November 27, 1998

Mr. James Knubel
Chief Nuclear Officer
Power Authority of the State of New York
123 Main Street
White Plains, NY 10601

SUBJECT: ISSUANCE OF EMERGENCY AMENDMENT FOR INDIAN POINT NUCLEAR GENERATING UNIT NO. 3 (TAC NO. MA4216)

Dear Mr. Knubel:

The Commission has issued the enclosed emergency Amendment No. 184 to Facility Operating License No. DPR-64 for the Indian Point Nuclear Generating Unit No. 3. The amendment consists of changes to the Technical Specifications (TS) in response to your application transmitted by letter dated November 25, 1998, as supplemented by letter dated November 27, 1998.

The amendment revises the TS to add a note to certain specific containment isolation valves listed in Table 4.4-1. The note permits the licensee to operate Indian Point Unit 3 for the remainder of the current cycle (Cycle 10) without pneumatic leakage rate testing of these isolation valves. These valves have been leakage rate tested in the past using water pressurized with nitrogen gas. Without this emergency amendment, there would be a delay in the resumption of plant operation at power until the TS required test is performed.

A copy of the related Safety Evaluation is enclosed. A Notice of Issuance of Amendment to Facility Operating License and Final Determination of No Significant Hazards Consideration will be included in the Commission's next regular biweekly Federal Register notice.

Sincerely,

Original signed by:

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

Docket No. 50-286

Enclosures: 1. Amendment No. 184 to DPR-64
2. Safety Evaluation

cc w/encls: See next page
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DATE	11/27/98	11/27/98		11/ /98		11/27/98		11/27/98

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UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

November 27, 1998

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Power Authority of the State of New York
123 Main Street
White Plains, NY 10601

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Sincerely,

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

Docket No. 50-286

Enclosures: 1. Amendment No. 184 to DPR-64
2. Safety Evaluation

cc w/encls: See next page

James Knubel
Power Authority of the State
of New York

Indian Point Nuclear Generating
Unit No. 3

cc:

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U.S. Nuclear Regulatory Commission
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Mr. Harry P. Salmon, Jr.
Vice President - Engineering
Power Authority of the State
of New York
123 Main Street
White Plains, NY 10601

DATED: November 27, 1998

AMENDMENT NO. 184 TO FACILITY OPERATING LICENSE NO. DPR-64-INDIAN POINT UNIT NO. 3

[redacted]
PUBLIC
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J. Zwolinski (A), 0-14A-4
S. Bajwa
S. Little
G. Wunder
OGC
G. Hill (2), T-5 C3
W. Beckner, 013/H15
ACRS
PD plant-specific file
J. Rogge, Region I
T. Harris (e-mail SE only, TLH3)
R. Lobel, SCSB

cc: Plant Service list

DATED: November 27, 1998

AMENDMENT NO. 184 TO FACILITY OPERATING LICENSE NO. DPR-64-INDIAN POINT UNIT NO. 3

Docket File
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UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

POWER AUTHORITY OF THE STATE OF NEW YORK

DOCKET NO. 50-286

INDIAN POINT NUCLEAR GENERATING UNIT NO. 3

AMENDMENT TO FACILITY OPERATING LICENSE

Amendment No. 184
License No. DPR-64

1. The Nuclear Regulatory Commission (the Commission) has found that:

   A. The application for amendment by Power Authority of the State of New York (the licensee) dated November 25, 1998, as supplemented by letter dated November 27, 1998, complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act) and the Commission's rules and regulations set forth in 10 CFR Chapter I;

   B. The facility will operate in conformity with the application, the provisions of the Act, and the rules and regulations of the Commission;

   C. There is reasonable assurance (I) that the activities authorized by this amendment can be conducted without endangering the health and safety of the public, and (ii) that such activities will be conducted in compliance with the Commission's regulations;

   D. The issuance of this amendment will not be inimical to the common defense and security or to the health and safety of the public; and

   E. The issuance of this amendment is in accordance with 10 CFR Part 51 of the Commission's regulations and all applicable requirements have been satisfied.

2. Accordingly, the license is amended by changes to the Technical Specifications as indicated in the attachment to this license amendment, and paragraph 2.C.(2) of Facility Operating License No. DPR-64 is hereby amended to read as follows:

(2) Technical Specifications

The Technical Specifications contained in Appendices A and B, as revised through Amendment No. 184, are hereby incorporated in the license. The licensee shall operate the facility in accordance with the Technical Specifications.

3. This license amendment is effective as of the date of its issuance to be implemented immediately.

FOR THE NUCLEAR REGULATORY COMMISSION

S. Singh Bajwa, Director
Project Directorate I-1
Division of Reactor Projects - I/II
Office of Nuclear Reactor Regulation

Attachment:
Changes to the Technical
Specifications

Date of Issuance: November 27, 1998

ATTACHMENT TO LICENSE AMENDMENT NO. 184

FACILITY OPERATING LICENSE NO. DPR-64

DOCKET NO. 50-286

Revise Appendix A as follows:

Remove Pages	Insert Pages
Table 4.4-1 (Page 1 of 7)	Table 4.4-1 (Page 1 of 7)
Table 4.4-1 (Page 7 of 7)	Table 4.4-1 (Page 7 of 7)

TABLE 4.4-1 (Page 7 of 7)

CONTAINMENT ISOLATION VALVES

NOTES:

1. Reference: FSAR Table 5:2-1, Penetration No.

2. Gas Test Fluid indicates either nitrogen or air as test medium.

3. Testable only when at cold shutdown.

4. Isolation Valve Seal Water System.

5. Sealed by Residual Heat Removal System fluid.

6. Sealed by Service Water System.

7. Sealed by Weld Channel and Penetration Pressurization System.

8. The minimum test pressure may be reduced by 2 psig until the current requirements associated with the Boron Injection Tank are removed (see Tech Spec 3.3.A.3.b).

9. Type C testing is not required until startup from refuel outage 10 because the lines and valves are filled with water for thirty days after a postulated design basis accident and therefore do not constitute a potential containment atmospheric pathway.

CONTAINMENT ISOLATION VALVES			
Valve No.	Penetration Number[1]	Test Fluid[2]	Minimum Test Pressure (PSIG)[8]
RC-AOV-549	1	Water[4]	47
RC-AOV-548	1	Water[4]	47
RC-518	2	Gas	43
RC-AOV-550	2	Gas	43
RC-AOV-552	3	Water[4]	47
RC-AOV-519	3	Water[4]	47
AC-741	4	Water[5]	47[3]
AC-MOV-744	4	Nitrogen[4][9]	43[3]
SI-MOV-888A	5	Nitrogen[4][9]	43
SI-MOV-888B	5	Nitrogen[4][9]	43
AC-AOV-958	5	Nitrogen[4][9]	43
SP-AOV-959	5	Nitrogen[4]	43
SP-990C	5	Nitrogen[4]	43
AC-MOV-1870	5	Nitrogen[4][9]	43
AC-MOV-743	5	Nitrogen[4][9]	43
AC-732	6	Nitrogen[4][9]	43[3]
SI-MOV-885A	7	Water[5]	47
SI-MOV-885B	7	Water[5]	47
CH-AOV-201	8	Water[4]	47
CH-AOV-202	8	Water[4]	47
CH-MOV-205	9	Water[4]	47
CH-MOV-226	9	Water[4]	47
CH-227	9	Water[4]	47
CH-MOV-250A	10	Water[4]	47
CH-MOV-441	10	Water[4]	47
CH-MOV-250B	10	Water[4]	47
CH-MOV-442	10	Water[4]	47
CH-MOV-250C	10	Water[4]	47

UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

SAFETY EVALUATION BY THE OFFICE OF NUCLEAR REACTOR REGULATION

RELATED TO AMENDMENT NO. 184 TO FACILITY OPERATING LICENSE NO. DPR-64

POWER AUTHORITY OF THE STATE OF NEW YORK

INDIAN POINT NUCLEAR GENERATING UNIT NO. 3

DOCKET NO. 50-286

1.0 INTRODUCTION

By letter dated November 25, 1998, as supplemented by letter dated November 27, 1998, the Power Authority of the State of New York (the licensee) submitted an emergency request for changes to the Indian Point Nuclear Generating Unit No. 3 (IP3) Technical Specifications (TS). This change would add a note to seven specific containment isolation valves listed in Table 4.4-1. The note will permit the licensee to operate Indian Point Unit 3 for the remainder of the current cycle (Cycle 10) without pneumatic leakage rate testing of these isolation valves. These valves have been leakage rate tested in the past using water pressurized with nitrogen gas. Without this emergency amendment, there would be a delay in the resumption of plant operation at power until the required test is performed. The licensee expects to commence restart November 28-29, 1998.

2.0 EVALUATION

The licensee for Indian Point 3 is required by TS to perform pneumatic (air or gases) leakage rate testing of containment isolation valves (Type C tests). Contrary to this requirement, the licensee has been performing Type C tests of these valves with water pressurized by nitrogen. In the licensee's November 25, 1998 letter, the licensee stated that the issue of whether leakage rate testing with water was acceptable for these valves was examined in December of 1994. The conclusion of this examination was that the testing method was acceptable. The licensee's basis for this conclusion was that the expected accident condition for the valves is to have nitrogen head pressure over the existing water in the line and it was felt that the test configuration should be the same. This was found to be incorrect when the licensee was performing a review after identifying another deficiency in containment valve testing. This review led the licensee to conclude that the as performed testing did not comply with the TS 4.4 requirements.

Because of the difficulties in performing pneumatic Type C tests on these valves, the licensee is requesting relief from further leakage rate testing until Refueling Outage 10, currently scheduled to begin on September 1999.

The valves in question are included in the residual heat removal (RHR) system and are as follows:

1. AC-732 (RHR loop shutdown inlet line double disc isolation valve)

2. AC-MOV-744 (RHR loop outlet line double disc isolation valve)

3. SI-MOV-888A and SI-MOV-888B (low head to high head recirculation line double disc isolation valves)

4. AC-MOV-743 and AC-MOV-1870 (RHR mini-flow gate and globe, respectively, isolation valves with the isolation valve seal water system (IVSWS) between them)

5. AC-AOV-958 (RHR sample containment globe isolation valve with IVSWS to the downstream line)

These valves have been leakage rate tested in the past at Appendix J required intervals. However the tests were performed using water pressurized by nitrogen gas, rather than pneumatically. The licensee provided the results of the last test of these valves which, when converted by the licensee to air leakage, gave leakage rates of approximately 24% of the regulatory limit of 0.6 La. The staff does not accept water leakage rate tests in general because of the difficulty in converting a water leakage to an air leakage. Thus, it is difficult to draw a conclusion about these test results.

The licensee has proposed another perspective on the potential leakage rate of these valves during a loss-of-coolant accident (LOCA) which supports the licensee's interim position until the next refueling outage.

In the licensee's November 27, 1998 letter, the licensee proposes to apply the guidance of NEI 94-01, Revision 0, "Industry Guideline for Implementing Performance-Based Option of 10 CFR Part 50, Appendix J" which is referenced in U.S. Nuclear Regulatory Commission (NRC) Regulatory Guide 1.163, "Performance-Based Containment Leak test Program", dated September 1995. This regulatory guide, in turn, is referenced in the Indian Point Unit No. 3 TS.

In particular, the licensee proposes to apply guidance from Section 6 of Nuclear Energy Institute (NEI) 94-01, which states that an LLRT [local leak rate test-a Type C test] is not required for the case in which primary containment boundaries do not constitute potential primary containment atmospheric pathways during and following a LOCA. The licensee states in the November 27, 1998 letter that this case is applicable because the RHR system, and in particular the lines containing these valves, will remain water filled for at least 30 days following the LOCA. Type C testing is not required until startup from refueling outage 10 because the lines and valves are filled with water for 30 days after a postulated design basis accident and therefore, do not constitute a potential containment atmospheric pathway.

The licensee has determined that the seven valves in question which have not been pneumatically tested cannot constitute a leakage path from the inside of containment to outside containment since the valves are in lines which will remain water-filled during a LOCA. As a separate matter, the licensee has proposed revising the Indian Point Unit 3 technical specifications to note this fact. This matter will be further considered by the licensee and the staff prior to restart from Refueling Outage 10.

The staff concludes that the valves are in systems normally filled with water and do not constitute a potential leakage path. Also, the valves are expected to remain covered with water throughout the period of this license amendment. The pneumatic testing that the licensee is not performing was intended to ensure that acceptable containment leakage was maintained. The water in the lines ensures an acceptable containment leakage. Therefore, the licensee's proposed TS amendment is acceptable.

3.0 EMERGENCY CIRCUMSTANCES

In its letters, the licensee requested that this amendment be treated as an emergency amendment. In accordance with 10 CFR 50.91(a)(5), the licensee provided the following information regarding why this emergency situation occurred and how it could not be avoided.

> The emergency situation occurred because the seven containment isolation valves have been Type C tested using nitrogen on top of water that is normally present within those piping lines and valves. It was not recognized until several days ago that this testing does not comply with the requirements of Technical Specification 4.4 for Type C testing of containment isolation valves with nitrogen. The reasons that this emergency situation occurred and why it could not be avoided are explained below.
>
> The noncompliance with testing requirement to use nitrogen was identified during an extent of condition review being performed as a result of another plant identified deficiency in containment isolation valve testing. Corrective action has been determined to be impractical. Several options that were assessed are:
>
> The Isolation Valve Seal Water System (IVSWS) that provides nitrogen to the seven valves using manual action after a postulated design basis accident is not a seal water system as defined by 10 CFR [Part] 50 Appendix J. If it did meet these requirements, it may have been possible to retest the valves as part of a seal water system. It is not practical to qualify it as such (this would require significant modification) so Type C testing has been required.
> Corrective action by Type C testing of the seven containment isolation valves has been determined to impose a significant schedule delay because of the need to drain the lines of the fluid normally filling the lines, and the plant conditions required to achieve this. Draining the lines associated with AC-732 and AC-MOV-744 would require an interruption of residual heat removal and the need for removing the reactor vessel head and filling the refueling canal and possibly a reactor core offload. Draining of the lines associated with AC-MOV-743, SI-MOV-888A, SI-MOV-888B, AC-AOV-958 and AC-MOV-1870 would require isolating the residual heat removal (RHR) mini-flow line (RHR would have to be shutdown to do this). This presents a risk of degrading the RHR pumps following

any event that limits RHR flow. Additionally, this would remove normal Safety Injection (SI) system capability as a backup to the RHR system during this testing (32 SI pump would still have an alternate suction). Also, the doses to plant personnel associated with changing plant conditions to permit all gas testing and performing the testing itself would be avoided.

The licensee is currently evaluating the reasons for not previously identifying this non-compliance with testing requirements. Once the testing oversight was identified, the licensee promptly informed the NRC staff and submitted its emergency amendment request.

The staff concludes that an emergency condition exists in that failure to act in a timely way would prevent resumption of operation of Indian Point Nuclear Generating Unit No. 3. In addition, the staff has assessed the licensee's reasons for failing to file an application sufficiently in advance to preclude an emergency, and concludes that the licensee identified the deficiency in performing their testing, promptly notified the staff of the deficiency, and promptly proposed this amendment to remedy the situation. Thus, the staff concludes that the licensee has not abused the emergency provisions by failing to make timely application for the amendment. Thus, the conditions needed to satisfy needed to satisfy 10 CFR 50.91(a)(5) exist, and the amendment is being processed on an emergency basis.

4.0 <u>FINAL NO SIGNIFICANT HAZARDS CONSIDERATION DETERMINATION</u>

The Commission's regulations in 10 CFR 50.92(c) state that the Commission may make a final determination that a license amendment involves no significant hazards consideration if operation of the facility in accordance with the amendment would not:

(1) Involve a significant increase in the probability or consequences of an accident previously evaluated; or,

(2) Create the possibility of a new or different kind of accident from any previously evaluated; or,

(3) Involve a significant reduction in a margin of safety.

The following analysis was provided by the licensee in its November 27, 1998, letter. The staff has reviewed and agrees with the licensee's conclusions.

The proposed changes do not involve a significant hazards consideration, because operation of the Indian Point Nuclear Generating Unit No. 3 in accordance with the proposed change would not:

1. Involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed License amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated. Testing does not affect the probability of an accident since leakage rates are not initiators of an accident. The proposed one time exclusion of seven containment Isolation valves from Type C testing does not increase the consequences of an accident because it has been determined that the valves do not constitute a potential primary containment atmospheric pathway during and following a postulated DBA. The criteria in TS 6.14 that apply to our containment leakage rate testing program, specifically NEI-94-01, state that Type C testing is not required under these conditions. The valves are not a potential pathway because the valves are in systems that are normally filled with water, the systems are operable after the postulated design basis accident, and the systems would be filled with water after a postulated accident (for at least thirty days) with the most limiting single active failure. The applicant of IVSWS high pressure nitrogen gas may result in the addition of some gas to the area between discs on double disc valves or in the line between valves but this would not affect the system being filled with water.

2. Create the possibility of a new or different kind of accident from any previously evaluated; or,

The proposed TS change does not create the possibility of a new or different kind of accident from any accident previously evaluated. The leakage rate of containment isolation valves and the [decision] to test or not test that leakage rate does not change the operation of any system or component since it relates only to the potential for offsite leakage. Because system operation will remain the same and the containment isolation valves are not considered potential containment atmospheric pathways, the possibility of any new type of accident is not created.

3. Involve a significant reduction in a margin of safety.

The proposed License amendment does not involve a significant reduction in a margin of safety. The testing of containment isolation valves is to ensure that containment leakage is maintained with bounds assumed in the accident analyses. The proposed change is based on an engineering evaluation which demonstrates that the valves are not a potential containment atmospheric pathway during and following an accident. Based on the criteria in TS 6.14, valves that are not a potential containment atmospheric pathway during and following an accident do not have to be Type C tested. Since the criteria is met, and the system operation is not being changed, there is no significant reduction in the margin of safety of the TS.

5.0 STATE CONSULTATION

In accordance with the Commission's regulations, the New York State official was notified of the proposed issuance of the amendment. The State official had no comments.

6.0 ENVIRONMENTAL CONSIDERATION

The amendment changes surveillance requirements. The NRC staff has determined that the amendment involves no significant increase in the amounts, and no significant change in the types, of any effluents that may be released offsite, and that there is no significant increase in individual or cumulative occupational radiation exposure. Accordingly, the amendment meets the eligibility criteria for categorical exclusion set forth in 10 CFR 51.22(c)(9). The Commission has made a final no significant hazards finding with respect to this amendment. Pursuant to 10 CFR 51.22(b) no environmental impact statement or environmental assessment need be prepared in connection with the issuance of the amendment.

7.0 CONCLUSION

The Commission has concluded, based on the considerations discussed above, that: (1) there is reasonable assurance that the health and safety of the public will not be endangered by operation in the proposed manner, (2) such activities will be conducted in compliance with the Commission's regulations, and (3) the issuance of the amendment will not be inimical to the common defense and security or to the health and safety of the public.

Principal Contributor: R. Lobel

Date: November 27, 1998