appearing to read "George F. Wunder".

George F. Wunder, 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/encl: See next page

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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UNITED STATES OF AMERICANUCLEAR REGULATORY COMMISSION

In the Matter of)

POWER AUTHORITY OF THE STATE)
OF NEW YORK)(Indian Point Nuclear Generating)
Unit No. 3))

Docket No. 50-286

AMENDMENT TO 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 that the licensee is subject to all rules, regulations, and orders of the 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 October 1, 1996, as supplemented December 5, 1996, the licensee requested an amendment to the Technical Specifications (TSs) and an amendment to an existing exemption issued on February 19, 1993. The TS and existing exemption allow the licensee to conduct Type C containment isolation valve leak tests (Type C tests or LLRTs) at intervals up to 30 months as opposed to the 2-year interval specified by 10 CFR Part 50, Appendix J, Paragraph III.D.3. The requested amendments to the TS and to this exemption would allow a one-time extension of 4-1/2 months to the Type C test interval.

The TS and the existing exemption allow the licensee to operate with a 24-month fuel cycle. Due to a lengthy outage period, the current fuel cycle

has been extended by several months. The amendments to the TS and to the exemption would allow the licensee to complete the current fuel cycle without another outage. The next refueling outage is scheduled to begin in April 1997.

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 any 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 circumstance would not serve the underlying purpose of the rule or is not necessary to achieve the underlying purpose of the rule...."

The underlying purpose of the requirement to perform Type C 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 is short enough to detect significant degradation and long enough to allow the tests to be conducted during scheduled refueling outages. This interval was originally published in Appendix J when refueling cycles were conducted at approximately annual intervals and has not been changed to reflect 2-year operating cycles; therefore, the staff issued Generic Letter 91-04, "Changes in Technical Specification Surveillance Intervals to Accommodate a 24-Month Fuel Cycle." This generic letter provides guidance to licensees on how to prepare requests for TS amendments and exemptions that are

needed to accommodate a 24-month cycle. Enclosure 3 to Generic Letter 91-04 noted that two issues should be addressed when justifying the extended Type C test interval: (1) a possible reduction in the combined leakage limit for Type B and Type C leakage tests, and (2) the basis for concluding that the containment leakage rate would be maintained within the acceptable limits with an extended test interval. The licensee's letters of July 17, 1992, and December 23, 1992, in which it applied for the existing exemption, addressed both of these issues. The licensee's letter of December 5, 1996, addressed both issues in light of the 4-1/2 month extension.

The first issue is a reduction in the combined containment penetration and isolation valve leakage rate limit for Type B and Type C tests that increases the margin to the maximum allowable leakage rate. The maximum allowable leakage rate, which is referred to as L_a , is specified in the facility's TS. The acceptance criterion for Type B and C tests is that the combined leakage rate shall be less than $0.60 L_a$. This constitutes a margin of $0.40 L_a$ (40 percent of L_a). Enclosure 3 to Generic Letter 91-04 states that in order to justify an exemption to the Appendix J requirements and extend Type C test intervals up to 30 months, licensees should either (1) use leakage test data to demonstrate that the margin of $0.40 L_a$ will not be reduced as a result of the test interval increase or (2) propose an acceptance criterion limit of less than $0.60 L_a$ as a TS change. The licensee has proposed an acceptance criterion limit of $0.50 L_a$ for IP3. This constitutes a 25 percent increase in margin (40 percent to 50 percent). The staff has reviewed the proposed reduction in the combined leakage rate limit to $0.50 L_a$ and finds it is consistent with the recommendations of Enclosure 3 to Generic Letter 91-04

and is, therefore, acceptable. A one-time extension of the test interval by 4-1/2 months does not change the staff's determination in this matter.

The second issue is the basis for concluding that containment leakage will be maintained within acceptable limits with an extended test interval. At the time of issuance of the existing amendment, ten LLRTs had been performed during the lifetime of IP3. The as-found results of the first two tests (1978 and 1979) did not meet the acceptable leakage limit due to excessive leakage from one valve in 1978 and from four valves in 1979. The as-found results of the next six tests were below the acceptable leakage limit. The as-found results of the 1989 and 1990 tests did not meet the acceptable leakage limit due to excessive leakage from three valves in 1989 and from one valve in 1990. For each of the tests that did not meet the leakage limits, repairs to the noted valves were conducted, and the as-left values were well below acceptable leakage limits. The licensee reviewed the results of these ten LLRTs and concluded that the failures, except for one valve which was replaced in 1990, were random and non-recurring. The licensee concluded that these failures were not indicative of a poor performance trend. The staff 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 concluded that there is reasonable assurance that the containment leakage rate would be maintained within acceptable limits with an LLRT interval increase to 30 months.

Since the request for the exemption allowing a 30-month LLRT test interval two more tests have been conducted. In the first such test,

conducted in 1992, the leakage for all valves was less than the minimum detectable for the test rig in use. In the second such test, conducted in 1994, the total leakage was 88 percent of the allowable value. The test rig used in the 1994 LLRT allowed the licensee to identify the valves that contributed most to total leakage. Maintenance was performed on these valves and the as-left leakage was less than 40 percent of the allowable limit. Based on its review of all of the LLRT data, the staff has concluded that there is reasonable assurance that the containment leak rate will remain within acceptable limits if the LLRT interval is extended by 4-1/2 months; therefore, the application of the regulation in the particular circumstances is not necessary to achieve the underlying purpose of the rule.

IV.

Accordingly, the Commission has determined that, pursuant to 10 CFR 50.12, that (1) the exemption 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 amendment to the exemption dated February 19, 1993: 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 current interval between Type C tests may be extended beyond 30 months for the Indian Point Nuclear Generating Unit No. 3. The Type C tests must be conducted during an outage beginning no later than May 31, 1997. This amendment applies to the current test interval only.

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 (62 FR 3538).

This exemption is effective upon issuance.

FOR THE NUCLEAR REGULATORY COMMISSION

A handwritten signature in cursive script, reading "Frank J. Miraglia".

Frank J. Miraglia, Acting Director
Office of Nuclear Reactor Regulation

Dated at Rockville, Maryland,
this day 28th of January 1997.